



Appeal Decision

Site visit made on 27 June 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 14th July 2017

Appeal Ref: APP/J1535/W/17/3172847

Land at Church Farm, Back Lane, Nazeing, Waltham Abbey EN9 2DD

- 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 B Buchan against the decision of Epping Forest District Council.
 - The application Ref EPF/2746/16, dated 19 October 2016, was refused by notice dated 27 January 2017.
 - The development proposed is new garage and stable block in association with new dwelling approved pursuant to EPF/1287/15.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
 - (c) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt unless it relates to a number of exceptions listed in bullet points. The Council considers that two of these exceptions are relevant to the proposed development. The first exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The second exception is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within

- it. For the avoidance of doubt, I have considered both exceptions when determining whether or not the proposal would be inappropriate development in the Green Belt
4. The appellant disputes that the first exception is relevant as the proposed development would not be attached to the newly built dwelling. However, it is a matter of fact and degree. While the development would be physically separate to the dwelling, it would lie in close proximity and function as an ancillary structure as a garage, store and stable block. Therefore, it would reasonably be regarded as forming part of the dwelling as an extension. Policy G2A(vii) of the Local Plan Alterations 2006 (LPA) only allows a limited extension to an existing dwelling, which is generally consistent with paragraph 89 of the NPPF.
 5. The Council indicates that the proposed development would result in around a 68% increase in the volume of the dwelling. There is no guidance in the Council's development plan in terms of acceptable building increases, but in any case, I have used my own judgement. The size of the proposed development would be considerable, with a similar width to the new dwelling and a large pitched roof. A two-thirds increase in the volume goes beyond what could reasonably be described as a proportionate increase in size. Therefore, as an extension to the dwelling, the proposal would result in a disproportionate addition to the original building and would be inappropriate development in the Green Belt.
 6. Turning to the second exception, the proposed development would not be used solely as a stable block. Nevertheless, it would allow for outdoor sport and recreation in terms of the keeping of horses. The Council argue that insufficient information has been provided to justify that the stables would not be excessive in size, pointing toward current British Horse Society standards. These standards are minimum sizes though, and the proposal does not exceed the specified dimensions to a significant extent. I also note the appellant's requirements in terms of his daughter's horses. Thus, the proposal would represent the provision of appropriate facilities for outdoor sport and recreation.
 7. Policy GB2A(ii) refers to outdoor sport and recreation facilities, but does not have the caveats of paragraph 89 in terms of preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. Given this inconsistency, I have applied paragraph 89 in this regard. In order to determine whether or not this type of building would be inappropriate development, I need to consider the effect on Green Belt openness and purposes which I shall do in the next issue.

Effect on the openness and purposes of the Green Belt

8. Planning permission was granted in July 2015 for the removal of a barn, outbuildings and mobile home and the construction of a two storey two bedroom dwelling. At my site visit, the various buildings had been removed and the dwelling was largely completed externally. The landscaping to the front of the dwelling has yet to be implemented. The northern boundary of the appeal site backs onto the garden for the adjoining Church Farm House as well as grazing land. There are open views across this boundary towards the village church and other buildings and the wider countryside.

9. Paragraph 79 of the NPPF states that openness is an essential characteristic of the Green Belt. The proposed development would erode a sizeable amount of space at the front of the property and would be visible from Back Lane as a large structure. It would also intrude on the views to the north from within the site. Thus, the development would not preserve the openness of the Green Belt and would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. Given the scale of development and its visibility from the road, the negative effects would be significant.
10. Consequently, when considered as a building providing appropriate facilities for outdoor sport and recreation, its failure to preserve the openness of the Green Belt and its conflict with the purposes of including land within it means that the proposal considered under this paragraph 89 exception would be inappropriate development in the Green Belt. The proposal would not accord with LPA Policies GB2A and GB7A which seek to avoid inappropriate development in the Green Belt along with conspicuous development would have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.

Other considerations

11. The proposed development would allow for a vehicle and equipment to be stored largely out of sight and so declutter the space in front of the dwelling. While the lack of storage facilities would have some effect on the openness of the Green Belt, vehicles and equipment are not fixed in one place or are as large as the proposed development would be. Thus, I give this other consideration little weight.
12. The development would also allow the appellant's daughter to look after her horses at home rather than at a livery, and I note that she competes in higher level dressage events. However, personal circumstances seldom outweigh other planning considerations and therefore I attribute limited weight to this consideration.
13. I note that a number of buildings previously existed within the appeal site based on the aerial photograph provided in the appellant's statement of case. This includes a run of barn-like buildings along the northern boundary in a similar position to the proposed development. However, based on the aerial photograph, these buildings were not the same size or layout as the proposed development and were potentially in a different use. Furthermore, the site has changed fundamentally since that photograph was taken and I have assessed the proposal based on what exists on the ground now. Thus, I give this other consideration little weight.
14. Neighbouring occupiers highlight the unattractive nature of the previous barn-like buildings, but as they no longer exist I can give this other consideration little weight. The development would have an acceptable effect on Nazeing and South Roydon Conservation Area, but would preserve rather than enhance the character and appearance of the conservation area as the site would not look any better with it. As such, this other consideration carries little weight. The development would help to provide screening to the garden of Church Farm House, but this could be achieved through other means such as planting and so I give this other consideration little weight too.

Conclusion

15. For the avoidance of doubt, I have considered the proposal against two of the exceptions listed in paragraph 89 of the NPPF. In both cases, the proposal would be inappropriate development in the Green Belt for the reasons given above. Paragraph 87 of the NPPF indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in significant negative effects in terms of the openness of the Green Belt and the purposes of including land within it. Paragraph 88 of the NPPF makes clear that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
16. I give limited and little weight to the other considerations mentioned in favour of the proposal, and so they do not clearly outweigh the harm the proposed development would cause.
17. Consequently, very special circumstances do not exist to justify the proposed development. Thus, it would not accord with LPA Policies GB2A or GB7A or the aims of the NPPF. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR