



Appeal Decision

Site visit made on 28 July 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2020

Appeal Ref: APP/J1535/W/20/3248096

**Land to the rear of 76 Weald Bridge Road, North Weald Bassett, Epping
CM16 6ES**

- 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 Dheansa against the decision of Epping Forest District Council.
 - The application Ref EPF/2728/19, dated 12 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is the demolition of existing former horticultural buildings, and the erection of 3 no. 3-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Epping Forest District Local Plan Submission Version 2017 (the emerging LP) is currently under examination. As a whole, the emerging LP is likely to be the subject of further modifications and it carries limited weight. However, the parts of emerging Policy DM4 which are relevant to the appeal are consistent with the National Planning Policy Framework (the Framework) and the examining Inspector has written to the Council to confirm that, although the policy as a whole may require further modification, this would not be regarding elements of the Policy relevant to the appeal. I therefore place moderate weight on emerging Policy DM4, as it applies to the appeal proposal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - whether the proposed use would be acceptable; and
 - if the proposal is inappropriate development, whether the harm 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

4. The buildings proposed to be demolished are a mixture of sheds, large timber single-storey buildings, and the structural frames of previous similar buildings. They all lie in the garden of the dwelling of 76 Weald Bridge Road.

Inappropriate development

5. The construction of new buildings should be regarded as inappropriate in the Green Belt other than in respect to a limited range of specified exceptions, as set out in Paragraphs 145 and 146 of the Framework.
6. One exception, at part g) to Paragraph 145, is for the limited infilling or the partial or complete redevelopment of previously developed land. In this regard, the site is garden land but it sits along a row of houses which themselves are part of a village. It is therefore in a built-up area and is explicitly excluded from the definition of previously developed land in the Framework, such that it would not accord with Paragraph 145 g).
7. Another exception, at part d) of Paragraph 145, is for the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces.
8. The scale of the garden, the buildings, and the planting is unusual in association with a dwelling. However, some of the buildings provide ancillary residential accommodation or storage associated with the house, and this part of the site can only be accessed from the driveway for the dwelling. A signed letter and an email from the Council confirm that two different officers at the Council agree that the garden and buildings are ancillary to the house. The site is therefore all part of the same planning unit.
9. However, the ancillary buildings, save from the smallest shed, are not residential in nature and only become so by association with the main dwelling. Nor are they houses in their own right. Only the ancillary buildings are proposed to be demolished and replaced by the proposal. I do not consider these buildings, taken as a group independently of the main dwelling, to be in residential use. The proposal is consequently not for the same use as the existing buildings, and Paragraph 145 d) does not apply.
10. Accordingly, the proposal would be inappropriate development in the Green Belt in the terms of the Framework. This is reflected in emerging Policy DM4 of the emerging LP. Policy GB2A of the Epping Forest District Local Plan Alterations July 2006 (the Alterations) does not directly apply to the proposal because it does not list either of the exceptions set out in parts d) and g) of Paragraph 145 of the Framework. This policy is therefore inconsistent with the Framework in this regard and I place limited weight on it.

Use class

11. No evidence has been provided of the current or recent operation of the site for commercial purposes or of it providing employment. The proposal would therefore comply with Policy E4A of the Alterations, which only seeks to protect sites currently or last used for employment. Policy E4B of the Alterations requires that community uses be considered as an alternative to employment use, but as there is no employment use to be lost, this policy does not apply to the appeal site.

Green Belt balance

12. Paragraph 143 of the Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 indicates that 'very special circumstances' will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
13. In this regard, the provision of 3 new dwellings would provide temporary economic benefit during construction and long-term economic benefit through the increased population and use of local services. It would also make a contribution towards the Council's housing supply. However, these benefits would be limited because only 3 dwellings are proposed.
14. The fact that no employment floorspace would be lost weighs neutrally in the planning balance. There has been no commitment provided for the proposed dwellings to exceed policy standards in relation to energy efficiency and the provision of policy compliant energy efficient buildings weighs neutrally in the planning balance. That the proposal would be acceptable in terms of its effect on living conditions also weighs neutrally in the planning balance.
15. Paragraph 144 of the Framework states that substantial weight should be given to the harm to the Green Belt caused by the inappropriate development I have identified.
16. Consequently, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt and the 'very special circumstances' necessary to justify the development do not exist. The proposal therefore fails to comply with Paragraph 143 of the Framework. It also fails to comply with the relevant parts of emerging Policy DM4 of the emerging LP, which reflects the Framework.

Other Matter

17. The Council have found that, although the site lies outside of the Zone of Influence of the Epping Forest Special Area of Conservation (the SAC), a contribution is required to help fund the monitoring of the air quality impact on the SAC. There is no need to consider the implications in this regard because the scheme is unacceptable for other reasons.

Conclusion

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

O S Woodward

INSPECTOR