



Appeal Decision

Site visit made on 15 August 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 22nd August 2017

Appeal Ref: APP/J1535/W/17/3175818

Keepers Cottage, Wood Lane, Willingale, Ongar, CM5 0QS

- 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 R Hancock against the decision of Epping Forest District Council.
 - The application Ref EPF/2541/16, dated 10 June 2016, was refused by notice dated 22 November 2016.
 - The development proposed is described as '*erection of a detached three bedroomed dwelling and associated hardstandings adjacent Keepers Cottage*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the adopted Development Plan, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Whether inappropriate development

3. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts, and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policies CP2 and GB2A of the *Epping Forest District Local Plan 1998 Alterations July 2006* (EFLP). However, the EFLP, pre-dating the Framework, does not directly replicate the categories expressed in Paragraphs 89 and 90 of the Framework. Nevertheless, they remain the adopted development plan

policies for the area, and I have taken them into account as required by Section 38(6) PCPA, and as detailed in further detail below.

5. Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. In consideration of those listed in Paragraph 90, the exceptions are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions. I see no reason not to concur in this instance.
6. Paragraph 89, sets out exceptions to inappropriate development which includes bullet point 5; *'limited infilling in villages...'* and bullet point 6; *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*. In both instances the main parties agree that the appeal site could constitute an 'infill' site. I see no reason not to concur in this instance.
7. The proposal seeks the erection of a three bedroom detached dwelling. It would be situated within an existing garden area which sits between an outbuilding at Keepers Cottage and the highway called Wood Lane. From my site visit I was able to see that the appeal site is located within a small cluster of existing dwellings astride Wood Lane. The nearest village is Willingale located some distance to the west of the appeal site. Indeed, I was able to see that this was separated from the appeal site and the small cluster of dwellings it is situated within by agricultural fields.
8. Whilst Willingale contains facilities such as a church and village hall, given the separation between the dwellings mainly on The Street and those around the appeal site, the facts on the ground clearly point to the appeal site not being within a village. I note the appellant's reference to caselaw in terms of settlement boundaries not being determinative in themselves. Notwithstanding the fact that Willingale does not lie within any such defined boundary, the fact on the grounds here remain the same in that the appeal site does not lie within a village; whether expressed in a settlement boundary manner or by the facts on the ground. The proposal would not, therefore, benefit from the fifth bullet point of Paragraph 89 of the Framework.
9. With regard to the sixth bullet point of Paragraph 89, openness is typically understood to be the absence of built form; irrespective of whether it can be seen from the public realm or not. The proposal would see the removal of a small timber shed and greenhouse and the erection of a three bedroom dwelling with a gabled roof form interspersed with dormers for accommodation within the roof.
10. The erection of a dwelling in this location would clearly erode the openness of the Green Belt through the introduction of large areas of built form where there is currently very little – this would be both vertically and horizontally. The overall scale, size and spread of the proposed dwelling within the appeal site would diminish the openness of the Green Belt. Not only would such erosion be visible in terms of the sheer size of the building proposed, but it would also be apparent in the form of domestic paraphernalia that typically associated with residential dwellings, such as washing lines, patios, decking areas and other such items, which would radically alter the appearance of the area by extending the domestic character further into the Green Belt and reduce its openness..

11. Paragraph 79 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal would fail to achieve this aim. What is more, the proposal would fail to assist in safeguarding the countryside from encroachment, which is one of the five purposes Green Belt serves. Accordingly, the proposal would not fall into the exception to inappropriate development provided by bullet point 6 of Paragraph 89.
12. As such, the proposal would not fall into the exceptions set out in Paragraph 89 of the Framework. It would therefore constitute inappropriate development in the Green Belt in terms of both local and national planning policy. It would also be at odds with one of the essential characteristics of the Green Belt set out at Paragraph 79 of the Framework which are their openness and permanence, so any reduction in these characteristics would also be harmful.
13. In light of the fact it does not fall into one of the exceptions listed in Paragraph 89 or 90 of the Framework or any provided within the adopted development plan for the District, the development proposed would be inappropriate development, as defined by both. As such, the proposed development would be contrary to Policies CP2 and GB2A of the EFLP and those of the Framework, which, amongst other aims cited previously, seek to maintain the national and local planning purposes of the Green Belt.

Other considerations

14. The appellant considers that the proposal would not constitute inappropriate development within the Green Belt. As detailed above, I have come to a different view. I now consider the other considerations put forward by the appellant in order to assess whether these would amount to the very special circumstances that may justify approval, in line with Paragraph 87 of the Framework.
15. In terms of the design of the building, this is a relatively typical design found in many parts of the country. I am also mindful that planning conditions could be used to control the materials to ensure that any impact on the street scene could be acceptable. However, an acceptable design is not especially unique to the appeal site, and I afford this factor minimal weight.
16. With regard to highway matters, I note the comments from interested parties raising concerns. However, in the absence of objections from the local highways authority, and given the one dwelling nature of the proposal, I agree with the appellant's and Council's overall assessments that the proposal would not result in material harm in respect of highway safety. But an absence of harm in itself does not amount to a benefit in favour of the proposal.
17. In respect of the setting of the listed building called Willow Cottage and its contribution to its significance, I visited this during my site inspection and was able to see that Willow Cottage sits within its own enclosed grounds. Whilst the ground levels of the appeal site do appear to be higher than the ground level of Willow Cottage, given that the grounds of Willow Cottage are fairly self-contained and that there are little demonstrable historical links between the appeal site and Willow Cottage, I find that at worst there would be a neutral impact on the significance of the listed building expressed in its setting. Accordingly, I find that the proposal would not fail to preserve the setting of

the listed building as set out in the statutory duty at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

18. However, the absence of harm in respect of highway and heritage matters do not contribute to very special circumstances needed to justify inappropriate development. These factors neither weigh for or against the proposal.

Overall Conclusion

19. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce the openness of the Green Belt.
20. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these is the design and layout proposed. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
21. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise, and the proposal conflicts with Policies CP2 and GB2A of the EFLP, and the Policies of the Framework, the aims of which I have aforesaid.
22. Accordingly, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR