



Appeal Decision

Site visit made on 21 November 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th December 2023

Appeal Ref: APP/J1535/D/23/3314082

**Longbourn Farm, Blackmore Road, Blackmore, Ingatestone, Essex
CM4 0JU**

- 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 Anthony Maskell against the decision of Epping Forest District Council.
 - The application Ref EPF/1715/22, dated 12 July 2022, was refused by notice dated 12 October 2022.
 - The development proposed is a new double garage with pitched roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the appeal site address from the appeal form as that more accurately describes the location of the site.
3. The Epping Forest District Local Plan 2011 to 2033 Part One (the LP) was adopted by the Council in March 2023 and replaced the Epping Forest District Local Plan 1998 and Alterations 2006. As such, the policies of those replaced plans are no longer part of the development plan and have no weight in determining this appeal. I have therefore determined the appeal having regard to LP Policy DM4, which is the relevant LP Policy for the disputed main issue and is substantially identical to Policy DM4 of the Epping Forest District Council Local Plan Submission Version 2017, which the planning application was assessed against. Therefore, I find that no injustice would be caused to any party by me determining the appeal against LP Policy DM4.
4. The Council has advised that Permitted Development rights were removed on the grant of planning permission for the appeal property. I have not been provided with a copy of that planning permission and therefore I cannot be certain of this. However, the appellant has not disputed the Council's statement in this respect. As such, I have dealt with the appeal on the basis that Permitted Development rights were removed from the appeal property.
5. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. All references to the Framework in this decision relate to the revised document.

Main Issues

6. The main issues are:

- Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
- The effect of the proposal on the openness and purposes of the Green Belt.
- If the proposal is inappropriate development, 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 proposal.

Reasons

Whether inappropriate development

7. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 154 of the Framework, states that the construction of new buildings should be regarded as inappropriate, subject to the exceptions listed. The exception in Framework Paragraph 154 criterion c) is: "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".
9. Policy DM4 of the LP states that permission will not be granted for inappropriate development, except in very special circumstances in accordance with national policy, and that the construction of new buildings is regarded as inappropriate development, subject to the exceptions listed. Those exceptions accord with the exceptions set out in the Framework, including that at Paragraph 154.c). The Policy's supporting text states that whether or not an extension to a building would be "disproportionate", depends on the characteristics of the site and the site locality, and the existing building in relation to the specific proposal.
10. The Council advises that the proposed garage could be considered a proportionate extension if the details of the application accurately reflected what has planning permission at the appeal site. I saw that the appeal site was occupied by a recently built dwellinghouse and a number of freestanding outbuildings, including a garage. The evidence suggests that the dwelling was built following the grant of planning permission¹ for 2 dwellings plus a detached garage. However, the main parties disagree whether the outbuildings on the appeal site benefit from planning permission.
11. Planning permissions for the outbuildings are not before me in this appeal and therefore I cannot be certain that they have planning permission. As such, I have determined the appeal on the basis of my observations at the site visit and the evidence before me. Even if I were to consider the proposed garage as

¹ EPF/0834/19

an extension to the dwellinghouse as the original building, the scale of the proposed garage, when taken in the context of the sizes of the existing dwelling and outbuildings on the appeal site, would amount to a disproportionate addition over and above the size of the original building.

12. For these reasons, the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework and LP Policy DM4. Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and purposes of the Green Belt

13. The essential characteristics of Green Belts are their openness and their permanence. Openness can be perceived spatially and visually. One of the five purposes of the Green Belt, as set out in Paragraph 143.c) of the Framework, is to safeguard the countryside from encroachment.
14. Although the proposed garage would be sited amongst the group of buildings and close to a nearby garage of a similar scale, it would nonetheless occupy space on the site that is undeveloped, and where there is not a building. Thus, it would reduce the openness of the Green Belt in spatial terms.
15. Visually, the proposed garage would be well contained amongst the group of existing buildings. Furthermore, it would be well screened in long distance views from any public vantage point by the trees and hedgerows on the boundaries of the group of buildings with the surrounding open fields. However, in closer distance views from nearby properties the scale and massing of the proposed garage would be clearly visible and would evidently increase the spread of built development across the appeal site. As such, it would result in a loss of openness to the Green Belt in visual terms.
16. For these reasons, the proposed development would result in a loss of openness to the Green Belt, albeit to a limited extent and confined to the appeal site and surroundings properties. Consequently, the proposed development would cause a modest degree of harm to the openness of the Green Belt.
17. Even if I was to agree with the appellant's contention that the proposed building would be built within the curtilage of the existing dwellinghouse and would not encroach into the countryside, it would not alter my conclusions on inappropriateness and openness.
18. As I have set out above, Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. I therefore give substantial weight to the proposal's harmful effect on the openness of the Green Belt.

Other considerations

19. The evidence indicates that the planning permission for the original dwellinghouse included a garage, which may have extant planning permission to be built. If so, it could be erected and represent a fallback position from which to assess the effects of the proposed development. However, a copy of

that planning permission is not before me in the evidence, and therefore I cannot be certain of this. As such, it attracts very limited weight in favour of the proposal.

20. The policies referred to above do not prescribe an acceptable proportion of buildings to undeveloped land within a plot in the Green Belt. As such, the proportion of land on the appeal site that would remain undeveloped, even accounting for the appeal proposal, does not alter my conclusions on the main issues. It has limited weight in favour of the development.
21. The Council found the garage to be of an acceptable appearance in design terms. However, an absence of harm in design terms is a neutral factor that does not weigh in favour or against the development.
22. An absence of local objections and absence of harm to the living of nearby occupiers are neutral factors that do not weigh in favour or against the proposal.

Green Belt Balance

23. The proposal would be inappropriate development and would harm the openness of the Green Belt. The Framework requires that all the harms to the Green Belt be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
24. There are no other considerations in this case that clearly outweigh the harm the development would cause to the Green Belt by reason of inappropriateness and loss of openness. Therefore, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

25. For the reasons given above and having considered all other matters raised, I conclude that the appeal proposal conflicts with the Framework and LP Policy DM4. There are no material considerations of sufficient weight to outweigh this finding. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR