

Appeal Decision

Site visit made on 1 April 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/J1535/W/20/3261682
The Orchard, Chase Lane, Chigwell, IG7 6JW

- 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 and Mrs Ian and Linda Plaster against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1439/20, dated 7 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is the construction of a 3-bay timber framed cart lodge.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal site address differs on the application form and the appeal form. I am satisfied that both documents relate to the same premises and this it is now known as The Orchard. I have therefore used this address, which appears on the appeal form, in my decision.

Main Issues

3. There are two main issues, firstly, whether the proposed cart lodge would amount to inappropriate development in the Green Belt, including its effect on openness; and secondly, if the proposed development would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

4. Chase Lane is a short no-through-road of residential dwellings off the B173 Lambourne Road. With the exception of a further dwelling and the former Chase Farm riding stables some distance to the north, The Orchard is the last house on Chase Lane. There is open countryside opposite the site and an open training area and paddocks between the dwelling and the property to the north. To the south there are dwellings on both sides of the lane. The appeal site therefore forms a transition between the built up part of the lane and the countryside. There is no dispute between the parties that the site lies within the Green Belt.
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5. The Orchard is a substantial new dwelling on a large plot, built on the site of former riding stables. A new L shaped wing of stables and outbuildings lies to the south and west of the dwelling. The Council estimates that the replacement buildings, permitted in 2017, resulted in a 54% increase in built volume at the site. The appellants do not dispute this. A further increase was subsequently permitted to allow for a 0.6m increase in the height of the stables and infilling between these and the outbuildings.
6. The proposed cart lodge would be located on open land that at the time of my site visit was being used for vehicle parking. It would back onto the southern boundary, which is marked by a high close boarded fence and would lie between the stable block and a section of fencing that sits at right angles to the boundary fence. It would be some 11.4m long, 5.3m deep, including an overhanging roof and 3.34m high to the ridge. It would be open fronted and finished in painted timber cladding. It is intended to provide a covered grooming area for horses kept at the site.
7. Policy GB2A of the Epping Forest District Local Plan Alterations (LP), 2006, states that within the Green Belt planning permission will not be granted for the construction of new buildings unless it is for one of a list of exceptions. Exceptions include for essential small-scale buildings associated with facilities for outdoor participatory sport and recreation. Emerging Policy DM 4 of the Epping Forest District Local Plan Submission Version 2017, (LPSV) states, in the context of LPSV Policy SP6 which is a general Green Belt protection policy, that inappropriate development in the Green Belt will not be permitted except in very special circumstances. It goes on to state that new buildings are inappropriate except, amongst other things, (ii) for outdoor sport or outdoor recreation as long as any development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it or (vi) limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Taken together, these policies accord closely with up to date national planning policy relating to Green Belts, including the exceptions set out in paragraph 145 of the National Planning Policy Framework (NPPF), and can be afforded significant weight.
8. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances. Of the exceptions set out in paragraph 145 of the NPPF, the appellants consider that two might apply. Firstly, b) the provision of appropriate facilities for outdoor sport or outdoor recreation and secondly, g) the limited infilling or the partial or complete redevelopment of previously developed land. In either case the development should preserve the openness of the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and permanence.
9. The cart lodge would provide grooming facilities for horses kept at the site. Although LP Policy GB2A refers to essential small scale buildings, LPSV Policy DM 4 and the NPPF paragraph 145 b) refer to "appropriate" facilities. Therefore, although I have no evidence to support the assertion that the building would be essential this is not determinative since I have no reason to doubt it would be appropriate for the stated purpose. Nevertheless, although the building would

be small compared with existing buildings at the site it would have a cumulative and materially detrimental effect on openness. The volume of built development at the site already well exceeds that of the previous stable complex and this would only add further to that volume. Moreover, it would be visible across the open frontage of the dwelling from the paddocks to the south and the roof would be visible above the boundary fence and from Chase Lane. It would therefore fail to preserve the openness of the Green Belt and would, to a limited extent, add to the encroachment of the countryside. The exception under NPPF paragraph 145 b) does not therefore apply.

10. Annex 2 of the NPPF does not exclude residential gardens outside built-up areas from the definition of previously developed land. However, as reasoned above, the proposed building would add to the volume of built development at the site, would be visible from various locations outside the residential curtilage and would have a materially greater impact on the openness of the Green Belt than the existing development. As the previous stable complex has been removed and replaced I do not consider that it is any longer relevant but in any case the evidence demonstrates that although, as argued by the appellants, it may have had a greater footprint, the replacement development already exceeds the overall bulk of buildings that were previously present at the site. The exception under NPPF paragraph 145 g) does not therefore apply.
11. It is concluded on the first main issue that the proposed development would amount to inappropriate development in the Green Belt, materially harm its openness and to a limited extent fail to safeguard the countryside from encroachment which would conflict with one of the purposes of including land in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.
12. Turning to the second main issue, the appellants draw my attention to a number of other considerations which they suggest might amount to the very special circumstances necessary to justify the proposed development.
13. Firstly, they state that there is a long family history of the use of the site for the keeping of and competing with horses, including the appellants' son who trains and competes with showjumpers nationally and internationally. The building, they suggest, would be essential to daily life to provide space to groom, shoe and prepare show jumping horses which require a high level of care. Nevertheless, the original riding stables have already been demolished and the site redeveloped by the family, primarily for residential purposes with ancillary stables and outbuildings. Together these amount to a significantly greater bulk of built development than was previously present. Although in itself the cart lodge would be a relatively small addition, it would add to the cumulative amount of built development into the Green Belt and detract from its openness. The long and continuing use of the site by the family for the keeping and training of horses therefore carries little weight in favour of the proposed development.
14. Secondly, it is argued that the site is brownfield land, that the keeping of horses is an appropriate land use in the Green Belt and that there was previously a larger barn on the site of the proposed cart lodge, which would be tucked away within the complex of new buildings. However, the original structures, including any previous barn, have been demolished and the site

redeveloped. As reasoned above the original buildings therefore provide no justification for additional new buildings. Although the proposed cart lodge would not be prominent, it would be seen from outside the site and, together with the other buildings, would detract from the openness of the Green Belt. Moreover, although the keeping of horses may not be an inappropriate land use in the Green Belt this would not of itself justify the proposed additional building. This matter therefore carries limited weight.

15. Thirdly, the appellants draw my attention to a number of examples in the area where dwellings have been permitted at former stables sites and where new stables and riding facilities have been permitted in more rural parts of the Green Belt. I have very limited details of these other developments and so it is not possible to assess whether they are comparable with the appeal proposal or indicate inconsistent decision making. They therefore provide no clear justification in favour of the proposed development.
16. Finally, the appellants note that the parish council raised no objection to the proposed development and no neighbours objected and suggest that the building only required full planning permission because it lies in front of the principal elevation of the dwelling. However, the lack of local objection is neutral in the balance and does not weigh in favour of the proposed development. Moreover, I have insufficient evidence to demonstrate that a similar building could be constructed elsewhere on the site under permitted development rights for this to amount to a realistic fallback. These matters therefore carry little weight.
17. It is concluded on the second main issue that the other considerations drawn to my attention would be insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which carries substantial weight, or the additional harm to the openness of the Green Belt and the failure to safeguard the countryside from encroachment. The very special circumstances necessary to justify the development do not therefore exist and the proposed development would conflict with national policy set out in the NPPF and with LP Policy GB2A and LPSV Policies SP6 and DM 4.

Conclusions

18. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR