



Appeal Decision

Site visit made on 16 November 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11.12.2023

Appeal Ref: APP/J1535/D/23/3320725

Barn Mead, Ashlyns Lane, Bobbingworth, Ongar, Essex CM5 0NB

- 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 Sworders against the decision of Epping Forest District Council.
 - The application Ref EPF/0230/23, dated 2 February 2023, was refused by notice dated 29 March 2023.
 - The development proposed is addition of first floor, internal re-configuration and external alterations (resubmission of planning application reference EPF/1508/22).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision was issued, the Epping Forest District Local Plan 2011-2033 Part One (2023) (LP) was adopted, replacing the Local Plan (1998) and Alterations (2006) and Local Plan Submission Version 2017. The appellant's case has been made with respect to the now adopted development plan, and the Council's reason for refusal refers to the now adopted policies. I am satisfied there would not be prejudice to any party from my proceeding to determine this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the supply of single storey dwellings: and
 - 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 required to justify the proposed development.

Reasons

Whether Inappropriate Development

4. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. LP Policy DM4C sets out that the construction of new buildings in the Green Belt is

inappropriate development, subject to exceptions. LP Policy DM4C.(iii) is one such exception and allows for 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. This is consistent with paragraph 149 c) of the Framework. Given the reference to size in both local and national policy, the use of floorspace as a means of assessment is not outdated or unduly restrictive.

5. The Framework does not define 'disproportionate additions', however the glossary defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. LP Policy DM4C.(iii) also does not define 'disproportionate', and the supporting text is clear that such an assessment will include consideration of the existing building in relation to the specific proposals.
6. The appeal proposal would see the existing single storey bungalow extended to provide a two-storey building. This would result in a 91% increase in the floorspace of the dwelling. The height of the building would be increased by 1.5m to the ridge. Its mass would be substantially greater as a result of the proposed alterations. There would be no increase in footprint and a volume increase of 23.7%. However, the increase in floorspace and the overall mass of the building would be substantial, and I find this would be disproportionate to the original dwelling.
7. For this reason, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in LP Policy DM4C or paragraph 149 of the Framework. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. Paragraph 137 of the Framework confirms that 'the essential characteristics of Green Belts are their openness and their permanence'. Openness is the absence of development and can have spatial as well as visual aspects.
9. As set out above, there would be a limited increase in the volume of the building. However, the increase in the mass of the building would be considerable arising from the additional storey. This harm would be limited given the position of the existing building to the surrounding development both related to the existing dwelling and neighbouring dwellings. Nonetheless, it would cause harm and in accordance with paragraph 148 of the Framework, I must give substantial weight to this.

Supply of Single Storey Dwellings

10. LP Policy H1E, as it relates to this appeal, seeks to resist the loss of bungalows. The dwelling is set in a large plot in a rural location with very limited access to services and facilities by any means of transport other than the private car. I have no reason to think this is an exceptional or unusual situation within the local authority area. LP Policy H1E does not include any criteria which require the retained bungalows to be sited in proximity to services and facilities or have a particular level of access to public transport.
11. The proposed development would introduce a substantial first floor to the property but would retain a bedroom and living facilities at ground floor.

However this is a readily foreseeable option but there is no exception in the policy for such circumstances. I do not find this to be of sufficient weight to overcome the fundamental conflict of the proposed development with the clearly expressed policy.

12. The Authority Monitoring Reports for 2017-2020 do show a net gain in bungalows over that period. However, that evidence would have been available at the time of the Examination of the LP. It therefore would not justify my taking a decision contrary to that policy.
13. The appellant has directed me to another appeal decision¹ in which an additional storey was allowed. However, that decision was taken prior to the adoption of the LP. I have formed my own view, based on the evidence before me, taking account of the current planning circumstances.
14. While it is generally accepted that older residents would look to move to a smaller property, the supporting text to LP Policy H1 highlights the importance of bungalows and their potential ease of adaption for people with accessibility requirements. Accessibility requirements are not limited to older people and Barn Mead is as capable of contributing to the objectives of LP Policy H1 as any other bungalow.
15. The proposed development would therefore have an adverse effect on the supply of single storey dwellings. This would be contrary to LP Policy H1 which seeks to resist the loss of bungalows.

Other Considerations

16. The appellant wishes to extend the house to provide for a growing family and the wellbeing of that family. This is a personal desire but worthy of limited weight in support of the proposed development. It would be possible to reconfigure the internal layout of the house without adding another storey. There would be economic benefits during both the construction and occupation stages of the proposed development, but these would be limited due to its small scale.
17. Planning permission² was granted in 2007 for a replacement dwelling. There is no suggestion this permission remains extant. However, that was under the auspices of a different development plan and prior to the publication of the Framework. While the permissions for the replacement dwellings at London Mead³, and on the adjacent land at Highwillows⁴ were approved after the publication of the Framework, both were under a previous development plan. Furthermore, both were for replacement dwellings which is not the same as the proposal before me. It cannot be said that the same conclusion would have been reached had a different scheme been put forward.
18. There would not be any adverse effect on the living conditions of neighbouring occupiers or on highway safety. In isolation of consideration of the Green Belt, it has not been put forward the development would harm the character and appearance of the area, including the visual impact of the development. I have

¹ APP/J1535/D/19/3225120 allowed 22 May 2019

² EPF/1315/07

³ EPF/2667/17

⁴ EPF/0274/14

no reason to disagree with this conclusion. However, these would amount to a lack of harm in each case and would therefore be neutral factors.

Conclusion

19. I have found that the proposed development would constitute inappropriate development in the Green Belt and would be harmful to its openness. Paragraph 148 of the Framework states that substantial weight should be given to these. I have attached limited weight to the economic benefits of the scheme, other decisions and the appellant's personal circumstances for the reasons given above. I find that the other considerations in this case do not therefore clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the development do not exist.
20. The proposed development conflicts with the development plan taken as a whole and there are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR