



Appeal Decision

Site visit made on 4 January 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/J1535/D/22/3301437

Stonehall House, Tilegate Road, Magdalen Laver, Ongar CM5 0EG

- 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 Mrs Kylie Hunter against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2833/21, dated 26 October 2021, was refused by notice dated 1 April 2022.
 - The development proposed is the erection of ancillary outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On my site visit, I noted that some building works had taken place. However, the design of these works differed from that shown on the submitted plans. These include varying distances between the front doors and no side door. In light of these differences, I have determined this appeal with reference to the submitted plans.
3. My attention has been drawn to Policy DM4 of the emerging Epping Forest District Local Plan Submission Version (2017) (the LPSV). I am not aware of any unresolved objections to this policy. In addition, this policy is consistent with the National Planning Policy Framework. In result, I have given this policy a significant amount of weight.

Main Issues

4. The main issues relevant to this appeal are:
 - whether the proposed development would be inappropriate in the Green Belt;
 - the effect of the development upon the openness of the Green Belt;
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this which are listed in Paragraph 149 of the Framework. The proposed development, being an outbuilding, would not meet any of the criteria listed within Paragraph 149 of the Framework.
6. In addition, both Policy DM4 of the LPSV and Policy GB2a of the Epping Forest Local Plan (1998) (the Local Plan) list some examples of developments that might not be inappropriate in the Green Belt.
7. The appellant has suggested that the proposed development can be assessed as being an addition to the dwelling. This is included in Paragraph 149 of the Framework and Policy DM4 of the LPSV. Amongst other matters, this suggests that an extension may be not be an inappropriate development in the Green Belt providing it is not a disproportionate addition to the original building.
8. If I were minded to agree with this approach, I would find that the proposed building would have a significant footprint. This would also mean that the proposed development would have a significant volume. As the proposed development would be near to the existing house, it would appear to be an extension for the two buildings would be viewed alongside one another.
9. Therefore, the proposed development would result in a significant addition to the building. It would create a notably larger and bulkier building than is currently the case and would also result in the creation of a dwelling with a more elongated form. In result, the proposed development would result in the creation of a disproportionate addition to the building.
10. I therefore conclude that the proposal represents an inappropriate development in the Green Belt for it does not meet any of the exceptions listed in Policy GB2a of the Local Plan; Policy DM4 of the LPSV; and the Framework.

Effect on openness

11. The appeal site consists of a detached dwelling located in a predominantly rural area. Although there are some dwellings in the surrounding area, the appeal site has a predominantly open, and less developed character. This is reflected in the wider area. In particular, the appeal site features wooden fences as boundary treatments to the rear and one side of the site. The other side boundary features a low fence. This means that the appeal site reflects the open character of the wider area.
12. By reason of the nature of the proposed development, there would be a noticeable increase in the overall level of built form in terms of height and footprint. This would mean that the spatial sense of openness as an intrinsic feature of the Green Belt would be eroded.
13. The proposed development would result in a much larger dwelling than was originally constructed. These elements would create a larger and bulkier dwelling. In addition, the proposed development would result in the dwelling's

garden having a more urbanised appearance owing to the scale and size of the proposed development.

14. Given that this increase would be readily perceptible over the height of the site's boundary treatment, the proposed development would be experienced by the occupiers of neighbouring properties. In addition, the proposed development would be visible from some parts of Tilegate Road. Although such views would be relatively fleeting, the increase in built form would be readily perceptible.
15. This would be exacerbated by the relatively level and open nature of the surrounding area, which means that the proposed development would be readily perceptible. This would result in an erosion of the Green Belt's physical sense of openness.
16. The purposes of including land in the Green Belt are summarised in Paragraph 138 of the Framework. Owing to the scale of the proposed development, and the resultant erosion of the Green Belt's physical and spatial sense of openness, the proposed development would create a more urbanised form of development. This therefore results in encroachment into the countryside. The proposed development therefore conflicts with the Framework in this regard.
17. I therefore conclude that the proposed development would have an adverse effect on the openness of the Green Belt. The development in this regard would conflict with the requirements of Policy GB2a of the Local Plan; Policy DM4 of the LPSV; and the Framework. Amongst other matters, these seek to ensure that new developments preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Other considerations

18. The proposed development would result in the provision of a building that would house a ground source heat pump. Whilst this would be of some benefit, it has not been demonstrated that a building of the proposed size is necessary to accommodate the equipment associated with the ground source heat pump. This is particularly notable given that the proposed development would also be used for the storage of other items.
19. In addition, the proposed ground source heat pump would only serve a single dwelling, which lessens the benefits that can be derived from the proposed development. In consequence, this matter carries a limited amount of weight.
20. The proposal would be used for the storage of household items. However, if kept outside they are likely to be kept in each position for a temporary duration and would not have the same effects on the openness of the Green Belt as the appeal proposal would have. In consequence, I ascribe this a limited amount of weight.
21. The development process is likely to generate some economic benefits. However, such benefits are likely to be small scale, time limited in impacts and also of a local nature. Therefore, they are unlikely to be particularly large and in consequence, can only be attributed a small amount of weight.

Other Matters

22. Concerns regarding the manner in which the Council considered the planning application fall outside of the scope of this decision.

Planning Balance and Conclusion

23. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
25. The other considerations I have identified individually and collectively carry a limited amount of weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
26. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR