



Appeal Decision

Site visit made on 15 March 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/J1535/W/20/3260463

1 Theydon Hall Cottages, Abridge Road, Theydon Bois, Epping, CM16 7NP

- 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 S Trim against the decision of Epping Forest District Council.
 - The application Ref EPF/0294/20 dated 8 February 2020, was refused by notice dated 3 April 2020.
 - Temporary permission for a period of 2 years for the stationing of a mobile home and ancillary decking, fencing and small outbuilding in relation to ongoing renovation and extensions planned for No1 Theydon Hall Cottages and retrospective planning permission for the installation of a replacement septic tank.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is submitted on a part retrospective basis in that the septic tank has been installed. In addition I note, from my site visit, that the mobile home is already on site along with a substantial amount of decking (though not complete). This does not, however, alter the basis for determination.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2019 (the Framework) and relevant development plan policies;
 - ii) The effect on the openness of the Green Belt and;
 - iii) If the proposal would be inappropriate development, 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

4. The only documents I have before me are the site location plan¹, block plan², specification sheet for 2016 Blenheim 38x12 2 bed caravan, premier tech aqua septic tanks generic specification and a design, access and planning statement. I have assumed that the yellow rectangle to the north of the site plan is where

¹ TQRQM20039075431761

² TQRQM20039083229739

the septic tank is proposed and that the white on the plan indicates the area of decking. The proposal, as outlined in the description within the header of this decision letter, is for several elements. I have no plans or details before me as to the size or scale of the proposed outbuilding, the size of the septic tank proposed nor the extent and location of the fencing included within the development description.

Whether the proposal is inappropriate development in the Green Belt

5. The National Planning Policy Framework 2019 (the Framework) is clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this are outlined within paragraphs 145 and 146, respectively. Paragraph 146 e) does allow material changes in the use of land, however, this is provided they preserve its openness and do not conflict with the purposes of including land within it [the Green Belt].
6. Siting of the mobile home itself may be able to qualify as a use of land, however, the associated development including the fencing, decking and construction of an outbuilding I find to clearly fall outside of paragraph 146 e), as building work, and this would place the proposal outside the list of exceptions stated within the Framework. Regardless of my findings as to openness paragraph 146 e) of the Framework is clear that the development must not conflict with the purposes of including land within it.
7. The appeal site is within a field which is to the rear of a group of four cottages on the East of Abridge Road and stands within the Metropolitan Green Belt. There is a clear definition, and fenced boundary, between the residential areas of the cottages and the field which is to the rear within which the proposal is located. The appellant agrees that the site may be considered to be on countryside. Regardless of whether the proposals were on site for two months or two years I find the proposal would still result in encroachment as a result of it being there. I find that the proposal would directly conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.
8. The combination of elements which make up the proposal do not, therefore, fall within the defined exceptions outlined with the Framework. Whether temporary or otherwise, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The effect on the openness of the Green Belt

9. The appellant attaches significant weight upon the proposal being temporary and contends that this would overcome any perceived harm to openness. Planning Practice Guidance (PPG) is noted to identify the duration of the development, and its remediability, as a matter which may need to be taken into account in assessing the impact of a proposal upon the openness of the Green Belt along with any provisions to return land to its original state. Impact upon openness can also be both spatial and visual.
10. I acknowledge that the development is proposed as temporary, however, the PPG does not imply that the temporary nature of a proposal would automatically make it acceptable in terms of Green Belt openness. The PPG simply highlights that a judgement needs to take such matters into account.

In considering this point I acknowledge that conditions could be utilised to secure reinstatement of the site once removed, however, two years is not an insubstantial period of time for the proposal to be in existence and I place limited weight on the proposal being temporary for this reason.

11. The site is located a short distance from the M1, however, apart from the group of cottages which adjoin the appeal site it is surrounded by countryside and fields. The proposal may be viewed against the cottage boundaries however, it is still a good distance from the houses themselves due to being at the bottom of the garden and into the field. There is a footpath along the northern side of the appeal site. Whether it is little used, or not, it is still present and a relevant consideration. The proposal introduces structures within the countryside and the proposal would be clearly visible from the footpath, which runs directly to the side of the appeal site, but other than that I find it would be generally limited in wider views.
12. Despite this I find that the proposal is beyond the clear and defined residential boundaries of the cottages which introduces built form which impacts upon Green Belt openness in spatial terms. The mobile home itself is relatively modest, however, the decking which surrounds it I find is extensive by comparison. It does not present as functional or minimal simply to provide level siting for the mobile home given the sloping ground. The extent and construction give the proposal a more permanent appearance. This combined with the fencing and outbuilding would result in a cumulative impact of built form further exacerbated by inevitable domestic paraphernalia being located in and around the site.
13. The septic tank, being subterranean, will not adversely impact on openness. It will have a volume; however, this will not diminish space to affect the visual openness of the Green Belt. This element of the proposal would not therefore conflict with the fundamental aim of Green Belt policy which is to keep land permanently open. Overall, I find that the proposal would have a moderate impact upon the openness of the Green Belt as a result of the cumulative impacts of the proposal including domestication and built form in a field beyond existing residential boundaries.

Other Considerations

14. I note that the appellant states that they intend to undertake extensive renovations to the dwelling. I am not convinced that initial structural surveys, which would provide a strong indication as to the level of works actually required, would render the dwelling uninhabitable. Similarly I am not convinced that there are no other locations, such as within the residential curtilage, which could be reasonably utilised to temporarily locate the mobile home and outbuilding during the planned house renovations. I also have no evidence before me to support the proposed location of the septic tank given the large residential curtilage. There is limited justification or evidence before me to support the appellant's intent and/or extent of works, the location of the elements of the proposal nor the timescales stated.
15. I do not find the proposal would be consistent with Epping Forest Local Plan (1998) (LP) Policy GB2A (iv) due to the conflict found with the purposes of including land in the Green Belt. The proposal would be contrary to LP Policy GB2A which states that planning permission will not be granted for the use of land or the construction of new buildings in the Green Belt unless it is

appropriate in that it is in accordance with one of the exceptions listed within (i) to (viii) inclusive.

16. Local Plan Submission Version 2017 (LPSV) Policy DM4 appears overall consistent with the Framework, however, it is acknowledged that the allowance of material changes of use of land (paragraph 146 (e)) of the Framework is not stated within Policy DM4 in the pre-submission version. This is likely due to the submission version pre-dating the latest revision to the Framework. Notwithstanding this Policy DM4 does make reference to decisions being made in accordance with national policy and the Inspector's advice after hearings³ confirms modifications to ensure that this policy would be consistent with national policy were agreed in principle at the hearing. Even if I had found the proposal to be consistent with Policy DM4 the proposal still conflicts with both LP Policy GB2A as well as section 13 of the Framework.
17. Based on the evidence before me I am not persuaded that there are very special circumstances which would suggest that planning permission should be granted. The proposal is inappropriate development in the Green Belt. I do not find that a lack of permanence would in this case outweigh the substantial weight that must be given to the harm to the Green Belt nor do I find it represents very special circumstances to justify the proposal.

Very Special Circumstances

18. For the reasons given, the total weight of the other considerations does not clearly outweigh the substantial weight that must be given to the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Other Matters

19. I note there are a number of objections to the proposal. I have already dealt with the main matters raised within this decision letter. The Council has not raised impact upon the amenity of neighbouring properties within their refusal reason and I have no reason to conclude differently. Matters relating unlawful uses, and gravel, across the wider site do not fall within the scope of this appeal and are a matter for the Council's enforcement team to consider if deemed appropriate.
20. It is not within the scope of this appeal to determine whether the land to the rear of the cottages and upon which the appeal site is located is, or is not, in agricultural use or ancillary residential as claimed by the appellant. Such matters are subject to separate applications and discussions between the Council and the appellant and are distinctly separate from the proposal before me.
21. The appellant makes reference to LP Policy GB5 and LP Policy GB7A, however, these policies do not form part of the Council's reason for refusal and I do not have copies of the policies before me to enable weight to be given to them within the determination of this appeal.
22. As outlined within the Council's submissions the preparation of the emerging Local Plan has reached an advanced stage. Significant weight can therefore be afforded to the LPSV policies within the determination of this appeal in

³ 2nd August 2019

accordance with paragraph 48 of the Framework. I note the appellant's contention that the LPSV should not receive the blanket significant weight placed upon it by the Council as a result of main modifications to rectify issues of soundness. I do have a copy of the Inspector's advice after hearing but do not see any significant issues raised with the emerging Green Belt policies against which this proposal is to be assessed.

Conclusion

23. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR