



Appeal Decision

Site visit made on 15 November 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/J1535/D/23/3322598

Norton Fishery, Kingfisher Cottage, Epping Lane, Stapleford Tawney, Romford, Essex RM4 1ST

- 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 Bert Norton against the decision of Epping Forest District Council.
 - The application Ref EPF/2389/22, dated 17 October 2022, was refused by notice dated 31 March 2023.
 - The development proposed is proposed garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues 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; and
 - Whether any 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 proposal.

Reasons

Whether the proposal would be inappropriate development

3. The site is located within the Metropolitan Green Belt. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One Adopted March 2023 (the Local Plan) states that, within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national planning policy.
4. The Framework identifies the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Paragraph 149 of the Framework indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The Framework does not make any specific

reference to ancillary outbuildings within the curtilage of a dwelling or other buildings. Such buildings are therefore inappropriate in the Green Belt, unless they could be considered to fall within any of the exceptions in the Framework.

6. The exceptions within Paragraph 149 include (c) 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. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. In this case, given the proximity of the proposed building to the host dwelling and its incidental nature, it could reasonably be considered as an extension. There is no compelling evidence before me to demonstrate that any of the other exceptions within the Framework could reasonably apply to the proposal.
7. The Framework does not provide a definition of “disproportionate additions” and the evidence indicates that the development plan does not contain specific limits. Whether the proposal, in combination with any previous additions, would be disproportionate relative to the size of the original dwelling is thus a matter of planning judgement. There are different ways of assessing and measuring the proportionality of an extension, and it is reasonable to look at the overall size increase in terms of volume, footprint, and external dimensions.
8. The plans before me do not contain any volumetric measurements. The Council estimate however that the original volume of the house is 539.5m³. Based on the evidence and my own observations, the original house has been extended to either side. The Council contends that these previous additions amount to approximately 184.4m³, and the appeal proposal would add a further 275.5m³. The volumetric figures provided by the Council do not appear to be disputed by the appellant. These additions would therefore constitute an approximate 85% combined increase in volume over and above the size of the original dwelling.
9. In terms of its dimensions, the appeal proposal would not increase the depth of the development on site, nor would it be higher than the existing building. However, in combination with previous additions, it would appreciably increase the width of the development. Based on the plans and evidence before me, the proposal, in combination with previous additions, would also constitute an appreciable increase in footprint over and above that of the original dwelling.
10. In view of the above, the appeal proposal, in combination with previous additions, would result in considerable increases in the volume, footprint and width of the development that would amount to disproportionate additions over and above the size of the original building.
11. The appeal proposal therefore does not benefit from the exception set out in Paragraph 149(c) of the Framework. It would also conflict with Policy DM4 of the Local Plan, for the reasons set out above. It would therefore constitute inappropriate development in the Green Belt.

Effect on openness

12. Openness is an essential characteristic of the Green Belt. The word “openness” in this context is open textured, and several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.

13. The appeal site is set back from the main road on Epping Lane, with intervening hedgerow and trees and two other buildings between the appeal site and the road. In views from the west, the proposed building would also be considerably screened by the existing dwelling.
14. However, the site of the proposed building is more exposed in views from the south and east, with less vegetation to provide screening and only low boundary enclosures. In particular, the proposal would be prominent in views from across the lake to the south and the open countryside beyond.
15. From this perspective, though seen in the context of neighbouring buildings, it would nevertheless appear as a substantial additional building that would extend development further into the space to the immediate east of the existing dwelling. It would close the gap to neighbouring buildings and thus erode the openness of the appeal site and the Green Belt in this location. It would also fail to safeguard the countryside from encroachment and so would conflict with the purposes of including land within the Green Belt.
16. I therefore conclude that the proposal would harm the openness of the Green Belt in both visual and spatial terms. This would be mitigated to some limited extent by the factors mentioned above. However, paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. This therefore weighs heavily against the proposal.

Other considerations

17. The proposal would provide the appellant with additional, flexible space for storage and other uses incidental to the enjoyment of the dwellinghouse. However, this would be a modest private benefit of the proposal.
18. I can see from the decision notice for the existing dwelling¹ that permitted development rights (PDR) were removed from the property to ensure the dwelling remained affordable to agricultural workers. However, the full details of this previous decision are not before me. Moreover, this does not in itself demonstrate that the appeal proposal would not be harmful to the Green Belt.
19. Ultimately, there is currently no realistic prospect of PDR being utilised in the event the appeal is dismissed due to the existing restriction. This therefore does not amount to a legitimate fall-back position and, accordingly, I can attribute it little weight.
20. With respect to the previous permission for a single storey extension², I can see from the submitted report that the Council acknowledged the site was in the Green Belt at that time and concluded it would be acceptable with respect to this planning consideration. This does not lead me to a different conclusion on the main issue.
21. While I have not identified any other harm and the proposal may comply with other parts of the development plan or national policy, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

¹ Council Ref: EPF/2131/13

² Council Ref: EPF/1389/20

Conclusion

22. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. I give this harm substantial weight as required by the Framework. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
23. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR