Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2026

by S F Barnes MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2026

Appeal Ref: 6008727
Bliss Heights, 140 London Road, Lambourne, Romford, Essex RM4 1XX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Mandeep Singh Binning against the decision of Epping Forest District Council.
- The application Ref is EPF/0344/26.
- The development proposed is demolition of existing outbuilding and erection of an ancillary residential accommodation (Use Class C3) incidental to the host dwelling at Bliss Heights.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 17 August 2026, a revised National Planning Policy Framework (Framework) was published. The main parties were given the opportunity to comment on this change, and I have considered any response made by them in my assessment.

Main Issues

3. The main issues are:
   - the effect of the proposal on the character and appearance of the area; and
   - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies.

Reasons

Character and appearance

4. The appeal site forms part of the extensive grounds of Bliss Heights, a large dwelling set well back from London Road (A113). Residential development along this part of the A113 generally comprises dwellings occupying generous plots, with the principal dwelling forming the dominant built feature within its curtilage. Bliss Heights follows that pattern, with detached outbuildings of complementary appearance largely concentrated around the main dwelling. Beyond this cluster, the land within the estate becomes more open and rural in character.

5. The appeal site lies to the rear of the existing dwelling within this more peripheral part of the estate. It contains utilitarian shed-like buildings and areas of hardstanding. Established hedges, trees and other vegetation and an existing ‘pavilion’ outbuilding substantially screen the area from the main dwelling’s formal gardens, as well as in wider views from the A113 and surrounding countryside.

6. The proposed building would contain substantial residential accommodation, including 2 living rooms, a kitchen, dining room, utility rooms, 4 bedrooms and have its own small garden. There would be direct access to the A113 from the host dwelling's existing driveway.

7. Despite being described as ancillary, the proposal would comprise living accommodation sufficient to meet day-to-day domestic needs without any clear physical or functional link to the host dwelling. Sharing the same ownership, postal address and utilities as the main dwelling and the existence of footpaths between the buildings are not factors that, in themselves, sufficiently demonstrate how the proposal would function as an integral part of the residential use of Bliss Heights. For example, it is unclear whether the intended occupants would routinely eat, socialise or otherwise interact with the occupants of the host dwelling in a manner demonstrating reliance upon it for day-to-day domestic living. Consequently, the proposal would exhibit a significant degree of functional independence from the host dwelling.

8. To overcome that concern, the appellant suggests that a condition or planning obligation could restrict the use of the building to purposes ancillary to the residential use of Bliss Heights. A further suggested condition or obligation could require that it is not sold, let or occupied independently of the host dwelling. However, for the above reasons, I am not convinced that the proposal would function as an integral part of the main dwelling. The suggested controls would not therefore overcome my concerns and so would not meet the tests of necessity set out in Framework policy DM6 and Regulation 122 of The Community Infrastructure Levy Regulations 2010.

9. The proposal would extend residential development beyond the established cluster of accommodation at Bliss Heights and into a more distant part of the estate where built form currently gives way to a more open character. In so doing, it would introduce an independent residential use into a part of the estate that presently remains subsidiary to it and retains a distinctly rural character. The proposed dwelling through its scale and appearance, together with the domestic activity and paraphernalia likely to arise in its garden, would have a suburbanising effect on the site.

10. Its siting alongside the existing 'pavilion' would create an incongruous juxtaposition between that utilitarian structure and the proposal's suburban house form. Seen together, the two buildings would give this part of the estate a more cramped and domesticated appearance. This would therefore erode the site's rural character and its harmonious relationship to the established pattern of development within the estate, resulting in considerable harm. Whilst the visual effects would be moderated by the site's well-screened position and would not result in significant harm to the wider landscape, this does not justify the localised harm identified.

11. Accordingly, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore conflict with the relevant provisions of Policies SP6, DM3 and DM9 of the Epping Forest District Local Plan 2011-2033 Part One (2023). Amongst other things, these policies collectively seek to conserve the character and appearance of the countryside and ensure a high quality of design in new development that is sensitive to its surroundings.

Whether inappropriate

12. The appeal site lies within the Metropolitan Green Belt. Framework policy GB6 states that inappropriate development is, by definition, harmful to the Green Belt. Framework policy GB7 sets out categories of development that are not inappropriate in the Green Belt, and which therefore should not be regarded as harmful to it or be required to demonstrate very special circumstances. Paragraph 1(e) of this policy, so far as relevant, provides for the "*redevelopment of previously developed land […] which would not cause substantial harm to the openness of the Green Belt"*.

13. The proposal would increase the amount of built form on the site. It is also likely that additional domestic paraphernalia, such as garden furniture, would be introduced. Nevertheless, the proposal would benefit from substantial screening provided by existing trees, vegetation and surrounding development. Visibility of the proposal from beyond its immediate surroundings, including within the wider estate, would therefore be limited. Having regard to these factors and the influence of existing development within this part of the estate, the increase in built form would result in only a modest reduction in openness.

14. Consequently, whilst the proposal would cause some harm to the openness of the Green Belt, that harm would not be substantial. For the above reasons, the proposed development would fall within the category of development set out in Framework policy GB7 paragraph 1(e). Concluding on this, the proposal would not be inappropriate development in the Green Belt. It would therefore accord with the relevant provisions of Policy DM4 of the Local Plan and the Framework.

Other Matters

15. The evidence indicates that the site lies within the zone of influence of the Epping Forest Special Area of Conservation (SAC). As the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017, before deciding to give any permission for a proposal I am required to determine whether it is likely to have a significant effect on the integrity of the SAC. However, given my conclusions on the main issues, the proposal would be unacceptable for reasons other than its effect on the integrity of the SAC. In such circumstances, it is unnecessary for me to reach a conclusion under these Regulations.

16. Even if the proposal would not harm the living conditions of neighbouring occupiers or any ecological interests, nor pose risks in terms of contamination and drainage, the absence of harm in those respects would not amount to a benefit of the scheme. These matters are effectively neutral in the planning balance.

17. Whilst a draft unilateral undertaking was submitted, it has not been executed as a planning obligation. Accordingly, it carries no weight in my decision.

Planning Balance and Conclusion

18. Whilst it would not amount to inappropriate development, the proposal would nonetheless result in harm to the character and appearance of the area. Therefore, the proposal would conflict with the development plan as a whole. This conflict carries considerable weight. Insofar as it applies to the proposal, the development plan policies with which the proposal would conflict are consistent with the Framework.

19. Framework policy S3 states that decisions on development proposals should apply a presumption in favour of sustainable development. Policy S5(5) states that, outside of a settlement and where development would not be inappropriate in the Green Belt, proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the Framework's national decision-making policies.

20. Weighing in favour of the appeal, there would reasonably be short-term economic benefits associated with employment and construction expenditure. Some modest environmental benefits would also arise from achieving biodiversity net gain and the provision of electric vehicle charging infrastructure, were this appropriately secured by condition. However, given the scale of the proposal, these benefits are likely to be limited.

21. The proposal is intended to provide accommodation to support care for the appellant's elderly relatives and facilitate the appellant's desire for their family to live together. This would primarily be a private benefit. However, it could reasonably assist those with protected characteristics associated with age or disability, although detailed evidence to support this is not before me. Nonetheless, having regard to my obligations under the Public Sector Equality Duty[1], the scheme could minimise disadvantage for groups who share protected characteristics. While this may in turn reduce demand for other accommodation in the area, there is no specific evidence to substantiate those effects. Further, I have not been presented with pertinent evidence to indicate that similar benefits could not be achieved by other means, such as finding suitable accommodation for the appellant's family elsewhere. Collectively, I attach moderate weight to these benefits of the proposal.

22. Weighing against, the proposal would fail to positively integrate with its surroundings, resulting in conflict with Framework policy DP3(1) for which no clear justification has been articulated. In such circumstances, DP3(3) directs that proposals should be refused. I attach substantial weight to this conflict. Consequently, the benefits of the proposal would be substantially outweighed by its adverse effects when assessed against the Framework's national decision-making policies. As such, Framework policy S5 does not indicate that permission should be granted in this instance.

23. For the reasons given above, the proposal conflicts with the development plan as a whole and material considerations, including the Framework, do not indicate that the proposal should be determined other than in accordance with it. Therefore, the appeal should be dismissed.

S F Barnes

INSPECTOR

[1] Under section 149 of the Equality Act 2010.

Planning Inspectorate

Appeal Decision

Site visit made on 14 September 2026

by Laura Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2026

Appeal Ref: 6009250
Land adjacent to Jessica, Chase Lane, Chigwell, Essex IG7 6JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Linda Plaster against the decision of Epping Forest District Council.
- The application Ref is EPF/0350/25.
- The development proposed is partial demolition and extension of existing stable structure to provide facilities more suitable for non-profit organisation, Chigwell Trust.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Linda Plaster against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the appeal was made, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to make representations, and I have taken the comments received into account.

4. I am also the appointed Inspector for another appeal at this site, Appeal Ref: 6009264 (the other appeal), which proposes a smaller building for the same purposes. I have therefore issued separate decisions for each appeal, assessing them on their individual merits. However, there will inevitably be some similarities between the decisions.

5. As part of the appeal, the appellant has submitted some letters from Chigwell Riding Trust, photographs, a Riding for the Disabled Association Impact Report and an appeal decision at 284 Longdale Lane (Appeal Ref: APP/N3020/W/25/3361750). This evidence would not result in a substantial or fundamental change to result in a different application. The Council has also had the opportunity to comment. Given the nature, the acceptance of this evidence would not deprive those who should have been consulted of the opportunity of such consultation. I have therefore considered it in determining this appeal.

Main Issues

6. The main issues are:

- The effect of the proposal on the integrity of the Epping Forest Special Area of Conservation (the Epping Forest SAC); and,
- Whether the proposal would be inappropriate development in the Green Belt, including the effect on openness and purposes of the Green Belt, having regard to the Framework and any relevant development plan policies.

Reasons

Epping Forest SAC

7. Epping Forest SAC is designated in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). The qualifying features of the SAC are its wet and dry heathlands, beech forests and stag beetle. The conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to the conservation of its qualifying features. The Council has identified two pathways of impact that are currently adversely affecting the SAC, one of which includes atmospheric pollution caused by vehicles. The appeal site is within the Zone of Influence (ZoI) for air quality impacts to the SAC.

8. The proposal would not create a new riding centre and is intended to support and improve the existing use of the site with no proposed increase in staffing levels or public access. Nevertheless, a bigger building would provide overspill stabling and facilities for more horses. Whilst the appellant asserts that the proposal would reduce the need for regular transport and lower vehicle movements, these conclusions are not supported by any robust evidence in the form of an AADT assessment to demonstrate the existing level of vehicle movements or the extent of any anticipated reduction.

9. An AADT and Vehicular Access Statement has been submitted with the planning application that is the subject of the other appeal. However, this document does not appear to have formed part of the planning application currently before me, and it is not clear that it informed the Council's assessment. Whilst the AADT and Vehicular Access Statement is available to me in relation to the other appeal, that proposal differs in scale from the development under consideration in this case. Consequently, I cannot be certain that the conclusions of that assessment would be directly applicable to the current proposal.

10. Given the requirements under the Habitats Regulations, it is incumbent upon me as the competent authority to ensure that there are no significant adverse effects from the proposal, either alone or in combination with other projects, that would adversely affect the integrity of the SAC, applying a precautionary approach. Natural England has been consulted on the proposal and has stated that within the ZoI, proposals for any net increase in AADT on roads within the SAC or on roads within 200 metres may have a likely significant effect on the qualifying features of the SAC through impacts on air quality.

11. In the absence of credible evidence regarding the vehicle movements and taking a precautionary approach, there is insufficient information to demonstrate that the proposal, both on its own and in combination with other projects, would not have a likely significant effect on the integrity of the SAC, through air pollution. Given this, as the competent authority, the Habitats Regulations place a duty on me to

undertake an Appropriate Assessment (AA) of the implications of the proposal in view of the conservation objectives.

12. Part B of Policy DM2 of the Epping Forest District Local Plan Part One 2011 – 2033 (the Local Plan) states that new development for which it is not possible to conclude no adverse effect on the integrity of the Epping Forest SAC either alone or in combination with other plans or projects, will not be permitted. Where development would have likely significant effects, mitigation measures, on-site and off site as appropriate, will be required to ensure that it will have no adverse effect on the integrity of these areas.

13. No mitigation measures have been proposed. Whilst the appellant has suggested that mitigation could be secured by planning conditions, as no mitigation measures have been proposed or agreed, there is no evidential basis upon which to conclude that the potential effects on the SAC could be adequately mitigated. It would therefore be inappropriate to grant permission subject to a condition requiring details to be provided, as this would postpone the resolution of a matter that goes to the acceptability of the proposal. In terms of a financial contribution, a positively-worded condition cannot be imposed to require the payment of money, and there is no legal mechanism before me to secure such a mitigation measure. It has also not been demonstrated that there are no alternative solutions.

14. For the above reasons, applying the precautionary principle, I am therefore unable to conclude, beyond all reasonable scientific doubt, that the proposal would not have a significant adverse effect on the integrity of the SAC. Accordingly, it would fail to adhere to the requirements of the Habitats Regulations and would conflict with Policies DM2 and DM22 of the Local Plan, which amongst other things, require development proposals to ensure that there is no adverse effect on the integrity of the Epping Forest SAC and ensure that the District is protected from the impacts of air pollution.

15. The proposal would also conflict with paragraph 1(a)(i) of Policy N6 of the Framework which states that to support the conservation of important habitats, species and sites of geodiversity value, development proposals affecting a site of international importance should be refused unless an AA has concluded that the proposal will not adversely affect the integrity of the site (either individually or in combination with other developments), or the proposal can satisfy the derogation test.

Green Belt

16. The appeal site is in the Green Belt. Part C(ii) of Policy DM4 of the Local Plan sets out that one of the exceptions to inappropriate development in the Green Belt is the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 1(f)(iv) of Policy GB7 of the Framework also allows for the provision of appropriate facilities, including buildings, for outdoor sport and recreation. But requires the impact on openness of the Green Belt to be minimised and there not to be a significant conflict with Green Belt purposes. Although there are some differences in the wording, the policies are not materially inconsistent.

17. There is no dispute between the main parties that the proposal would not fall within the definition of appropriate facilities for outdoor sport or outdoor recreation. From

the information before me and the observations at my site visit, I see no reason to reach a contrary view. Consideration therefore turns to whether the impact on openness of the Green Belt is minimised, and if it conflicts with the purposes of including land within it.

18. Openness has both spatial and visual aspects and is a matter of planning judgement. I have had regard to the previous appeal decision at the appeal site (Appeal Ref: APP/J1535/W/22/3290350), where a larger equestrian development was dismissed because it failed to preserve Green Belt openness. However, that scheme included additional development not proposed here. There is insufficient evidence to demonstrate that the extension now proposed is equivalent in size to that previously considered. In addition, that appeal decision was made under a different Local Plan and an earlier version of the Framework. Whilst I have taken it into account as a material consideration, I afford it limited weight.

19. Spatially, the proposal would increase the extent of built form through the extension of the existing building. However, the resultant structure would remain single storey, with a relatively modest footprint, width and depth, projecting into a small part of the paddock. The remainder of the paddock would be free from built development. Given the size of the appeal site, its equestrian use and the intended purpose of the building for the rest and recuperation of horses, I do not consider its scale excessive.

20. The building would be visible from parts of Chase Lane, particularly during the winter months when boundary vegetation would provide less screening. However, for much of the year, the vegetation would screen the majority of the building, such that views would be limited and generally restricted to glimpses. Whilst the building would be visible from neighbouring properties, the existing stable building is already apparent in these views. It would therefore not introduce a new feature into the landscape. The tree belt surrounding the paddocks would also screen views from the surrounding fields. Consequently, the increase in its prominence would be limited.

21. Overall, the building's scale reflects its intended equestrian function, and there is no substantive evidence that it would be larger than reasonably necessary in the circumstances of the case. The impact on openness would therefore be preserved and, in doing so, the impact on openness would be minimised.

22. In terms of the Green Belt purposes, the proposal would not result in the sprawl of a large built up area, or result in neighbouring towns merging, nor does it relate to the setting and special character of a historic town or discourage the recycling of derelict and other urban land. Although it would extend into part of the paddock, it would remain within the established equestrian area, which is contained by surrounding tree belts and residential curtilages, limiting its connection with the wider countryside. As such, it would not amount to encroachment into the wider countryside. Consequently, it would assist in safeguarding the countryside from encroachment. The proposal would therefore not conflict with the purposes for including land within the Green Belt.

23. For the above reasons, I therefore conclude that the proposal would meet Part C(ii) of Policy DM4 of the Local Plan and paragraph 1(f)(iv) of Policy GB7 of the Framework. It would therefore not be inappropriate development in the Green Belt.

24. The reason for refusal also cites conflict with Policy DM9 of the Local Plan, which appears to be a design policy. The Delegated Report confirms that the development would appear satisfactory in terms of design and appearance. As such, this policy is not determinative in the context of the Green Belt issues that underpin this reason for refusal.

Other Considerations

25. Chigwell Riding Trust (the Trust) provides therapeutic riding lessons, education and opportunities for people with disabilities. The proposal would provide accommodation for the rest and recuperation of the working horses used in the Trust's activities. The additional stables would increase the availability of working horses and could facilitate up to 80 additional lessons per week at the Trust's site. As further expanded upon in the letter provided by the Trust, there are over 300 individuals on the waiting list. Furthermore, the nearest comparable facility is located some distance away. There is nothing before me to dispute these factors.

26. The proposal would support the continued operation and expansion of the Trust's therapeutic riding provision, increasing opportunities for disabled people to participate in recreational and sporting activities. This would promote health and wellbeing, support social inclusion and help meet an identified need. Having had due regard to the Public Sector Equality Duty (PSED), I find that the proposal would advance equality of opportunity by reducing barriers to participation in recreational and sporting activities and would also contribute towards fostering good relations through the provision of inclusive activities. These are important benefits that attract substantial weight.

27. In its letter, the Trust has explained that the proposal is the only viable way for it to improve its capacity. However, there is insufficient evidence to substantiate that claim or to rule out alternative means of expanding the services it provides. Nevertheless, in recognising the valuable services that the Trust provides, this consideration is given moderate weight.

28. Whilst the proposal would improve the conditions for the horses, there is no compelling evidence to show that the existing stables are failing to meet their welfare needs or what the consequences would be on their health and well-being if the existing building was not improved. In the absence of clearly identified welfare concerns, these benefits can only be given limited weight.

29. As asserted by the appellant and subsequently observed at my site visit, the existing building needs repair. However, there is nothing substantive before me to demonstrate that the building has deteriorated to such an extent that it is unsafe. Furthermore, it has not been shown that alternative measures would be incapable of providing a satisfactory solution. This consideration is therefore of limited weight.

30. It is not clear as to how the proposal would improve accessibility and reduce the need for regular travel. In the absence of specific details regarding the transport movements, these benefits are of limited weight.

Other Matters

31. Whilst the Inspector in the appeal decision at 284 Longdale Lane concluded that very special circumstances existed, each appeal must be assessed on its own merits. The weight afforded to the benefits of a proposal, and the conclusion as to

whether very special circumstances exist, are matters of planning judgement for the decision-maker. In any event, that appeal did not raise issues under the Habitats Regulations and is therefore distinguishable from the present case. It is therefore of limited weight.

Planning Balance

32. Whilst the proposal would not conflict with Policy DM4 of the Local Plan, it would conflict with Policies DM2 and DM22 of the Local Plan. It would therefore conflict with the development plan as a whole. I apportion significant weight to this conflict.

33. Policy S3 of the Framework sets out that decisions on development proposals should apply a presumption in favour of sustainable development. The appeal site is physically and visually associated with the surrounding paddocks rather than the housing along Chase Lane. As a result, it does not form part of the built-up area and is located outside the settlement. Given this and that the proposal is not inappropriate development in the Green Belt, paragraph 5 of Policy S5 of the Framework is therefore engaged.

34. In line with paragraph 5 of Policy S5 of the Framework, proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework, and applying paragraph 2 of the Policy. Paragraph 2 states that the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

35. As explained earlier in my decision, I have carefully considered the substantial benefits arising from the proposal for those with a disability, together with the other benefits identified above in favour of the proposal. However, set against these benefits, I am unable to conclude that the proposal would not have a significant adverse effect on the integrity of the SAC. In these circumstances, paragraph 1(a)(i) of Policy N6 of the Framework states that development proposals should be refused. The proposal therefore fails to comply with one of the national decision-making policies. Given the protection under the Habitats Regulations, I afford considerable weight to this conflict.

36. Overall, the benefits of granting planning permission would therefore be substantially outweighed by the adverse effects, when assessed against the national decision-making policies in the Framework. As such, Policy S5 of the Framework would not provide support for the principle of development.

Conclusion

Proportionality

37. The conservation of the Epping Forest SAC is a legitimate aim arising from the Habitats Regulations, the Local Plan and the Framework. The requirement to ascertain that a proposal will not adversely affect the integrity of the Epping Forest SAC reflects the significant public interest in conserving habitats and species of international importance. Dismissing the appeal would therefore pursue a legitimate

public interest objective. However, doing so has the potential to adversely affect persons with a disability.

38. I have therefore had due regard to the PSED set out in section 149 of the Equality Act 2010. Disability is a protected characteristic to which the PSED applies. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations. These rights are engaged in reaching my decision. However, they are qualified rights and interference may be justified where it is in the public interest. The concept of proportionality is crucial.

39. I have attached substantial weight to the benefits arising from the proposal for disabled people. However, I am unable to conclude that the proposal would not adversely affect the integrity of the SAC. In these circumstances, it is therefore proportionate and necessary to dismiss the appeal.

Final Conclusion

40. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR

Planning Inspectorate

Costs Decision

Site visit made on 14 September 2026

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2026

Costs application in relation to Appeal Ref: 6009250
Land adjacent to Jessica, Chase Lane, Chigwell, Essex IG7 6JW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Linda Plaster for a full award of costs against Epping Forest District Council.
- The appeal was against the refusal of permission for partial demolition and extension of existing stable structure to provide facilities more suitable for non-profit organisation, Chigwell Trust.

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. Behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded. Costs applications may therefore relate to events before the appeal or other proceeding were brought, but costs that are unrelated to the appeal or other proceeding are ineligible.

4. The planning application was submitted following positive pre-application advice from the Council. Understandably, the applicant relied upon that advice when deciding to incur the expense of preparing and submitting the application. Whilst the Council has not clearly explained the reasons for its subsequent change in position, the applicant would have been aware that pre-application advice is informal in nature and does not bind the Council or predetermine the outcome of a future planning application. Although the decision differed from that advice, this does not in itself amount to unreasonable behaviour.

5. A previous planning officer also indicated in an email that they intended to recommend the application for approval. However, this represented that officer's professional opinion at the time rather than a final decision on the application. Following a change in case officer, the application continued through the Council's decision-making process. The final decision remained a matter for the decision-maker, who was entitled to reach their own planning judgement having regard to the planning merits and all material considerations. I am therefore unable to identify any unreasonable behaviour in this regard.

6. I appreciate why the applicant would be frustrated by the Council's change in position, given both the positive pre-application advice and the indication that approval would be recommended. Nevertheless, the Council's Delegated Report provides a clear explanation of the Council's reasoning for refusing planning permission, having regard to the Epping Forest District Local Plan Part One 2011 – 2033 and the National Planning Policy Framework. I am therefore satisfied that the reasons for refusal were adequately substantiated.

Conclusion

7. On the basis of the evidence before me, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not warranted.

L Reid

INSPECTOR

Planning Inspectorate

Appeal Decision

Site visit made on 14 September 2026

by Laura Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2026

Appeal Ref: 6009264
Land adjacent to Jessica, Chase Lane, Chigwell, Essex IG7 6JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Linda Plaster against Epping Forest District Council.
- The application Ref is EPF/0225/26.
- The development proposed is partial demolition and extension of existing stable structure to provide facilities more suitable for non-profit organisation, Chigwell Trust.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Linda Plaster against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the appeal was made, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to make representations, and I have taken the comments received into account.

4. I am also the appointed Inspector for another appeal at this site, Appeal Ref: 6009250 (the other appeal), which proposes a larger building for the same purposes. I have therefore issued separate decisions for each appeal, assessing them on their individual merits. However, there will inevitably be some similarities between the decisions.

5. As part of the appeal, the appellant has submitted some letters from Chigwell Riding Trust, photographs, a Riding for the Disabled Association Impact Report and an appeal decision at 284 Longdale Lane (Appeal Ref: APP/N3020/W/25/3361750). This evidence would not result in a substantial or fundamental change to result in a different application. The Council has also had the opportunity to comment. Given the nature, the acceptance of this evidence would not deprive those who should have been consulted of the opportunity of such consultation. I have therefore considered it in determining this appeal.

Background and Main Issues

6. The appeal was made following the failure of the Council to give notice of their decision on the planning application within the statutory timescale. The Council

has indicated that had it been in a position to determine the application, it would have refused planning permission. The Council's appeal submissions set out its issues with the proposal, and a draft Decision Notice has been provided.

7. In light of the above and from the evidence before me, the main issues are therefore:

- The effect of the proposal on the integrity of the Epping Forest Special Area of Conservation (the Epping Forest SAC); and,
- Whether the proposal would be inappropriate development in the Green Belt, including the effect on openness and purposes of the Green Belt, having regard to the Framework and any relevant development plan policies.

Reasons

Epping Forest SAC

8. Epping Forest SAC is designated in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). The qualifying features of the SAC are its wet and dry heathlands, beech forests and stag beetle. The conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to the conservation of its qualifying features. The Council has identified two pathways of impact that are currently adversely affecting the SAC, one of which includes atmospheric pollution caused by vehicles. The appeal site is within the Zone of Influence (ZoI) for air quality impacts to the SAC.

9. The proposal would not create a new riding centre and is intended to support and improve the existing use of the site with no proposed increase in staffing levels or public access. Nevertheless, a bigger building would provide overspill stabling and facilities for more horses. The appellant asserts that the proposal would reduce the need for regular transport and lower vehicle movements, referring to the Annual Average Daily Traffic (AADT) and Vehicular Access Statement.

10. However, the conclusions reached in the AADT and Vehicular Access Statement regarding traffic generation are not supported by robust evidence, as the assessment does not provide a quantified comparison between existing and proposed traffic movements. In the absence of specific baseline data and a clear assessment of the likely effects of the proposal, it is not possible to establish the extent of any anticipated reduction.

11. Given the requirements under the Habitats Regulations, it is incumbent upon me as the competent authority to ensure that there are no significant adverse effects from the proposal, either alone or in combination with other projects, that would adversely affect the integrity of the SAC, applying a precautionary approach. Natural England has been consulted on the proposal and has stated that within the ZoI, proposals for any net increase in AADT on roads within the SAC or on roads within 200 metres may have a likely significant effect on the qualifying features of the SAC through impacts on air quality.

12. In the absence of credible evidence regarding the vehicle movements and taking a precautionary approach, there is insufficient information to demonstrate that the proposal, both on its own and in combination with other projects, would not have a likely significant effect on the integrity of the SAC, through air pollution. Given this,

as the competent authority, the Habitats Regulations place a duty on me to undertake an Appropriate Assessment (AA) of the implications of the proposal in view of the conservation objectives.

13. Part B of Policy DM2 of the Epping Forest District Local Plan Part One 2011 – 2033 (the Local Plan) states that new development for which it is not possible to conclude no adverse effect on the integrity of the Epping Forest SAC either alone or in combination with other plans or projects, will not be permitted. Where development would have likely significant effects, mitigation measures, on-site and off site as appropriate, will be required to ensure that it will have no adverse effect on the integrity of these areas.

14. No mitigation measures have been proposed. Whilst the appellant has suggested that mitigation could be secured by planning conditions, as no mitigation measures have been proposed or agreed, there is no evidential basis upon which to conclude that the potential effects on the SAC could be adequately mitigated. It would therefore be inappropriate to grant permission subject to a condition requiring details to be provided, as this would postpone the resolution of a matter that goes to the acceptability of the proposal. In terms of a financial contribution, a positively-worded condition cannot be imposed to require the payment of money, and there is no legal mechanism before me to secure such a mitigation measure. It has also not been demonstrated that there are no alternative solutions.

15. For the above reasons, applying the precautionary principle, I am therefore unable to conclude, beyond all reasonable scientific doubt, that the proposal would not have a significant adverse effect on the integrity of the SAC. Accordingly, it would fail to adhere to the requirements of the Habitats Regulations and would conflict with Policies DM2 and DM22 of the Local Plan, which amongst other things, require development proposals to ensure that there is no adverse effect on the integrity of the Epping Forest SAC and ensure that the District is protected from the impacts of air pollution.

16. The proposal would also conflict with paragraph 1(a)(i) of Policy N6 of the Framework which states that to support the conservation of important habitats, species and sites of geodiversity value, development proposals affecting a site of international importance should be refused unless an AA has concluded that the proposal will not adversely affect the integrity of the site (either individually or in combination with other developments), or the proposal can satisfy the derogation test.

Green Belt

17. The appeal site is in the Green Belt. Part C(ii) of Policy DM4 of the Local Plan sets out that one of the exceptions to inappropriate development in the Green Belt is the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 1(f)(iv) of Policy GB7 of the Framework also allows for the provision of appropriate facilities, including buildings, for outdoor sport and recreation. But requires the impact on openness of the Green Belt to be minimised and there not to be a significant conflict with Green Belt purposes. Although there are some differences in the wording, the policies are not materially inconsistent.

18. There is no dispute between the main parties that the proposal would not fall within the definition of appropriate facilities for outdoor sport or outdoor recreation. From the information before me and the observations at my site visit, I see no reason to reach a contrary view. Consideration therefore turns to whether the impact on openness of the Green Belt is minimised, and if it conflicts with the purposes of including land within it.

19. Openness has both spatial and visual aspects and is a matter of planning judgement. I have had regard to the previous appeal decision at the appeal site (Appeal Ref: APP/J1535/W/22/3290350), where a larger equestrian development was dismissed because it failed to preserve Green Belt openness. However, that scheme included additional development not proposed here. There is insufficient evidence to demonstrate that the extension now proposed is equivalent in size to that previously considered. In addition, that appeal decision was made under a different Local Plan and an earlier version of the Framework. Whilst I have taken it into account as a material consideration, I afford it limited weight.

20. Spatially, the proposal would increase the extent of built form through the extension of the existing building. However, the resultant structure would remain single storey, with a relatively modest footprint, width and depth, projecting into a small part of the paddock. The remainder of the paddock would be free from built development. Given the size of the appeal site, its equestrian use and the intended purpose of the building for the rest and recuperation of horses, I do not consider its scale excessive.

21. The building would be visible from parts of Chase Lane, particularly during the winter months when boundary vegetation would provide less screening. However, for much of the year, the vegetation would screen the majority of the building, such that views would be limited and generally restricted to glimpses. Whilst the building would be visible from neighbouring properties, the existing stable building is already apparent in these views. It would therefore not introduce a new feature into the landscape. The tree belt surrounding the paddocks would also screen views from the surrounding fields. Consequently, the increase in its prominence would be limited.

22. Overall, the building's scale reflects its intended equestrian function, and there is no substantive evidence that it would be larger than reasonably necessary in the circumstances of the case. The impact on openness would therefore be preserved and, in doing so, the impact on openness would be minimised.

23. In terms of the Green Belt purposes, the proposal would not result in the sprawl of a large built up area, or result in neighbouring towns merging, nor does it relate to the setting and special character of a historic town or discourage the recycling of derelict and other urban land. Although it would extend into part of the paddock, it would remain within the established equestrian area, which is contained by surrounding tree belts and residential curtilages, limiting its connection with the wider countryside. As such, it would not amount to encroachment into the wider countryside. Consequently, it would assist in safeguarding the countryside from encroachment. The proposal would therefore not conflict with the purposes for including land within the Green Belt.

24. For the above reasons, I therefore conclude that the proposal would meet Part C(ii) of Policy DM4 of the Local Plan and paragraph 1(f)(iv) of Policy GB7 of the Framework. It would therefore not be inappropriate development in the Green Belt.

Other Considerations

25. Chigwell Riding Trust (the Trust) provides therapeutic riding lessons, education and opportunities for people with disabilities. The proposal would provide accommodation for the rest and recuperation of the working horses used in the Trust's activities. The additional stables would increase the availability of working horses and could facilitate up to 80 additional lessons per week at the Trust's site. As further expanded upon in the letter provided by the Trust, there are over 300 individuals on the waiting list. Furthermore, the nearest comparable facility is located some distance away. There is nothing before me to dispute these factors.

26. The proposal would support the continued operation and expansion of the Trust's therapeutic riding provision, increasing opportunities for disabled people to participate in recreational and sporting activities. This would promote health and wellbeing, support social inclusion and help meet an identified need. Having had due regard to the Public Sector Equality Duty (PSED), I find that the proposal would advance equality of opportunity by reducing barriers to participation in recreational and sporting activities and would also contribute towards fostering good relations through the provision of inclusive activities. These are important benefits that attract substantial weight.

27. In its letter, the Trust has explained that the proposal is the only viable way for it to improve its capacity. However, there is insufficient evidence to substantiate that claim or to rule out alternative means of expanding the services it provides. Nevertheless, in recognising the valuable services that the Trust provides, this consideration is given moderate weight.

28. Whilst the proposal would improve the conditions for the horses, there is no compelling evidence to show that the existing stables are failing to meet their welfare needs or what the consequences would be on their health and well-being if the existing building was not improved. In the absence of clearly identified welfare concerns, these benefits can only be given limited weight.

29. As asserted by the appellant and subsequently observed at my site visit, the existing building needs repair. However, there is nothing substantive before me to demonstrate that the building has deteriorated to such an extent that it is unsafe. Furthermore, it has not been shown that alternative measures would be incapable of providing a satisfactory solution. This consideration is therefore of limited weight.

30. It is not clear as to how the proposal would improve accessibility and reduce the need for regular travel. In the absence of specific details regarding the transport movements, these benefits are of limited weight.

Other Matters

31. Whilst the Inspector in the appeal decision at 284 Longdale Lane concluded that very special circumstances existed, each appeal must be assessed on its own merits. The weight afforded to the benefits of a proposal, and the conclusion as to whether very special circumstances exist, are matters of planning judgement for

the decision-maker. In any event, that appeal did not raise issues under the Habitats Regulations and is therefore distinguishable from the present case. It is therefore of limited weight.

Planning Balance

32. Whilst the proposal would not conflict with Policy DM4 of the Local Plan, it would conflict with Policies DM2 and DM22 of the Local Plan. It would therefore conflict with the development plan as a whole. I apportion significant weight to this conflict.

33. Policy S3 of the Framework sets out that decisions on development proposals should apply a presumption in favour of sustainable development. The appeal site is physically and visually associated with the surrounding paddocks rather than the housing along Chase Lane. As a result, it does not form part of the built-up area and is located outside the settlement. Given this and that the proposal is not inappropriate development in the Green Belt, paragraph 5 of Policy S5 of the Framework is therefore engaged.

34. In line with paragraph 5 of Policy S5 of the Framework, proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework, and applying paragraph 2 of the Policy. Paragraph 2 states that the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

35. As explained earlier in my decision, I have carefully considered the substantial benefits arising from the proposal for those with a disability, together with the other benefits identified above in favour of the proposal. However, set against these benefits, I am unable to conclude that the proposal would not have a significant adverse effect on the integrity of the SAC. In these circumstances, paragraph 1(a)(i) of Policy N6 of the Framework states that development proposals should be refused. The proposal therefore fails to comply with one of the national decision-making policies. Given the protection under the Habitats Regulations, I afford considerable weight to this conflict.

36. Overall, the benefits of granting planning permission would therefore be substantially outweighed by the adverse effects, when assessed against the national decision-making policies in the Framework. As such, Policy S5 of the Framework would not provide support for the principle of development.

Conclusion

Proportionality

37. The conservation of the Epping Forest SAC is a legitimate aim arising from the Habitats Regulations, the Local Plan and the Framework. The requirement to ascertain that a proposal will not adversely affect the integrity of the Epping Forest SAC reflects the significant public interest in conserving habitats and species of international importance. Dismissing the appeal would therefore pursue a legitimate public interest objective. However, doing so has the potential to adversely affect persons with a disability.

38. I have therefore had due regard to the PSED set out in section 149 of the Equality Act 2010. Disability is a protected characteristic to which the PSED applies. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations. These rights are engaged in reaching my decision. However, they are qualified rights and interference may be justified where it is in the public interest. The concept of proportionality is crucial.

39. I have attached substantial weight to the benefits arising from the proposal for disabled people. However, I am unable to conclude that the proposal would not adversely affect the integrity of the SAC. In these circumstances, it is therefore proportionate and necessary to dismiss the appeal.

Final Conclusion

40. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR

Planning Inspectorate

Costs Decision

Site visit made on 14 September 2026

by Laura Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2026

Costs application in relation to Appeal Ref: 6009264
Land adjacent to Jessica, Chase Lane, Chigwell, Essex IG7 6JW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Linda Plaster for a full award of costs against Epping Forest District Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for partial demolition and extension of existing stable structure to provide facilities more suitable for non-profit organisation, Chigwell Trust.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded. Costs applications may therefore relate to events before the appeal or other proceeding was brought, but costs that are unrelated to the appeal or other proceeding are ineligible.

3. The PPG also indicates that in an appeal against non-determination, the Council should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period.

4. The Council had previously provided positive pre-application advice in relation to development at the site. The applicant understandably relied upon that advice when deciding to incur the cost of preparing and submitting a planning application. However, the applicant would have been aware that pre-application advice is informal in nature and does not bind the Council or predetermine the outcome of a future planning application. A copy of an e-mail from the Council's planning officer has also been submitted in support of the costs application. However, the e-mail relates to an earlier planning application that was subsequently refused, rather than the application that is the subject of the present appeal.

5. The Council has explained that, had the planning application been determined within the statutory timeframe, it would have refused planning permission and has set out the reasons that would have formed the basis of that decision. However, it

has not provided a clear explanation as to why the application was not determined within the statutory timeframe.

6. The PPG sets out that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. There is no evidence that the applicant was kept informed of the Council's position after submitting the application. Whilst the Council has provided a copy of an email sent to the applicant regarding an extension of time, that correspondence relates to an earlier planning application. The applicant therefore only learned why the planning application would have been refused through the Council's appeal submissions.

7. In the absence of a satisfactory explanation from the Council for its failure to determine the application within the statutory timeframe, I find that its conduct amounted to unreasonable behaviour. As a direct consequence, the applicant was required to submit an appeal against non-determination in order to obtain a decision on the proposal, thereby incurring the expense of preparing and pursuing the appeal.

Conclusion

8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred, and a full award of costs is therefore warranted.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Epping Forest District Council shall pay to Linda Plaster, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

10. The applicant is now invited to submit to Epping Forest District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Reid

INSPECTOR