



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: 16th January 2024

Appeal Ref: APP/J1535/W/23/3317301

Stankleys, Perry Hill, Nazeing EN9 2LL

- 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 Mrs L Coram against the decision of Epping Forest District Council.
 - The application Ref EPF/0993/22, dated 18 March 2022, was refused by notice dated 11 January 2023.
 - The development proposed is conversion of existing storage building into a 5 bedroom dwelling with associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Epping Forest District Local Plan 2011-2033 Part One (the Local Plan) was adopted in March 2023. The Council has confirmed that the policies they refer to from the Epping Forest Local Plan (1998) and Alterations (2006) are now superseded by the adoption of the Local Plan. The Council has provided copies of those policies from the new Local Plan which they consider relevant. I am required to consider the appeal in the context of the development plan currently in place and so I have disregarded the superseded policies. Both parties have had an opportunity to comment on the adoption of the Local Plan and so have not been prejudiced by this change.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. While paragraph numbers have changed, in so far as they relate to the main issues of the appeal, there have been no substantive changes to the objectives of the Framework referred to by either party. Both parties have nevertheless had an opportunity to comment on the revised Framework and so have not been prejudiced by this change. I have thus utilised the latest version of the Framework in determining this appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including, where appropriate, its effect on openness;
 - The effect of the proposal on the character and appearance of the area;

- Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to the provision of private amenity space; and
- If the development is inappropriate, 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

5. The site is located within the Metropolitan Green Belt. Policy DM4 of 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.
6. 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.
7. Paragraph 154 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. These exceptions include (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Annex 2 of the Framework sets out the definition of previously developed land. This however excludes land that is or was last occupied by agricultural or forestry buildings.
8. The appeal proposal seeks to re-use an existing building located centrally within the appeal site. Externally the building has the appearance and form of an agricultural building. The structural survey¹ also describes it as a barn and indicates that it was previously a pig farm with no internal surfacing. The building appears to have been out of agricultural use for some time, and the appellant advises that it has been used for storage. This is also referenced in the structural survey.
9. At the time of my site visit, I saw various items of furniture, machinery and materials inside the building. However, these were not formally arranged, and the doorways are covered simply by corrugated metal sheets held in place by wood planks. Though lockable, this is not particularly secure or functional. Moreover, the entirety of the internal space was flooded with surface water. It is thus of limited utility as a formal storage space, and there is no compelling evidence to indicate there has been a material change of use. It has therefore not been adequately demonstrated that the site is previously developed land.
10. Paragraph 155 of the Framework indicates that, in addition to the exceptions set out in Paragraph 154, certain forms of other development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include (d) the

¹ Space Consulting Structural Engineers – Structural Calculations Survey Report – Project No. 220705

re-use of buildings provided that the buildings are of permanent and substantial construction.

11. The structural survey indicates that the building has solid block walls with no coating or protection, and timber roof trusses supporting a lightweight corrugated sheet roof. There is no solid floor surface and no electricity, gas, water, or drainage to the building. The survey recommends that work to facilitate the proposed conversion should include wall stitching to tie the walls together, replacement roof trusses to support a new slate roof, a new concrete floor slab, new lintels, insulation, and cladding. New openings will also be required for proposed windows and doors.
12. While there is no dispute about the permanency of the building, the Council contend that, based on the findings of the structural survey, the building is not of substantial construction. It is clear based on the above that a significant amount of work would be required to facilitate the conversion. However, even if I were to find that the building is of substantial construction, the proposal must still preserve the openness of the Green Belt, and not conflict with the purposes of including land within it.
13. To the south, east and west are agricultural fields extending away from the appeal site. The site is on higher ground to some neighbouring fields. I saw that there are substantial amounts of vegetation in and around the site that provides a degree of screening. However, the site can be seen from the public rights of way (PROW) and screening from deciduous vegetation will be less effective in winter months. While the appellant contends the PROW is currently rarely used, it is also indicated that the proposal would improve access to it, thereby potentially encouraging greater use in future.
14. In addition to the alterations above, the plans before me include the provision of a long vehicular access road and considerable amounts of hard surfacing for vehicle parking. An undefined garden and patio area is also shown extending eastward from the proposed dwelling. The proposal would thus fundamentally change the character and appearance of the existing structure and surrounding land from a largely undeveloped area with limited human intervention to that of a permanent residential dwelling with associated paraphernalia and activity.
15. The appellant contends that domestic paraphernalia could be avoided by removing permitted development rights. Planning conditions could limit further work, such as garden sheds or boundary enclosures. Other items such as private vehicles, garden equipment and furniture, waste bins or play equipment would however prove impractical to restrict or unreasonable to seek to control.
16. The proposal would thus fail to assist in safeguarding the countryside from encroachment. It would therefore conflict with the purposes of including land within the Green Belt and would fail to preserve its openness.
17. The appellant indicates that removal of two existing buildings on site could improve openness. However, I saw on my site visit that the two outbuildings shown on the existing site plan have already been partially demolished or otherwise largely enveloped by vegetation. Their existing effect on openness is thus limited and their removal would not outweigh the identified harm.
18. The appeal proposal therefore does not benefit from the exceptions set out in Paragraph 154(g) or 155(d) 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.

Character and appearance

19. The site sits close to a small collection of dwellings to the north, with more suburban development further north along Middle Street. The site is otherwise surrounded by agricultural fields. It is predominantly open in nature, albeit with considerable tree and shrub planting, particularly along site boundaries. The existing structure in the centre of the site is prominent, however is of an appearance and form that is not particularly uncharacteristic of a rural setting.
20. The character and appearance of the existing building and surrounding land would fundamentally change, as set out above. The proposal would overtly introduce urbanising development into what is otherwise a largely rural setting and would compromise the openness of the site. It would therefore detract from the prevailing character and appearance of the area.
21. I conclude that the proposal would harm the character and appearance of the area. It would be contrary to Policy DM9 of the Local Plan. This policy, among other provisions, seeks to ensure that all new development contributes to the distinctive character of the local area and relate positively to their context.

Living conditions for future occupiers

22. The plans before me do not clearly demarcate the curtilage of the proposed dwelling, nor do they clearly demonstrate the extent of the proposed private amenity space. However, they do indicate that there would be space provided to the east of the proposed dwelling which would provide an external amenity area for future occupiers.
23. Policy DM10 of the Local Plan does not contain prescriptive private garden/amenity space standards. In any event, it is clear from the plans before me that there would be ample space within the appeal site for private amenity space to be provided for future occupiers and so I am satisfied that the final details of this could have been secured by planning condition.
24. I therefore conclude that the proposal would provide adequate living conditions for future occupiers, with particular regard to the provision of private amenity space. I have not identified any conflict with Policy DM10 of the Local Plan in this regard. This policy, among other provisions, seeks to ensure that residential development proposals have regard to the size and design of internal and external spaces, meet minimum internal space standards and ground floor family housing provides access to private garden/amenity space.

Other considerations

25. The proposal would re-use an existing structure. It would contribute to the local housing supply. There is also potential that the scheme could deliver ecological enhancements, and the appellant has indicated they would welcome a condition to secure this. However, very little information on how this would be achieved has been provided and so I can attribute only limited weight to this. Overall, these would be modest benefits of the proposed development.
26. While local residents may not have objected to the principle of the development, and Nazeing Parish Council have expressed support at appeal,

this does not demonstrate that the proposal is acceptable with respect to the main issues and weighs neither for nor against the proposal in this instance.

27. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Other Matters

28. The appeal site lies within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC) which is afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The alleged effects relate to increased recreational pressure and air pollution. However, Regulation 63(1) indicates that an Appropriate Assessment is only necessary where the competent authority is minded to grant consent for the proposal. As I am dismissing the appeal for other reasons, I do not need to consider this matter further as it could not lead me to a different conclusion.

Planning Balance and Conclusion

29. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. It would harm the openness of the Green Belt and conflict with the purposes of including land within it. I give this harm substantial weight as required by the Framework. I have also found harm in respect of the effect of the proposal on the character and appearance of the area.
30. Against the substantial harm, I have considered the other considerations put before me in favour of the scheme. However, I do not find that these considerations individually or cumulatively clearly outweigh the substantial weight I have afforded to the Green Belt harm, and other harm, arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
31. While I have found that the proposal could provide adequate living conditions for future occupiers, the identified harm renders the proposal contrary to the requirements of the Council's Development Plan policies and conflicts with the provisions of the Framework, taken as a whole.
32. Paragraph 11(d) of the Framework indicates that the presumption in favour of sustainable development is engaged where the policies which are most important for determining the application are deemed out-of-date. This includes, for proposals involving the provision of housing, situations where the Housing Delivery Test (HDT) indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
33. Paragraph 11(d) stipulates that planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework confirms that such policies include those relating to land designated as Green Belt. The Green Belt policies within the Framework provide a clear reason for refusing the development, and thus the proposal cannot benefit from the presumption in favour of sustainable development in this case, irrespective of the latest HDT results for the district.

34. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate it should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR