
Appeal Decision

Site visit made on 9 July 2021

by J D Westbrook BSc(Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/J1535/D/21/3272478

The Old Mill House, Betts Lane, Nazeing, WALTHAM ABBEY, EN9 2DB

- 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 Tom Casey against the decision of Epping Forest District Council.
 - The application Ref, PL/EPF/2518/20 dated 2 November 2020, was refused by notice dated 15 January 2021.
 - The development proposed is the construction of a swimming pool and pool house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the Nazeing and South Roydon Conservation Area.
 - Would harm by reason of inappropriateness, and any other harm resulting from the proposal, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. Mill House is a modern detached dwelling situated in extensive grounds to the east of Betts Lane. It lies within the Green Belt and the Nazeing and South Roydon Conservation Area (CA). The property consists of a wide-fronted house constructed from brick and render with a complex pitched roof, and a triple garage to the side/front with dormer windows to roof space. These buildings apparently are replacement for an earlier dwelling on the site following planning permissions in 2014. To the rear of the house there is a large patio area that includes a structure that provides a covered barbecue area. Beyond the patio is a large lawned area. There is open countryside around the property, including what appears to be paddock to the south.

4. The proposed development would involve the construction of an open swimming pool, measuring 4.4 metres in width and 7.4 metres in length, beyond but close to the existing patio. It would also involve the construction of a building to the side of the pool, measuring 4.3 metres in length, 7.8 metres in width and 3.9 metres in height, that would house plant equipment and a changing room area. This pool house would extend around 2.5 metres further from the house beyond the limit of the eastern side of the pool. From the submitted plans it would appear that the patio area would be extended to surround the pool and pool house.
5. The Council contends that the proposal, by reason of the pool house's size, would represent inappropriate development within the Green Belt, for which no very special circumstances exist. Policy DM4 of the Council's Local Plan Submitted Version (LPSV) indicates that the construction of new buildings is inappropriate development in the Green Belt. Exceptions to this are: the provision of appropriate facilities for 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, and the extension of a building, provided that it does not result in disproportionate additions over and above the size of the original building. Insofar that this policy reflects Green Belt policy as set out in the Framework, I can afford it significant weight.
6. I must consider this proposal from the perspective both as an extension to the original building, and as to whether it can be classified as an appropriate facility for outdoor recreation.
7. At the time of the planning permission for the replacement house and garage, permitted development rights (PD) for house extensions were withdrawn by way of condition, because the replacement buildings were already larger than those being replaced. However, in the context of this appeal, the 'original building', as referred to in Policy DM4 of the LPSV and paragraph 145 of the framework, is now the replacement buildings as permitted in 2014. Although the proposed pool and pool house are separated from the main house, they are relatively close to the dwelling and may be considered as extensions.
8. The Council has provided dimensions in terms of volume for the current buildings and for the proposed pool house. However, I must also consider the scale of the pool, since this is itself a 'building', and the size of the covered barbecue area, which does not appear on the submitted plans and does not appear to be part of the original building. Moreover, whether or not an extension represents disproportionate additions will depend also on measurements of footprint/floorspace. I do not have detailed figures for these aspects of the proposed development, but from the information before me, I consider that the cumulative effect of the extensions over and above the original dwelling would represent disproportionate additions and that, on this basis, the proposal would be inappropriate development in the Green Belt.
9. The appellant contends that the proposed development represents an appropriate facility for outdoor recreation. I concur with that view. The appellant also makes note of the fact that a proposal for a similar development at the appeal property, but with a smaller pool house, has recently been approved by the Council. This smaller building would also represent an appropriate facility for outdoor recreation and, although it would have a smaller

changing area, there would appear to be a reasonable likelihood of what is effectively a fall-back situation, being constructed and used.

10. The smaller building already approved would only project out from the main house by the same amount as the swimming pool, and would, therefore, have less impact on the openness of the Green Belt. The current proposal before me would project a further 2.5 metres away from the house and, although this is a relatively small amount, it would not have the effect of preserving openness and would therefore be harmful to it.
11. The appellant has made reference to a number of previous appeal decisions relating to developments in the Green Belt. I note these examples, though they would appear to relate to circumstances different from this current case, being concerned, for example, with a swimming pool on its own, or relating to a site that was considered previously developed land. In any case, I have dealt with this current proposal on its own merits.
12. Finally, the appellant has indicated that the proposal would enable his family to engage in outdoor recreation, which is important at this time of Covid Pandemic. I accept this point, but I am not satisfied that the fall-back situation of the smaller pool house could not also provide such a facility.

Other Matters

13. The Council considers that the design and materials of the pool house is sympathetic to that of the main house and its surroundings, and I concur with that view. The proposed development would not therefore be harmful to the character and appearance of the CA and may be said to preserve that character and appearance.

Conclusion

14. In conclusion, I find that the considerations put forward by the appellant do not clearly outweigh the harm to the Green Belt that would be caused by the proposal, and that there are, therefore, no very special circumstances to justify this inappropriate development.

J D Westbrook

INSPECTOR