



Appeal Decision

Site visit made on 20 March 2023

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/J1535/W/22/3302674

Springfields, Dunmow Road, Abbess Beauchamp and Berners Roding, Ongar, Essex, CM5 0NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Dean Conolly against Epping Forest District Council.
 - The application Ref: EPF/0517/22, is dated 2 March 2022.
 - The development proposed is a 2 storey extension and re-profiled roof.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. The Council have not provided a statement of case in this appeal nor have they indicated which, if any, of the policies within their development plan the appeal scheme conflicts with. However, the appeal form and the Council's questionnaire both indicate that the appeal site is located within the Green Belt. I have therefore provided the parties with the opportunity to comment on this matter, and where a response has been provided, I have taken account of those comments in my determination of this appeal.

Main Issues

3. The main issues in this appeal are:
 - i) Whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework;
 - ii) The effect on the openness of the Green Belt; and
 - iii) whether any harm by reason of inappropriateness would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that the construction of new buildings should be regarded as inappropriate for the Greenbelt, although there are some exceptions, which are listed in paragraphs 149 and 150 of the Framework.

5. One such exception at paragraph 149c) involves the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework does not provide any definition of 'disproportionate'. No green belt policy from within the Council's development plan has been drawn to my attention to demonstrate what amounts to a disproportionate addition. The Framework is directed at avoiding the cumulative effect of extensions and additions which may be modest in themselves but which may cumulatively amount to a disproportionate development.
6. At the time of my site visit, I observed the appeal site to include a detached two storey property set within a large plot. It is suggested by the appellant that there is no record of any planning applications for the property in the past, however, the "original building" is defined as meaning either "the buildings in place at the time of 1 July 1948, the date upon which the Town and Country Planning Act 1947 came into effect or, if no building existed at that time, the first building as originally built after that date.
7. On the evidence before me, it is not clear that the building observed at the site visit is the original as-built building and that this represents the appropriate baseline when assessing the proportionality of extensions and additions.
8. The issue here is whether the development is proportionate or not. The size of extensions in the green belt must be measured against that of the "original buildings". There is no assessment before me as to the dwelling as originally built nor a detailed analysis of the increase in floorspace and volume that would occur by reason of the proposed development. The proposed development would increase the floorspace and footprint of the existing building and a consequent substantial increase in the volume and bulk of the property would occur.
9. Even if it were to be the case that the current property can be properly regarded as the 'original building', in the absence of any development plan policy being permissive of an extension of the size and scale that is proposed, I find that it has not been shown that the appeal scheme would not result in a disproportionate addition over and above the size of the original building. To my mind, a precautionary approach is appropriate in this instance.
10. The proposed development therefore fails to meet the exception set out within paragraph 149c) of the Framework. It has not been put to me that any of the other exceptions set out within the Framework are applicable to the appeal proposal. Therefore, I consider that the appeal scheme would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

11. The Framework at paragraph 137 advises that openness is an essential characteristic of the Green Belt. By adding to the overall floorspace and footprint, the enlargement would inevitably result in an increase in volume and

bulk that would lead to a reduction in openness as a considerable amount of space to the side of the existing building would be taken up by built form. In addition, the reduction in openness caused by the proposed enlargement would be readily apparent in public views from the highway, albeit confined to a short section of the road where the property is visible and in longer range views from the surrounding agricultural land and countryside. As a result, the proposed enlargement would cause an appreciable reduction in openness and a significant degree of harm to the openness of the Green Belt.

12. Inappropriate developments in the Green Belt, including the construction of new buildings, will only be permitted in very special circumstances.

Other Matters

13. I have had regard to the appellant's desire to enlarge their property to better suit their family needs. However, personal circumstances can seldom outweigh general planning considerations.
14. It has been put to me that the appeal site is not located within an area of flood risk and there would be no adverse impact on visual amenity, local ecology or heritage assets. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
15. The use of materials to match the original dwelling does not overcome the harm to the green belt. Whilst the appeal scheme would be constructed using a local contractor and an economic benefit would arise due to spending within the local economy, given the scale of the proposal, this is a modest benefit of the appeal scheme.
16. Reference is made to a neighbouring property where there have been extensions and additions. It is also put to me that other similar developments have occurred within the district. I have no substantive evidence regarding the circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have determined the appeal before me on its individual planning merits.
17. My attention has been drawn to a recent grant of planning permission¹ by the Council (the approved scheme) for a similar development at the appeal site which the appellant could choose to implement if he wished to do so. There is limited information before me regarding the circumstances which led to planning permission being granted. Whilst it is put to me by the appellant that the two schemes have a similar footprint, there is no clear evidence to demonstrate that the two schemes are comparable in other matters, in particular, in terms of the volume of built form. The submitted plans show the approved scheme has an altered roof structure and, in my view, this reduces the volume of built form and is thereby less harmful to the openness of the Green Belt than the appeal scheme.
18. Given that paragraph 148 of the Framework requires that substantial weight is given to any harm to the Green Belt, I consider that the approved scheme is not sufficient justification for the proposed development.

¹ Planning Reference:- EPF/2522/22

Planning Balance

19. I consider that the enlargement of the property is inappropriate development in the Green Belt and it would harm Green Belt openness. The Government attaches great importance to Green Belts and as such, the harm to the Green Belt carries substantial weight.
20. Balanced against the harm is the other considerations outlined above, to which I give modest weight. These considerations would not clearly outweigh the harm to the Green Belt. Accordingly, the very special circumstances necessary to justify the development do not exist and the appeal scheme would conflict with the provisions of the Framework concerning the protection of Green Belt.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed and planning permission for the proposed development is refused.

E Brownless

INSPECTOR