



Appeal Decision

Site visit made on 19 October 2020

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11/11/2020

Appeal Ref: APP/J1535/W/20/3251388

Willowcroft, Sewardstone Road, Waltham Abbey E4 7RF

- 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 Tony Batt against the decision of Epping Forest District Council.
 - The application Ref EPF/0945/19, dated 6 April 2019, was refused by notice dated 25 February 2020.
 - The development proposed is proposed outbuilding with 3 bedsits for care home residents.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:-

- whether the proposal constitutes inappropriate development in the Green Belt;
- the effect on the openness of the Green Belt;
- the effect of the proposal on the Epping Forest Special Area for Conservation; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Green Belt

3. The appeal site is located within the Green Belt and the National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings is considered to be inappropriate unless they are for one of the exceptions cited in the Framework. The proposal would not be physically attached to the main building at Willowcroft but it would extend the care home facilities. The extension or

¹ Ministry of Housing, Communities & Local Government National Planning Policy Framework, February 2019 (the Framework).

alteration of a building can be considered as appropriate provided that it does not result in disproportionate additions over and above the size of the original building. This is largely reflected in Local Plan² Policy GB2A.

4. The Council explain that the existing property is a replacement dwelling which itself has been extended in the past. The proposal would therefore amount to a disproportionate addition to the original building. From my observations, the existing building does appear to include previous extensions.
5. The proposed outbuilding would be single storey with a flat roof. It would provide three separate living units, each comprising one room and a bathroom. The existing building apparently includes six bedrooms for occupants and therefore the provision of a further three bedrooms would represent a sizeable increase.
6. The Framework does not make provision for separate buildings in its exceptions to inappropriate development and taken as an enlargement to the existing building, it would be a disproportionate addition which also would be defined as inappropriate in the Green Belt. I accept that whilst the bedroom provision would increase significantly, the existing house would also include communal areas; lounge / dining and office/administration space for example³.
7. The appellant considers that the proposal would not be inappropriate development as it would be a replacement building following the demolition of existing structures. These structures seem to have been removed some time ago and I do not accept the argument that their replacement now would not be inappropriate. In any case, whilst the framework allows replacement buildings, these should be in the same use and not materially larger. I do not have the information that would clarify that this was the case.
8. Furthermore, the appellant states that the proposal would be a replacement in lieu of a building that was granted planning permission in 2012⁴. Apparently this was for a summer house with a gym and wet room areas for the personal use of the residents of the care home. This permission would seem to have expired and, in any case, seems to have been for ancillary accommodation whereas the proposal would not be ancillary but would provide living accommodation for residents. I do not accept therefore that this would allow the current proposal to fall within the exceptions for inappropriate development.
9. The proposal would provide a separate building, linked to the main building through its use. I consider that it would be a disproportionate addition to the existing care home and I do not accept that it would be an appropriate replacement building within the terms of the Framework. I therefore consider that it would be inappropriate development in the Green Belt. I afford this substantial weight.

Openness

10. The Framework explains that the essential characteristics of Green Belts is their openness and their permanence. The appeal site includes a garden to its rear

² Epping Forest District Local Plan, Adopted January 1998. Local Plan Alterations, Adopted July 2006.

³ The site visit was conducted externally only as it was not possible to enter the property under the Covid 19 restrictions in place at the time.

⁴ Planning Application Ref: EPF/1799/12.

and the proposed outbuilding would be sited within it. Whilst its impact would be lessened by its single storey appearance, it would take up a considerable area of the open garden. Even taking into account boundary fencing and vegetation, the proposal would have an impact on the openness of the Green Belt. This adds to the substantial weight I have already afforded the development through inappropriateness.

Epping Forest Special Area for Conservation (SAC)

11. The appeal site falls within the Epping Forest Special Area for Conservation which is covered by a high level of protection under UK and EU law and the Council has a legal duty as the competent authority under the Habitat Regulations to protect the Epping Forest SAC from the effects of development. Local Plan Policy NC1 indicates that the Council will comply with the UK's international obligations for special areas for conservation. Policy DM 2⁵ is more up to date in addressing this issue. The emerging policies are subject to further action but in the meantime the Council are exercising a cautious approach to any development that could potentially impact on the Epping Forest SAC.
12. The Council consider that this proposal does not provide sufficient information that would satisfy the Council that the proposal would not affect the integrity of the Epping Forest Special Area for Conservation. Whilst the appellant considers that a condition could address this issue, it is a concern to the Council in fulfilling its legal responsibilities. I consider that this weighs against the proposal.

Other Considerations

13. The appellant explains that the justification for the proposal is based on public health, in particular for the provision of care for the elderly and will therefore serve the public interest.
14. The appellant refers to the previous approval for a summer house / gym / wet rooms in the context that the approved scheme and this one would have the same impact on the openness of the Green Belt and the Council therefore has been inconsistent in its approach. The appellant has also referred to various other planning approvals but I have limited information about these.
15. Whilst I appreciate the appellants wish to improve the facilities at the care home and the fact that a previous permission allowed an outbuilding, I consider that these matters but they are such that I have given them only limited weight.

Conclusion

16. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, any other harm, is clearly outweighed by other circumstances.
17. I have found that the proposal would be inappropriate development in the Green Belt that would be harmful to its openness. This has been awarded substantial weight. The lack of information about the potential impact on the

⁵ Epping Forest District Local Plan Submission Version 2017.

Epping Forrest Special Area for Conservation adds weight against the development. I have given only limited weight to the other considerations raised.

18. I have taken all other matters raised into consideration but conclude that very special circumstances do not exist to clearly outweigh the harm caused by inappropriateness in the Green Belt or the other harm I have identified. I conclude that the proposal would conflict with the Framework and the policies referred to and therefore the appeal fails.

J D Clark

INSPECTOR