



Appeal Decision

Site Visit made on 22 December 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th December 2020

Appeal Ref: APP/J1535/D/20/3258145

Monkhams Cottage, Claverhambury Road, Waltham Abbey EN9 2AU

- 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 Andrew Cromwell against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1186/20, dated 5 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is described as 'revision of existing permitted development workshop at Monkhams Cottage, Aimes Green, EN9 2AU, with addition of an art studio above for family use.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form, although I note it has been expressed differently including on the appeal form and the Council's decision notice.

Main Issues

3. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area; and
 - iv) if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

4. Monkhams Cottage is part of a small cluster of buildings which vary in use, scale and design. Despite diversity in their appearance, the individual buildings are typically served by generous plots and are set back from Claverhambury Road behind wide verges. Together with the open fields and woodland which predominantly make up the surrounding landscape, this results in a distinctive open and rural character to the area.

5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is inappropriate in the Green Belt, although specified exceptions include the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy GB2A of the Epping Forest District Local Plan 1998/2006 (LP) advises that permission will not be granted for the construction of new buildings in the Green Belt other than exceptions which include limited extensions to an existing dwelling. This policy predates and is not wholly consistent with the terms used within the Framework, but broadly accords with the overall thrust of national Green Belt Policy.
7. The Framework does not define 'disproportionate additions', and I have not been directed to relevant guidelines within the LP, emerging Local Plan Submission Version 2017 (LPSV), or other guidance. The development would occupy a modest part of the large appeal site, and would be smaller than the existing Monkams Cottage building. However, at the time of my visit, I saw that ongoing building works on the appeal site included extensions to the rear of Monkams Cottage, and the appellant has not challenged the Council's assertion that there have been many extensions over and above the volume of the property as it existed at July 1948. The outbuilding would include first-floor level accommodation, and its overall scale and bulk would result in a further significant increase in built form on the site. In my view, the cumulative effect of this together with previous additions to Monkams Cottage would amount to disproportionate additions over and above the size of the original building.
8. The appellant has drawn my attention to a Lawful Development Certificate under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for an outbuilding on the site ('the LDC')¹. However, whether or not the proposal comprises inappropriate development in the context of the Framework requires comparison with the original building on the site, and would not be altered by the LDC. This does not mean that the potential fallback position under the LDC is not relevant, but it is something which should be more properly considered in the context of other considerations, and I return to this matter below.
9. For these reasons, I conclude that the proposal would result in inappropriate development as defined by the Framework. It would accordingly be harmful to the Green Belt, and would be contrary to Policy GB2A of the LP insofar as it seeks to prevent a loss of Green Belt openness through inappropriate development. There would also be conflict with Policy DM 4 of the LPSV which has similar aims, although as the LPSV is not yet adopted and is therefore subject to change, I afford more limited weight to the conflict with this policy.

Openness

10. Although I saw foundations present on the appeal site in the broad location of the development, no above ground works appeared to have taken place. Against the existing site circumstances, the presence of built form on land that is currently open, particularly a structure of the height proposed, would inevitably reduce openness in spatial terms. The ground level of the outbuilding

¹ Application reference EPF/0244/19

would be lower than that to Monkams Cottage and the frontage of the site, but it would still be visible from the surrounding area. This would include in public views from the Claverhambury Road frontage where the development would be seen between Monkams Cottage and the adjacent Aimes Green Farm building. Despite being of lesser height and overall scale than these buildings, the development would intrude on the existing gap between them, diminishing the openness of this part of the Green Belt.

11. The development would affect only a fairly small part of the appeal site, and given its scale, the impact of the outbuilding on openness would be modest. Nevertheless, it would cause some harm to the openness of the Green Belt in both spatial and visual terms. This would be contrary to the Framework which emphasises that openness is one of the essential characteristics of Green Belts, and would conflict with Policy GB2A of the LP which seeks to preserve the openness of the Green Belt.

Character and Appearance

12. The effect of the development on the character and appearance of the area is an additional and different consideration to the effect on the Green Belt. Although it would include a first floor level, the roof of the outbuilding would be of modest height and it would be appreciably lower than the roof of Monkams Cottage. Its other proportions and overall footprint and volume would also be smaller than the host building, and it would occupy only a small part of the large plot. Notwithstanding my conclusions that the development together with past extensions would result in disproportionate additions to Monkams Cottage, I find for these reasons that it would appear generally subordinate to the existing building on the site. The outbuilding would also be far smaller than the substantial Aimes Green Farm building adjacent, and given the varied buildings in the vicinity I see no reason that the appearance of the outbuilding or the external materials would in themselves be unsympathetic.
13. However, while visual impacts of the proposal would be relatively localised, I have already identified that the development would reduce the openness of this part of the appeal site. It would intrude into the spacious setting of the adjacent buildings, and would consequently detract somewhat from the openness which is a distinctive element of the area's rural character.
14. I therefore conclude on this main issue that the proposal would result in some harm to the character and appearance of the area, albeit that I find this would be limited. In this regard, the proposal would be contrary to Policies DBE1 and DBE4 of the LP which require, amongst other things, that development respects its setting and local character. There would also be conflict with Policy DM 9 of the LPSV which similarly seeks development that contributes to the distinctive character of an area, although as this policy is not yet adopted and is subject to change, I afford more limited weight to this conflict.

Other Considerations

15. Planning permission has been granted for the subdivision and extension of Monkams Cottage to form 3 dwellings ('the permission'). At my visit, I saw foundations which would ostensibly correspond with the position of the building subject of the LDC. I also saw ongoing building works to Monkams Cottage. The Council asserts that the LDC was not implemented before works relating to the permission, and is therefore no longer valid. The appellant disputes this,

advising that while works have commenced in relation to the permission, the plot is only being used as a single dwelling and has not been subdivided, and that the LDC therefore remains a realistic fallback position.

16. Be that as it may, the appellant's evidence indicates that the appeal proposal would result in an outbuilding with a much greater volume than under the LDC. Although there would be a slight reduction in footprint, its height would also be considerably greater than the single-storey LDC scheme outbuilding. These factors would significantly increase the overall bulk and mass of the development and its visual impact, and I find as a consequence that the appeal proposal would result in greater harm to the openness of the Green Belt and to the open character of the area. Therefore even if I were to accept the appellant's position and find that the LDC outbuilding represents a valid fallback position, it does not offer a direct comparison, and accordingly would not weigh in favour of the proposal overall
17. The appellant has further referred to a potential larger permitted development workshop. Only limited details have been put forward, and there is no Lawful Development Certificate before me confirming that such development would comprise permitted development. In any event, the eaves and ridge height of any such building would be restricted to some way below those proposed by the development before me. Notwithstanding the larger suggested footprint and volume of this notional scheme overall, the reduced bulk and mass of the upper part of the building would lessen its prominence in views and the visual impact of the development. On this basis and from the evidence before me, I am not satisfied that it would result in greater harm to the openness of the Green Belt or the character and appearance of the area than the appeal proposal so as to offer a compelling justification for the development.
18. My attention has been drawn to examples of development in the vicinity of the site, including approval given for a garage at St Michaels which I saw was clearly apparent from the street scene and which includes accommodation within the roof. The appellant indicates that this example is of greater footprint and volume than the appeal proposal, but the information provided suggests that it is of lesser height. Moreover, I note that the Council considered the garage would not be significantly more harmful to the openness of the Green Belt than a permitted development garage located elsewhere on the St Michaels site. Although I do not have full details of the considerations that led to its approval, I do not therefore consider that this example is comparable to the appeal before me which I have in any case considered on its own merits and with regard to the specific circumstances of the case.
19. I note comments that the site and adjacent plot formerly operated as a garden centre. However, I have found that the proposal would result in a greater impact on the openness of the Green Belt than the existing development. Even if I were to determine that the site could be considered previously developed or 'brownfield' land, the proposal would not therefore comprise an exception to inappropriate development in the Green Belt under paragraph 145 part g) of the Framework which relates to limited infilling or the redevelopment of such land.

Planning Balance and Conclusion

20. Drawing matters together, the proposal would cause harm to the Green Belt by virtue of inappropriateness and harm to openness. In accordance with the

Framework, I give this harm substantial weight. There would additionally be some limited harm to the character and appearance of the area.

21. I have found that the impacts of the development would not be comparable to those arising from potential fallback positions advanced by the appellant, and I conclude that other considerations in this case do not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt. The proposal would therefore conflict with the Framework. It would also conflict with Policies GB2A, DBE1 and DBE4 of the LP, and material considerations would not outweigh the conflict with the development plan.

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

J Bowyer
INSPECTOR