

Appeal Decision

Site visit made on 20 September 2016

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st October 2016

Appeal Ref: APP/J1535/W/16/3149821

Land at Pedlars End, opp Moreton Lodge, Moreton, Ongar CM5 0LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Lee Drane against the decision of Epping Forest District Council.
 - The application Ref EPF/0364/16, dated 16 December 2015, was refused by notice dated 6 April 2016.
 - The development proposed is change of use and alteration works to convert existing stable block to residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - ii) the effect of the proposed development on the openness of the Green Belt;
 - iii) whether the proposed development would be in a sustainable location;
 - iv) if the proposed development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The proposed development would be within the Metropolitan Green Belt. Paragraph 90 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. These categories include the re-use of buildings provided that the buildings are of permanent and substantial construction.
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4. Furthermore, saved Policy GB8A of the Epping Forest District Local Plan Alterations (2006) (LPA) makes clear that the change of use and the re-use of buildings in the Green Belt will be permitted where they are of a permanent and substantial construction, and that the use would not have a materially greater impact on openness than the current use. Thus, in this regard saved Policy GB8A of the LPA is broadly consistent with the Framework.
5. Moreover, saved Policy GB8A of the LPA requires, that the Council is satisfied that any works within the last ten years were not completed with a view to securing a use other than that for which they were ostensibly carried out. The Council allege that the existing building was always intended to be a dwelling and not a stable, this is contested and the appellant states the stable building was constructed in 2004. I find the evidence on this matter to be inconclusive. However, as the appeal does not turn on this issue, I have not considered it any further.
6. On my site visit I observed the appeal building to be relatively new and clearly in good condition. It is constructed from block work which is timber clad and has a thatched roof. I find the existing stable building to be both permanent and substantial. Thus, it follows that the proposed development would not be inappropriate development in the Green Belt if it can be shown that the proposal would preserve the openness of the Green Belt.

Openness

7. The appeal site comprises a stable building and a small area of land located in the south western corner of a large field which is surrounded on all sides by mature trees and shrubs. The majority of the appeal site is grassed and would be served by a single access which runs broadly adjacent to the western boundary of the wider field. The proposed physical alterations to the stable building would be relatively minor, such that the resulting building would have no greater impact on the openness of the Green Belt.
8. I acknowledge the plans approved for the stable block¹ clearly show a vehicular entrance, driveway and two parking spaces and this would remain unchanged as a result of the proposed development. I also note the planning permission for the stable block did not include any conditions which restrict hours of use, vehicle movements or the placement of paraphernalia related to the approved use.
9. However, paragraph 79 of the Framework makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Although the field within which the appeal site sits is enclosed by mature planting, it is a relatively large open area of land which is free from any significant structures and thus affords relatively wide ranging views of the appeal site.
10. The proposed development would effectively change the use of the appeal site from grazing land to a domestic garden. There are no details before me of any proposed boundary treatments or any alterations to the land outside of the stable block. Even, though paraphernalia associated with a stable block can be substantial, I observed no such equipment on my visit.

¹ Council Reference EPF/1462/99

11. However, the proposed development would inevitably result in an increase in activity associated with the building. In contrast with the existing building the proposed use would result in a permanent presence of people particularly in the evening. This would increase the duration of cars parked on the site and result in an increase in vehicle movements through visitors and the comings and goings of the occupants over and above that currently experienced as a result of the existing use.
12. Furthermore, whilst no details are before me, there would be an inevitable need to mark the boundaries of the appeal site and to erect a gate. Moreover, a residential use of what would be a relatively small dwelling would inevitably result in the introduction of a significant amount of domestic paraphernalia such as means for drying clothes, garden furniture and structures or domestic items which cannot be easily stored in doors. In my view, the combined effect of these factors would have a greater impact on Green Belt openness than the existing use. This would harm the openness of the Green Belt.
13. In reaching these conclusions I have noted the Inspector's findings in appeal reference APP/X1925/A/14/2216053 and I have also considered planning application Council reference EPF/2199/14. However, the full details of those cases are not before me. Nevertheless, it seems to me that the Inspector's comments in paragraph 23 of the appeal decision where concerned with the erection of outbuildings. In this case the removal of permitted development rights would not prevent the creation of a domestic garden; the increase in activity or the inevitable presence of domestic paraphernalia. Furthermore, I note Council reference EPF/2199/14 does not relate to the conversion of a building, is some distance from the appeal site and also involved the removal of a number buildings. I have therefore afforded both of these decisions limited weight.
14. Therefore, for the reasons given, I find the proposed development would not preserve and would harm Green Belt openness, and as such would amount to inappropriate development in the Green Belt. It would not accord with the Framework or with saved Policies GB2A, GB8A and GB9A of the LPA. I have attached significant weight to this harm.

Sustainability

15. The appeal site is on the south side of Pedlars End, a relatively narrow lane which leads to the village of Moreton. To the east, south and west is open countryside. To the north east are dwellings set in relatively spacious plots.
16. Saved Policy CP3 of the LPA requires that new development is accessible by existing, committed or planned sustainable means of transport. Furthermore saved Policy ST1 of the LPA states that housing will be principally located in existing urban areas, and will make the best use of land which is, or could be, highly accessible to public transport or close to services or employment. Moreover paragraph 55 of the Framework encourages housing in rural areas where it will maintain or enhance the vitality of rural communities but requires isolated new homes in the countryside to be avoided unless there are special circumstances.
17. The appeal site is separated from the main built up area of the village by a large field and surrounded by open countryside on all other sides. Thus, in my view the proposed development would be within the open countryside and not

within the main built up part of the village. However, other dwellings would be relatively close by, such that I do not consider it would be isolated. It is not therefore necessary for me to consider whether special circumstances exist in this case.

18. The proposal would provide a new home and some economic benefits in terms of new customers and employees for local businesses and there would be economic benefits associated with construction. I also note that there could be opportunities to improve wildlife habitats. However, these benefits are small in scale. Thus, I find the proposal would have a negligible influence on the vitality of the community. Therefore, whilst the vitality of the rural community would be maintained it would not be enhanced.
19. There is no substantive evidence before me with regard to local bus services and public transport connections to larger settlements. I am told that there is a bus stop in Moreton within a five minute walk. However, the route to the main built up part of the village and thus the bus stop would be along Pedlars End, which for most of the way is unlit and does not benefit from a footpath. Therefore whilst the appeal site may be within walking distance to a bus stop and some village services, this walk would be unattractive particularly outside daylight hours and in poor weather.
20. Moreover, there is no substantive evidence before me which suggests that there are any significant employment opportunities in the village. Whilst this may not be an issue for the appellant any future occupiers of the proposed dwelling would be likely to need to travel lengthy distances to access employment.
21. My attention has again been drawn to appeal decision APP/X1925/A/14/2216053. However, I have considered the appeal on its merits with regard to bespoke site specific circumstances which cannot be directly comparable to a site in another village and a different Local Authority area which has a different development plan. Thus, I have afforded this appeal decision limited weight.
22. Therefore, overall given the detached nature of the appeal site from the main built up area of the village, the lack of evidence with regard the frequency and connectivity of bus services and limited local employment opportunities, I find that for the majority of the time and for convenience reasons, occupiers of the proposed dwelling would tend to be highly dependent on travel by the private car to access services and employment. Even though I note the appellants suggestion of the imposition of a planning condition which requires a biodiversity enhancement scheme, this would not outweigh the harm I have identified.
23. For these reasons the proposed development would be in conflict with the development plan and the Framework. It would specifically conflict with saved Policies CP3 and ST1 of the LPA which seek to promote sustainable forms of transport and reduce greenhouse gas emissions.

Other considerations

24. The appeal proposal would result in one more house in the District, thus contributing to the housing supply in the area. There would also be employment opportunities associated with implementing the development and

the occupants of the proposed dwelling would provide customers and potential employees for local businesses.

25. The proposal would also involve the re-use of a building which is under used and could involve the enhancement of biodiversity habitats in the area.

Conclusion

26. I have found the proposed development would be harmful to the openness of the Green Belt. I have therefore found it would amount to inappropriate development in the Green Belt and would be contrary to the Green Belt purpose of safeguarding the countryside from encroachment. I have also found harm as a result of the dependence on the private car.
27. I give some weight to the contribution of a new dwelling to the supply of housing in the District and attach some weight to the proposed development's ability to contribute towards the local economy and the vitality of a rural community. Furthermore, I have attached some weight to the re-use of the building and the proposed biodiversity enhancements.
28. However, the substantial weight to be given to the Green Belt harm I have identified is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
29. For the reasons set out above and with regard to all other matters, I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR