The Planning Inspectorate

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: 26th October 2016

Appeal Ref: APP/J1535/W/16/3152647
Nfe Bumble Bee Barn, Woodend Lane, Abbess Beauchamp and Berners Roding, Ongar CM5 0NU

- 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 A Norris against the decision of Epping Forest District Council.
- The application Ref EPF/0773/16, dated 21 March 2016, was refused by notice dated 17 May 2016.
- The development proposed is annex dwelling and garage to approved dwelling under ref: EPF/1659/14.

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) the effect of the proposal on the character and appearance of the area bearing in mind it would be within the settings of Woodend Hall and the Barn to the East of Woodend Hall, both of which are grade II listed;

   iv) if the 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 appeal site is located on the edge of a row of dwellings and farm buildings set in spacious plots on the north side of Woodend Lane within the Metropolitan Green Belt.

4. The Council granted planning permission in 2014[1] for the demolition of an agricultural barn and the erection of a two storey dwelling on an area of land to the south east of the appeal site. At the time of my site visit the approved dwelling had not been built.

5. Paragraph 89 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, subject to certain conditions. It states new buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in a village or the partial or complete redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it.

6. Furthermore, saved Policy GB2A of the Epping Forest District Local Plan Alterations (2006) (LPA) makes clear that planning permission will not be granted for the use of land or the construction of new buildings or the change of use or extension of existing buildings in the Green Belt unless it is appropriate in that it is for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt. Thus, in this regard saved Policy GB2A of the LPA is broadly consistent with the Framework.

7. Both parties agree that the proposal would comprise the redevelopment of previously developed land and I find no reason to question this. This being the case, 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

8. The appeal proposal would share its access with the approved dwelling and comprise a two storey residential annex, car port and a relatively large garden. To the north and north east of the appeal site are wide ranging views over the open countryside.

9. I acknowledge that the original barn was a substantial building and on the basis of the information before me, the combined volume of the proposed development and that approved in 2014 may not exceed the volume of the barn and the other buildings on the site. However, the appeal site is a relatively large area of land which is mainly free from buildings. Although it is enclosed by fencing and gates and accommodates a number of portacabins and a single storey building, these buildings are positioned adjacent to the south east and south west boundaries, leaving the majority of the appeal site free from buildings.

10. The proposed annex would be substantial; it would be two storey, with at least three bedrooms and a number of reception rooms. It would be significantly taller than the existing buildings and would be a building of a significant mass. Although positioned behind the dwelling approved in 2014, when viewed together with the proposed car port it would result in the introduction of a significant bulk of buildings further to the north and north east of the appeal site into a location where currently there are no buildings.

[1] Council Reference EPF/1659/14

11. I acknowledge the appellants intention to introduce additional landscaping which could soften the impact of the proposed development. I also note the appellant intends to lower the ground levels to reduce the visual impact of the proposed buildings. However, in my view the creation of a relatively large garden would also 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. This combined with the overall bulk of the proposed buildings, which would be prominent in the rural landscape particularly when viewed from the north and the east, would in my view, have a greater impact on Green Belt openness than the existing buildings and the original barn.

12. 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 and 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. The proposed development would therefore be in conflict with the Framework and with Policy GB2A of the LPA. I attach significant weight to this harm.

Character and appearance

13. The grade II listed Woodend Hall and the Barn to the East of Woodend Hall (referred to as Oak Green Barn in the Council's reasons for refusal) are located to the south west of the appeal site. In accordance with the duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving the setting of listed buildings.

14. The positioning of Woodend Hall and the Barn to the East of Woodend Hall in the landscape contributes to their historical significance as farm buildings or residences connected to farming enterprises. However, they are both separated from the appeal site by a relatively large area of land which appears to be in use as domestic gardens. Furthermore, this land is screened by a row of tall conifers, such that the listed buildings are not widely visible in the surrounding landscape, nor would the appeal proposal be significantly visible from them or within their settings.

15. Whilst I acknowledge, that the conifer screen could be removed, there is nothing before me to indicate that it would be. Furthermore, even if the conifers were removed, the proposed development would be some distance away from Woodend Hall and the Barn to the East of Woodend Hall and the proposed buildings have been designed to reflect other traditional buildings in the area.

16. For these reasons, I find the proposed development would not harm the character and appearance of the area or the settings of the grade II listed Woodend Hall or the Barn to the East of Woodend Hall. Thus, I find the settings of these listed buildings would be preserved.

17. Therefore, in this regard the proposed development would accord with the expectations of the respective sections of the Act and paragraph 132 of the Framework. For the same reasons, in this regard, the proposed development would therefore comply with the development plan, specifically the design and

conservation aims of saved Policy HC12 of the Epping Forest District Local Plan (1998).

Other considerations

18. The appeal proposal would be for an elderly relative and would allow them to live close to appellant who would care for them and live in the dwelling approved in 2014. There would also be employment opportunities associated with implementing the development and the occupants of the proposed dwelling would provide customers for local businesses.

19. The proposal would also involve the redevelopment of land which has been previously developed.

Other Matters

20. I have considered the development referred to in Uttlesford District. However, whilst the full details of that case are not before me, I note it is some distance from the appeal site and thus does not share the same bespoke context as the appeal scheme. Thus, I have afforded this example of development limited weight.

Conclusion

21. 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.

22. Whilst I have found no harm to the character and appearance of the area or to any designated heritage assets, this neither ways in favour or against the proposal.

23. I give some weight to the proposals ability to provide additional living accommodation in the District, which would be for a dependent relative. I attach some weight to the proposed development's ability to contribute towards the local economy and the vitality of a rural community as a result of new customers and the economic benefits of construction. 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.

24. In reaching these conclusions I acknowledge that the Council cannot demonstrate a five year supply of deliverable housing land in accordance with paragraph 49 of the Framework. However, as I have found the proposal would be harmful to the openness of the Green Belt footnote 9 of the Framework, indicates that development should be restricted and this harm significantly and demonstrably outweighs the very limited benefit of the additional accommodation provided.

25. 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