

Our Ref: EPF/2893/21

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning General Development Orders
PLANNING DECISION NOTICE



Planning Services Directorate
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this
decision notice is available
on our website:
www.eppingforestdc.gov.uk/iplan

Case Officer was: Sukhvinder Dhadwar
Direct Line: 01992564597
Email: sdhadwar@eppingforestdc.gov.uk

To: DWW Design
Field House
Station Approach
Harlow
CM20 2FB

Proposal: Erection of 2no. single storey two bedroom detached residential dwellings together with single garages. Existing access will be utilized from oak tree close.

Location: Land at Bentons Farm, Off Middle Street, Bumbles Green, Nazeing, EN9 2LN

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above, for the reasons listed below.

Signed

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson
Planning Services Director.

Date: 16 February 2022

Reasons for Refusal

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. Due to the area and location of the site, the proposal is not considered to constitute the limited infilling of a village. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM 4 of the Submission Version Local Plan.

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- 2 The site falls within land designated as being within the Nazeing and South Roydon Conservation Area. The significance of this Conservation Area is derived from its historic open natural landscape. A right of way adjoins the eastern boundary of the site. The siting of the proposed dwellings behind the existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area. The orientation of the proposed dwelling perpendicular to the buildings in Middle Street would further emphasise the incongruous nature of the proposal. This suburbanisation of the site would erode the open verdant character of this locality and as such would fail to preserve or enhance the character and appearance of the Conservation Area and as such is contrary to the requirements of S72(1) of the Planning and Listed Building and Conservation Areas Act 1990, Chapter 16 of the NPPF and policies, HC6, HC7 of the Local Plan and DM7 of the Submission Version Local Plan.
- 3 The proposal fails to demonstrate that it will provide adequate privacy and outlook for future residents of the proposed new self-contained dwellings and as such the proposal provides a substandard form of accommodation and as such is contrary to the requirements of policy DBE1, DBE2, DBE 5 and DBE9 along with DM9 of the Submission Version Plan and the National Planning Policy Framework.
- 4 In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Informatives:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it is not possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision is made with reference to the following plan numbers:

HD21016 1000 A, HD21016 1001 E, HD21016 1002 B, HD21016 1003, HD21016 1049 A, HD21016 1050 B, HD21016 1100 E, HD21016 1101 E, HD21016 1110 A, HD21016 1111 A, 1069.21.1B, Design and Access Statement, , Phase 1 and 2 Geotechnical and Geo-Environmental Investigation by Land Science Ltd, Arboricultural Report and Tree Protection Plan by Andrew Day Arboricultural Consultancy dated 13 September 2021, Phase 1 Ecological Report inc. Biodiversity Impact Assessment and DEFRA Metric Calculation by T4 Ecology Ltd, EFSAC Trip Generation Assessment by EAS October 2021, Energy and Sustainability Statement by Elmstead Energy Assessments and Building Services dated 9/9/21, Daylight Assessment Energy and Sustainability Statement by Elmstead Energy Assessments and Building Services dated 9/9/21, Land Drainage Plan, SuDs Management Plan.

NOTES RELATING TO PLANNING APPLICATIONS TOWN AND COUNTRY PLANNING ACT 1990

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the

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proposed development, he may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990. If an Enforcement Notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Local Planning Authority's decision on your application, then you must do so within 28 days of the date of the Enforcement Notice or within 6 months of the date of this notice, whichever period expires earlier. In all other cases, if you want to appeal then you must do so within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0303 444 5000, or online at the following website: www.planningportal.gov.uk/pcs) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. There is no time limit for appealing against a decision relating to a Certificate of Lawful Use or Development.

2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.