



Appeal Decision

Site visit made on 21 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/J1535/W/17/3181437

Bobs Barn, 46 London Road, Stapleford Tawney, Romford RM4 1SP

- 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 Richard Padfield against the decision of Epping Forest District Council.
 - The application Ref EPF/0817/17, dated 16 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is demolition of existing dwelling and outbuildings and erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Whether inappropriate development

3. The existing dwelling is a fairly modest sized bungalow. There is also a detached garage located close to that dwelling which would be removed. In combination, those buildings have a volume of 353 cubic metres. That proposed would be a two storey dwelling, albeit with the first floor partially within the roof space, with a volume of 732 cubic metres.
4. Policy GB2A of the Epping Forest District Local Plan Alterations (the Local Plan) sets out that planning permission will not be granted for the construction of new buildings in the Green Belt unless it is appropriate in relation to specific listed criteria. Relevant to this appeal, that criteria includes that it is a

replacement for an existing dwelling and in accordance with policy GB15A. That policy includes, amongst other things, the requirement that the replacement dwelling will not be materially greater in volume than the one replaced.

5. The site is located within the Green Belt and those Local Plan policies are broadly compatible with the Framework. Paragraphs 89-90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. In having regard to the fourth category of paragraph 89, and taking account of the above Local Plan policies, the proposed building would be materially larger than the one it would replace based on the significantly greater volume, more than double that of the combined existing dwelling and garage.
6. I acknowledge that the appellant has written confirmation that prior approval would not be required for a single storey rear extension to the existing dwelling along with a Certificate of Lawful Development (CLD) for other proposed extensions and a new garage. I acknowledge that such extensions in combination would result in a dwelling with a volume of 868 cubic metres, and therefore greater than the appeal proposal. However, those extensions remain to be constructed and so cannot be included in my considerations in respect of the fourth bullet point of paragraph 89.
7. For the above reasons, for the purposes of the Framework, I conclude on this issue that the proposed development must therefore be regarded as inappropriate development in the Green Belt which would by definition be harmful to the Green Belt, to which substantial weight should be given, and contrary to policy GB2A of the Local Plan.

Openness of the Green Belt

8. Openness, as highlighted in the Framework, is an essential characteristic of Green Belts to which the Government attaches great importance and which is a separate issue from the character and appearance of an area. Policies GB2A and GB15A of the Local Plan together also require any replacement dwelling in the Green Belt not to have a greater impact on the openness of the Green Belt than the original dwelling.
9. The existing dwelling is located some distance from London Road at the end of a long access track. It is set within a fairly large plot with garden areas to the front and rear, and surrounded by open fields and woodland. It is also of a fairly modest size and height such that it is not a prominent feature of the surrounding area as seen from surrounding public footpaths, albeit that it can be seen to varying degrees through or over intervening vegetation both on the site and nearby. There is also a substantial degree of separation from the nearest dwelling closer to the road also served by the same access. These factors all combine to contribute strongly to the openness of the Green Belt in this location, despite the presence of electricity pylons crossing the landscape within sight from the site and its environs.
10. The greater size and volume of the proposed dwelling would be clearly apparent particularly due to its noticeably increased height compared to the existing building. Furthermore, it would be seen as such from those surrounding footpaths to varying extents depending on the extent of

intervening vegetation and the time of year in terms of the extent of leaf cover, despite not being visible from London Road.

11. The appellant highlights that in the past there was a large barn on the site along with other outbuildings. However, it is stated that these were blown down a number of years ago and I saw no clear evidence of them on the site. Although some photographs have been submitted of those buildings, they only represent limited views. The circumstances have in any case been different for those significant number of intervening years and I have therefore determined the appeal based on the current context.
12. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the openness of the Green Belt.

Other considerations

13. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
14. I have had regard to those extensions that could be built as a fall-back as a result of the prior approval and CLD decisions referred to previously and which would, if all were to be built, result in the dwelling of greater volume than that proposed. However, I have not received any substantive evidence, in the form of a combined floor layout, to demonstrate that the extensions under the respective decisions would together achieve a practical internal layout that would be likely to be constructed. Notwithstanding this, I have also made comparison between the potentially extended dwelling and the appeal scheme in terms of the effect on the openness of the Green Belt.
15. In that respect, whilst the extant extensions would result in that greater volume they would only be of single storey height and therefore materially lower than the proposal. As such, even by occupying a smaller footprint, it is likely that the appeal scheme would generally be a more visible and prominent feature seen from surrounding footpath vantage points, particularly with the lesser scope for screening or softening of that greater height by intervening vegetation. The fall-back scheme would therefore be unlikely to have a materially greater impact on openness than the appeal scheme.
16. Furthermore, the plans submitted relating to the CLD scheme show that the extensions would tie in with the existing dwelling, including its roof, whilst I have no details as to the design of the prior approval scheme. I therefore have insufficient basis to consider the design of those extensions to be of such a low quality as to be likely to cause over-riding harm to the character and appearance of the area.
17. The appellant refers to another appeal scheme, Ref APP/Q1445/D/14/2226874, in Hove, in terms of the weight given to a fall-back position. However, the circumstances of that appeal are materially different to this, including that the appeal and permitted development schemes were stated as being similar, if not identical, in that other case.
18. The appellant also refers to other large replacement two storey dwellings that were granted planning permission by the Council, including where a fall-back position was taken into account relating to potential extensions that could be

added to the original buildings. However, I have not received the full details and evidence relating to those sites to enable a proper comparison. Furthermore, of those two referred to by the appellant as being close to the site at Howfields Farm and Wayletts, insufficient locational evidence has been submitted to enable me to visit them. In any case, notwithstanding all of those other developments, I have determined this appeal on its merits based on all of the evidence before me and my observations.

19. For the above reasons, I attribute only moderate weight to the fall-back position in this case.
20. I have had regard to the current condition of the existing dwelling, which the appellant claims to be in a tired state, of poor orientation and requiring insulation, central heating and improved electricity supply. I have also had regard to the details contained in the submitted Energy Performance Certificate in this respect. The proposed new dwelling is intended to be of improved energy performance. Nevertheless, the existing dwelling is currently occupied. I have also received insufficient substantive evidence to demonstrate that it would not be possible or viable to refurbish, repair and upgrade it as it is or if extended, or that orientation is materially detrimental to current living conditions. I also note that in this respect the appellant states that he has already invested significant funds to upgrade the electricity supply to the site. Furthermore, regardless of the intention to construct a traditionally designed dwelling, the existing dwelling does not have a jarring appearance within its context, particularly given its modest height, and neither does the land within which it sits which I saw to relate to appropriate and not unattractive garden areas. I have therefore afforded little weight to these factors.
21. The proposal would add a larger family dwelling to the local supply and have the potential to house more people than the existing bungalow, who in turn would be likely to contribute to the local economy and to support local facilities and services. The proposal would also provide employment during construction with the potential for local trades and suppliers to benefit also during this phase. Nevertheless there would not be a net increase in dwellings and any such benefits would only be small relating to just a single house.
22. The appellant refers to no representations having been received from any third parties. However, I have determined this appeal on its merits based on all of the evidence before me.
23. For the above reasons, these other considerations would not hold sufficient weight to outweigh the harm that I have found would be caused to the Green Belt be reason of inappropriateness and loss of openness. Furthermore, I have not received substantive evidence of any other considerations which would do so. The very special circumstances needed to justify the development do not therefore arise. It would therefore not be a sustainable form of development.

Conclusion

24. For the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR