

**EPPING FOREST DISTRICT LOCAL PLAN  
EXAMINATION HEARINGS  
HOMEWORK NOTE 7**

**MATTER 4: THE SPATIAL STRATEGY / DISTRIBUTION OF DEVELOPMENT**

**ISSUE 4: IS THE DISTRIBUTION OF DEVELOPMENT JUSTIFIED IN RESPECT OF THE NEED FOR, AND APPROACH TO, GREEN BELT RELEASE**

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**HW7 - GREEN BELT ANOMALIES**

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1. The Council provides this note which concerns Matter 4, Issue 4 and the Inspector's request that the Council:
  - a. check whether there are any anomalies with regards to sites with the benefit of planning permission which are not being proposed to be taken out of the Green Belt; and
  - b. if there are any such sites whether this would represent an inconsistency in approach if other sites with the benefit of planning permission are being proposed to be taken out of the Green Belt.
  
2. The Council has identified a limited number of inconsistencies in the approach taken and proposes to make changes as either main or additional modifications to the Local Plan Submission Version (LPSV) or the accompanying policies map to correct these inconsistencies. These are set out in detail in the note. Notwithstanding these changes, the Council considers that its approach is justified and proportionate.

*Summary of the Council's approach to identifying alterations to the Green Belt to address anomalies arising from development that has taken place*

3. For completeness, the Council considers it appropriate to provide a short summary of the approach taken to identifying anomalies in the Green Belt. The Council's Green Belt Assessment: Stage 2 (2016, EB705A) identifies locations where inappropriate development in the Green Belt had taken place overtime such that the land no longer fulfils the purposes of the Green Belt. These are identified as 'minor' or 'major' anomalies.
4. 'Minor' anomalies largely comprise small-scale locations where the Green Belt boundary no longer follows a clear feature on the ground in many cases due to back gardens having been extended over time. The 'major' anomalies comprise locations where significant development has taken place.
5. The Council confirms in its Green Belt and District Open Land Background Paper (2016, EB1603) that for the 'minor' anomalies, the Council decided not to propose alterations to the Green Belt as there would be little practical benefit in doing so.
6. Of the 14 potential 'major' anomalies, the Council considered each in turn and came to a reasoned decision as to whether an alteration to the Green Belt boundary is necessary. This is recorded in Appendix 2 to the Green Belt and District Open Land Background Paper (EB1603). This resulted in eight alterations<sup>1</sup> being proposed to the Green Belt boundary. In some cases, these were part of a larger alteration which also proposes to remove adjacent site allocation(s) and/or employment designations from the Green Belt.
7. The Council has identified an error in the Green Belt and District Open Lane Background Paper Update (2018, EB1608) in which a 'major' anomaly proposed for release from the Green Belt in the 2016 version of the Background Paper has been omitted from the LPSV. The anomaly in question is land to the east of Sewardstone Road at Gilwell Hill, Chingford,

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<sup>1</sup> The alterations arising from 'major' anomalies are set out in the Appendix 2 to the Green Belt and District Open Land Background Paper 2016 (EB1603) and its Update in 2018 (EB1608). These are: Alteration 12 – Tempest Mead, North Weald Bassett; Alteration 6 – The Gables, Ongar; Alteration 41 – Mill Grove, High Ongar; Alteration 31 – Kensington Park, Stapleford Abbotts; Alteration 19 – Froghall Lane, Chigwell; Alteration 7 – Sainsbury's Depot and Housing, Waltham Abbey; Alteration 42 – Beaulieu Drive, Waltham Abbey; and land east of Sewardstone Road at Gilwell Hill – see paragraph 7.

identified within parcel 059.2 in the Green Belt Assessment: Stage 2. It was proposed as a Green Belt alteration in the Draft Local Plan 2016 (EB123) in Figure 5.29 on page 183.

8. While the Policies Map that accompanies the LPSV correctly shows the altered Green Belt boundary at Gilwell Hill, the alteration is not properly identified in Map 2.5 Green Belt Boundary Alterations on page 50 of the LPSV. The Council proposes to correct this error by making a modification to Map 2.5 to highlight this alteration in dark green hatching consistent with other Green Belt boundary alterations.

***Anomalies arising from a grant of planning permission between 31 March 2017 and 30 September 2017***

9. In addition to the site allocations identified through the Site Selection Report (EB805), the Council proposes to allocate sites in the LPSV where planning permission was granted for residential development of 6 or more dwellings after 1 April 2017 and before 30 September 2017; this reflects the cut-off date for considering new evidence for the site allocations in the LPSV.
10. This approach was adopted to reflect that a grant of planning permission establishes the principle of development; and to ensure that the contribution these sites make to the District's housing supply is properly accounted for in the Local Plan since the homes to be delivered on these sites are not captured in the housing land supply in Table 2.3 of the LPSV as 'sites with planning permission'<sup>2</sup>.
11. The LPSV includes five site allocations, which are sourced from planning permissions located within the Green Belt. Consistent with the Council's approach to all site allocations in the Green Belt adjacent to settlement boundaries, four of these site allocations (CHIG.R1, CHIG.R2, STAP.R2, and STAP.R3) are proposed for removal from the Green Belt. This is because the sites' continued inclusion within the Green Belt is not necessary

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<sup>2</sup> This reflects that the date of their grant of permission was after the 'cut-off' date of 31 March 2017 for the Council's monitoring year 2016/2017. These sites are therefore recorded as part of the remaining housing supply to be delivered over the plan period, and consequently are shown as site allocations in the LPSV.

to maintain openness and the development proposed offers defensible physical features which can become new Green Belt boundaries.

12. The fifth site allocation benefitting from planning permission (RUR.R2) is located some distance from any settlement boundary and the Council considers it appropriate for this site to remain 'washed over' as it is necessary to maintain the openness of the Green Belt. Removing it would result in an undesirable 'hole' in the Green Belt.
13. The Council does not intend to review the cut-off date of 30 September 2017 for inclusion of sites with planning permission as site allocations prior to adoption of the Local Plan.

#### ***Anomalies arising from a grant of planning permission on or before 31 March 2017***

14. In addition to the above, there are a limited number of instances where sites have been granted planning permission for residential development prior to 31 March 2017, meaning that they are captured in the housing land supply figure and therefore not generally proposed as site allocations<sup>3</sup>.
15. Where the Council considers that such development would constitute an anomaly in the Green Belt once built out, the Council has proposed to alter the boundary to remove these sites from the Green Belt consistent with the approach taken for 'major' anomalies set out in the Green Belt and District Open Land Background Paper.
16. The rationale for each alteration is set out in the Green Belt and District Open Land Background Paper Update; however, for clarity, these are set out in further detail below:

#### **Alteration 18 – Chigwell School**

17. Planning permission<sup>4</sup> was granted in 2015 and again in 2018 for refurbishment of the school building and for 59 residential dwellings as 'enabling development' on land associated with the school. The proposals would constitute inappropriate development in

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<sup>3</sup> The Council has now reviewed this approach, and proposes that two sites with planning permission in the Green Belt which were not previously shown as site allocations in the LPSV, are now allocated for residential development. This is explained in greater detail in paragraphs 17 to 18, and 26 to 27.

<sup>4</sup> Planning application references EPF/2899/15 and EPF/1849/17 granted in 2015 and 2018, respectively.

the Green Belt for which very special circumstances (namely, the refurbishment of the school) exist. The Council maintains that this development would result in a significant anomaly in the Green Belt, and the boundary should be altered to remove the land from the Green Belt.

18. Development has not yet started on this site. In the interests of ensuring that the provision of a refurbished or replacement school is delivered alongside the enabling residential development (in accordance with the extant planning permission), and to avoid creating 'white land' once the area is released from the Green Belt, the Council proposes to allocate this site for residential development and the provision of a refurbished or replacement school facility.

19. This will require the following amendments to the LPSV:

- a. An amendment to the table in Part B of Policy SP 2 Spatial Strategy on page 31 to update the number of homes allocated for Chigwell:

Chigwell: ~~~376~~ 435

- b. An amendment to the supporting text to Policy P 7 at paragraph 5.102 on page 147:

5.102 Policy SP 2 sets out the likely number of homes the Council will plan for in Chigwell over the Plan period. The provision of approximately ~~376~~ 435 homes has been informed by the aspiration for Chigwell to support predominantly small scale development to meet a wide variety of local housing needs, while retaining and enhancing the character of the distinctive communities which make up the settlement.

- c. Amendment to Part B of Policy P 7 Chigwell on page 148 to include Chigwell School as a new residential site allocation:

Residential Sites

- B. In accordance with Policy SP 2 the following sites are allocated for residential development:

(xii) CHIG.R12 Land at Chigwell School – Provision of a refurbished or replacement school facility and approximately 59 homes as enabling residential development.

- d. Amendment to Map 5.13 Site Allocations in Chigwell to include Chigwell School site as a residential allocation CHIG.R12.

- 20. Note that the Council's Matter 15 Hearing Statement, at paragraph 252, the Council proposes an amendment to paragraph 5.104 of the LPSV to correct an error in the number of sites identified for allocation in the settlement from twelve to eleven. In light of the decision to allocate Chigwell Primary School site, this amendment is no longer required.
- 21. Consequential changes will be required to Appendix 6 (including a Site Specific Requirements proforma) and the Policies Map.

**Alteration 47 – Land at Epping Road, Roydon.**

- 22. Planning permission<sup>5</sup> was granted for four houses in 2016 and again in 2017. The development consented in 2017 is now largely complete. The consented development comprises "limited infilling" in a village and, therefore, should not be considered inappropriate development in the Green Belt. Once complete, this development will create

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<sup>5</sup> Planning application references EPF/1841/16 and EPF/0499/17 granted in September 2016 and April 2017 respectively.

an anomaly in the Green Belt but will also provide a new defensible edge to the settlement, justifying an alteration to the boundary in this location.

### **Other Sites Identified by Representors**

23. Representors participating in the Matter 4 Hearing Session raised two further sites benefiting from the grant of planning permission which, in their view, would constitute major anomalies in the Green Belt requiring alterations to the Green Belt boundary. The Council has considered these in turn.

#### *Land north of Ivy Chimneys, Epping*

24. Planning permission<sup>6</sup> was granted in 2016 for the demolition and removal of stables and hardstanding, and the construction of three dwellings at Land north of Ivy Chimneys. The Council confirmed in its Hearing Statement (paragraph 62, page 22) the development permitted would not result in any greater harm to the openness of the Green Belt. Accordingly, the Council does not consider that this site be removed from the Green Belt.
25. The proposed dwellings are located on the existing development footprint and are not considered to alter the land such that it would no longer fulfil the purposes of the Green Belt. The site does not therefore represent a major anomaly that would require removal from the Green Belt. The Council therefore maintains its position not to alter the boundary of the Green Belt at this location.

#### *Knolly's Nursery, Waltham Abbey*

26. Planning permission<sup>7</sup> was granted in 2016 for the demolition of the existing structures on site and redevelopment to provide 79 residential dwellings. The Council determined that

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<sup>6</sup> Planning application reference EPF/1690/16 granted in July 2016.

<sup>7</sup> Planning application reference EPF/1162/15 granted in April 2016 subject to a legal agreement.

this development is inappropriate development in the Green Belt. However, very special circumstances existed which outweighed the harm to the Green Belt.

27. This development is now largely built-out and therefore constitutes a significant major anomaly in the Green Belt. The development site is on the edge of the existing built area of Waltham Abbey, and benefits from a high degree of containment by strong boundary features which would limit further encroachment into the open countryside.
28. The Council proposes to alter the Green Belt boundary in this location to remove Knolly's Nursery site from the Green Belt. This change will require an amendment to Map 2.5 Green Belt Boundary Alterations on page 50 of the LPSV, and a consequential amendment to the Policies Map.

#### **Other Sites Granted Planning Permission**

29. In response to the Inspector's request, the Council undertook a re-appraisal of sites granted planning permission for development in the Green Belt prior to 31 March 2017. The Council has identified one further site benefitting from planning permission that once built represents a major anomaly that would require an alteration to the Green Belt boundary. The Council also considers it would benefit from being allocated for residential development in the LPSV.

#### *Chimes Garden Centre*

30. Planning permission<sup>8</sup> was granted for demolition of site buildings and residential redevelopment first in 2015, again in 2018 and most recently in 2019 for 33 homes. The Council determined that development would have a greater harm to the openness of the Green Belt, but that very special circumstances exist to outweigh this harm.

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<sup>8</sup> Planning application references EPF/0570/15, EPF/1232/16 and EPF/1351/18 granted in 2015, 2018 and 2019, respectively.



31. The site is previously developed land on the edge of the existing built area of Nazebourne. The nature and scale of the proposed development would result in a major anomaly in the Green Belt, and therefore the Council proposes to alter the Green Belt boundary in this location to remove the Chimes Garden Centre site from the Green Belt.
32. Development has not yet started on the site. Consistent with the approach taken for Chigwell School (above), the Council considers it appropriate to allocate this site for the scale of residential development which was granted permission in 2019. This is to ensure that the development comes forward on this site in accordance with the planning permission for which very special circumstances exist, and to avoid creating 'white land' in the Green Belt.
33. This change will require the following modifications to the LPSV to allocate this site for residential development:

- a. An amendment to the table in Part B of Policy SP 2 Spatial Strategy on page 31 to include the number of homes allocated for Rural West:

Rural West: ~33

- b. An amendment to Map 2.5 Green Belt Boundary Alterations on page 50 of the LPSV to show the revised Green Belt boundary.
- c. An amendment to the supporting text to Policy P 14 at paragraph 5.173 on page 176 and the addition of a new paragraph following paragraph 5.173:

"5.173 The Council has considered the possible spatial options to accommodate new homes within the more rural parts of the District. ~~No~~ One allocations for residential development ~~are~~ is proposed in the western part of the District's rural area-, for potential allocation to meet the identified housing requirement, as set out in Policy P 14.

Proposals for residential development will be expected to comply with site specific requirements as set out in Appendix 6."

- d. Include a new Part B to Policy P 14 Rural Sites in the West of the District on page 176 to include Chimes Garden Centre as a new residential site allocation (along with consequential changes to the lettering of the remaining parts of Policy P 14):

"Residential Sites

B. In accordance with Policy SP 2 the following site is allocated for residential development:

(i) RUR.R3 Land at Old Nazeing Road – Approximately 33 homes"

- e. Amendment to Map 5.26 Rural Site Allocations – West of District to include Chimes Garden Centre site as a residential allocation RUR.R3.

- 34. Consequential changes will be required to Appendix 6 (including a Site Requirements proforma) and the Policies Map.

*Other Matters*

- 35. The Council has identified an error regarding site allocation RUR.R1 and its proposed removal from the Green Belt.
- 36. Acknowledging that this site is located in the Green Belt, the Council decided that the site should be allocated for residential development on the basis that it:
  - a. would enable a small scale site to come forward in a rural community to ensure local needs are met (in accordance with Policy SP 2); and

- b. could deliver housing early in the plan period and therefore contribute to the Council's five year land supply.
  
37. The justification for the allocation of this site (site reference SR-0937) is set out on page B1095 of Appendix B1.6.6 (EB805P) of the Site Selection Report.
  
38. The site was incorrectly identified as being adjacent to the Green Belt boundary. This led to the Council proposing an alteration (Alteration 16) to Green Belt boundary to remove the site allocation from the Green Belt (consistent with the approach adopted for all other residential site allocations located adjacent to existing Green Belt boundaries).
  
39. The site is in fact in an area currently washed over by Green Belt and its removal would result in a 'hole' in the Green Belt. In order to ensure that the integrity of the Green Belt is retained and that the most defensible boundaries are used, site RUR.R1 should remain washed over by the Green Belt.
  
40. The Council recognises that this means that when development comes forward on RUR.R1, very special circumstances will need to be demonstrated. However, the existence of the site allocation will provide a compelling case upon which very special circumstances may be demonstrated.
  
41. The Council proposes to correct this error by removing Alteration 16<sup>9</sup> from the LPSV, so that the site allocation RUR.R1 remains within the Green Belt. This change would require:
  - a. an amendment to the Map 2.5 Green Belt Boundary Alterations on page 50 of the LPSV to delete this Green Belt alteration;
  
  - b. an amendment to the map on page 225 of Appendix 6 to depict the existing Green Belt boundary; and
  
  - c. a consequential amendment to the Policies Map.

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<sup>9</sup> This can be found in Appendix 2 to the Green Belt and District Open Land Background Paper Update (EB1608).

### *Conclusion*

42. The Council considers that there are no further major development sites benefitting from a grant of planning permission that would represent major anomalies requiring an alteration to the Green Belt boundary.
43. The Council's approach to identifying anomalies set out in this note is robust and proportionate.