



Appeal Decision

Site visit made on 14 August 2023

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/J1535/D/23/3314315

Stone Cottage, Little Laver Road, Little Laver, Harlow, Essex CM17 0RH

- 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 Martin Harrington against the decision of Epping Forest District Council.
 - The application Ref EPF/2025/22, dated 25 August 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described as 'Detached cart lodge with room over'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In March 2023, the *Epping Forest District Local Plan 2011-2033, Part One* (EFDLP) was adopted by the Council. This now forms the adopted development plan for the district. The main parties have had an opportunity to provide any observations on this.

Main Issues

3. The main issues in this case are:
 - i) Whether the proposal would constitute inappropriate development in the Green Belt; and,
 - ii) Whether the proposal would preserve the features of special architectural or historic interest of the listed building or its setting; and,
 - iii) If the proposal would be inappropriate, 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

Whether inappropriate development

4. The proposal seeks the replacement of a detached workshop measuring roughly 2.4m by 4.5m (drawing No. 001 Rev B) with a cart lodge with a footprint of approximately 5.962m by 6m (drawing No. 002 Rev B). This would have a height of around 2.16m to its eaves and 5m to the ridge (drawing No. 003 Rev B). The height of the existing workshop is not shown on the

- submitted drawings. Nonetheless, it is clear that with the provision of a home office/study on the first floor of the cart lodge it would be noticeably taller than the existing workshop.
5. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts and is an important material consideration. The Government attaches great importance to Green Belts. Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policy DM4 of the EFDLP.
 6. Paragraphs 149 and 150 of the Framework indicate limited exceptions to inappropriate development. Those listed in Paragraph 150 are of limited relevance in this case and it is not suggested by the parties that the proposal would fall into any of those exceptions: I concur.
 7. Paragraph 149 sets out exceptions to inappropriate development which includes part d); *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*. Neither the Framework nor the EFDLP define what is considered by the term 'materially larger'. It is therefore a matter of planning judgment on the basis of the scheme and its context for the decision-maker.
 8. The proposal in this case would see the replacement of the workshop building with the cart lodge. The proposed use would remain associated with the residential use of the main residential building and therefore would comply with this requirement. However, the cart lodge would have a perceptibly larger footprint and height compared to the workshop. The use of sympathetic materials and finishes to the rural context would make the extension appear subservient to the building, and therefore unoffensive in itself. Nonetheless, the replacement building would be materially larger than the one it replaces. It would not, therefore, benefit from this exception.
 9. My attention has been drawn to Policy DM4 (iii) which reflects Paragraph 149 c) of the Framework. This states an exception to inappropriate development includes *'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'*. Given the proposed building requires the demolition of the workshop to facilitate the proposed cart lodge, I do not consider that the proposal falls within this exception. Nonetheless, for the avoidance of doubt, for similar reasons to my findings in respect of the materially larger nature of the proposal in comparison with the existing building in the form of the workshop, I find that the proposal would result in disproportionate additions over and above the size of the original building. It would not, therefore, benefit from this exception.
 10. The Framework makes clear at Paragraph 137, that the essential characteristics of the Green Belts are their openness and permanence, so any reduction in these characteristics would also be harmful. In terms of openness of the Green Belt, the proposal seeks a materially larger building in terms of its footprint, floorspace, and height. When all of these various factors are compared against the original building (the workshop), it is clear that the alterations proposed would further erode the openness of the Green Belt.

11. In this respect, whilst not specifically cited by the Appellant¹, with regard to Paragraph 149 g) of the Framework, and the partial or complete redevelopment of previously developed land, this would only be an exception if it would not have a greater impact on the openness of the Green Belt than the existing development². As I have found the proposal would have a greater impact on the openness of the Green Belt, the proposal would not benefit from this exception.
12. I therefore find that the proposal would represent inappropriate development in the Green Belt as it does not fall within one of the exceptions set out in Paragraph 149 and 150 of the Framework. Moreover, it would erode the openness of the Framework. For similar reasons it would not comply with Policy DM4 of the EFDLP.

Heritage assets

13. Stone Cottage is a Grade II listed building. The Council identifies that the significance of the building is mainly derived from its special character as a modest vernacular cottage. I see no reason to disagree with that assessment.
14. The proposal would see the erection of a cart lodge as a replacement to an existing workshop that sits to the side of the listed building when viewed from the public highway. With the setting back of the proposed cart lodge from the front of Stone Cottage, the lower ridge and roof height proposed for the cart lodge in comparison to Stone Cottage, and the use of sympathetic materials typically found in rural areas, I find that the proposal would, in heritage terms, appear as subservient to the listed building. As such, visitors and passersby would be able to see and experience the vernacular cottage as such. Its significance would therefore remain unaffected.
15. Sections 66(1) of the *Planning (Listed Buildings and Conservation Areas)* sets out that in considering whether to grant planning permission which affects a listed building or its setting the decision maker shall have special regard to the desirability of preserving the building or its setting. In this case, whilst the proposal would result in a change to the context of the listed building, I find that it would not fail to preserve the setting of the listed building.
16. Accordingly, the proposal would comply with Policy DM7 of the EFDLP which, amongst other aims, seeks that heritage assets and their settings will be preserved in a manner appropriate to their significance. Similarly, the proposal would accord with the national Policies set out in Chapter 16 Conserving and enhancing the historic environment of the Framework.

Other considerations

17. I have found the proposal would constitute inappropriate development within the Green Belt. The Appellant's evidence has not suggested any particular very special circumstances to provide justification for it to be permitted in Green Belt terms.
18. I note that the scheme was amended from earlier pre-application advice to address the concerns of the Council in terms of the lack of subservience to

¹ Appellant's Statement of Case Feb 2023, Page 1, Paragraph 3.2 indicates that the Appellant considers the site to be an area of previously developed land

² The second insert of the Paragraph refers to affordable housing need which is not relevant in this case.

Stone Cottage. However, this weighs no more than neutral as a factor in this case.

19. I note the observation that the cart lodge could remove the visual harm of having vehicles visibly on show, parked adjacent to the listed building. I attach minimal weight to this factor as there are other areas within the grounds of the dwelling where vehicles could be parked out of sight were that causing a significant level of harm to the listed building.
20. I also note the points put forward in terms of the appropriate materials, finishes and overall design. In design terms I agree that these are typical of what one would expect to see in rural areas like where the appeal site is situated. The stepping back of the proposed cart lodge from the front elevation of Stone Cottage and with a lower ridge height would further add to this subservient relationship between Stone Cottage and the proposed cart lodge. I afford this factor modest weight.
21. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Overall Conclusions

22. Paragraph 148 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt.
23. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the proposed use of good design, materials and finishes. Whilst I acknowledge these, and all other considerations put forward by the appellant, it is clear that all development in the Green Belt is subject to stringent planning policy tests which I have applied here.
24. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise. The proposal conflicts with the Policies of the LP and of the Framework, the aims of which I have aforesaid.
25. Whilst I have not found the proposal would result in harm to the setting of the listed building, this does not provide justification for overcoming the harm identified in respect of the Green Belt.
26. Accordingly, I conclude that the appeal should be dismissed.

C Parker

INSPECTOR