
Appeal Decisions

Site visit made on 21 November 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2024

Appeal Ref: APP/J1535/W/23/3322791

Rosedene, Oak Hill Road, Stapleford Abbots, Romford, Essex RM4 1JJ

- 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 S Ahmed against the decision of Epping Forest District Council.
 - The application Ref EPF/0266/23, dated 6 February 2023, was refused by notice dated 4 April 2023.
 - The development proposed is an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both main parties have had the opportunity to comment on the revised National Planning Policy Framework (the Framework) published 19 December 2023. My decision is made in the context of the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

3. The main issues are:
 - Whether the proposed 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.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupiers of the nearby property 'Long Acres'.
 - 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 in the Green Belt

4. The proposed outbuilding would be erected on the part of the rear garden of the appeal property that is situated within the Green Belt. 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.

5. Policy DM4 of the Epping Forest District Local Plan 2011 to 2033 Part One (the LP) states that permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances in accordance with national policy. The construction of new buildings is regarded as inappropriate development, subject to the exceptions listed, which correspond to those in Framework Paragraph 154.
6. The appellant has highlighted the exception set out in Framework Paragraph 154.e) and LP Policy DM4, which relate to limited infilling in villages. The Framework does not provide a definition of 'limited', 'infill' or 'village', however there appears to be no dispute between the parties that the appeal site lies within the village of Stapleford Abbots. Based on the evidence before me, I see no reason to disagree. The supporting text to LP Policy DM4 states that 'limited infilling' includes infilling of small gaps within built development, and that limited infilling should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or local environment.
7. The proposed outbuilding would be sited close to an existing outbuilding in the property's garden and on a broadly similar alignment to a number of outbuildings to the west and a dwelling to the east known as The Martins. The rear garden of the appeal property on which the outbuilding would be erected, and the rear garden of Long Acres form a space between the existing outbuildings and The Martins.
8. Due to the dense planting around the rear garden boundaries of the appeal property there is very limited intervisibility between the appeal site, the modestly sized outbuildings to the west and The Martins to the east. Even if I was to accept that the appeal site and the rear garden of Long Acres constituted a gap between the existing outbuildings and The Martins, the extent of this gap, particularly relative to the size of the proposed outbuilding, could not reasonably be described as a small gap. As such, the proposal would not infill a small gap within built development.
9. In taking account of the above considerations, I find that the proposed development would not constitute limited infilling in the Green Belt. Therefore, it does not fall within the exception to inappropriate development in paragraph 154.e) of the Framework. As a result, it would constitute inappropriate development in the Green Belt.
10. The Council assessed the proposal against the exception in Framework Paragraph 154.g). Under this exception the limited infilling or the partial or complete redevelopment of previously developed land (PDL), 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, would not be inappropriate. I have already concluded that the appeal proposal would not constitute infill development. Even if I were to agree that the proposed outbuilding would be erected on PDL, I must nevertheless consider whether, in accordance with Paragraph 154.g) of the Framework, the

proposed outbuilding would have a greater impact on the openness of the Green Belt than the existing development.

Openness and purposes of the Green Belt

11. 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, and LP Policy DM4 part A.(iii) is to safeguard the countryside from encroachment.
12. The proposed outbuilding would be sited on the appeal property's garden in a position close to an existing outbuilding. Several outbuildings are present in nearby gardens. Nonetheless, the proposed outbuilding would occupy space in the Green Belt where there is not currently a building. As such, it would evidently reduce the openness of the Green Belt in spatial terms.
13. Visually, the proposed outbuilding would be well contained within the rear garden of the appeal property and screened in views from any public vantage point by a combination of nearby buildings and planting, including several tall trees. Even in close distance views from the surrounding properties, views of the proposed outbuilding would largely be filtered by the planting growing along the appeal property's boundaries. Nonetheless, the proposed outbuilding would evidently increase the amount of built development on the appeal site. In this context, it would result in a loss of openness to the Green Belt in visual terms, albeit to a highly localised extent. Whilst there would be no discernible spatial or visual encroachment into the countryside, this is a neutral factor which weighs neither in favour nor against the appeal proposals.
14. For these reasons the proposed outbuilding would cause a modest degree of harm to the openness of the Green Belt, and it would have a greater impact on the Green Belt than the existing development.

Character and appearance

15. The proposed outbuilding would be of a subservient scale to the host dwelling, with a relatively low roof height. The massing of its roof form would be modest given its hipped roof style and it would occupy only a small part of the spacious garden of the appeal property. Although set relatively close to the appeal site boundaries, the proposed outbuilding would be screened in longer distance views from any public vantage point by the boundary planting. In private views from nearby dwellings and gardens, this boundary planting is also likely to partially obscure and filter views of the proposed outbuilding. As such, the scale, form and appearance of the outbuilding would be broadly in-keeping with the character of the garden setting of the host property and area, and it would not appear visually dominant nor incongruous.
16. I conclude on this issue that the appeal proposal would not harm the character and appearance of the area. As such, it would accord with LP Policy DM9, insofar as it seeks to ensure that development contributes to an area's distinctive local character and relates positively to its locality, having regard to building heights and the form, scale and massing around the site.
17. For these reasons, the proposal would also be consistent with Paragraph 135.c) of the Framework, which states that planning decisions should ensure, amongst

others, that developments are sympathetic to local character and history, including the surrounding built environment.

Living conditions

18. The single storey outbuilding would be visible from the rear garden of Long Acres and through the gaps between the trees and planting growing along the boundary. However, the scale and massing of the proposed outbuilding would be relatively modest, with a low roof ridge level and a roof line that would slope away from the boundary with Long Acres. Moreover, the proposed outbuilding would be set a considerable distance away from the rear wall of Long Acres and the part of its rear garden most closely associated with it. In this context, the height and massing of the proposed outbuilding would not have a dominant overbearing effect on the outlook of the occupiers of Long Acres in views from either their garden or dwelling.
19. I conclude on this issue that the proposed would not harm the living conditions of the occupiers of Long Acres. As such, it would accord with LP Policy DM9, insofar as it seeks to ensure that development does not result in an overbearing impact on the outlook of occupiers of neighbouring properties.
20. For these reasons, the proposal would be consistent with Paragraph 135.f) of the Framework, which states that planning decisions should ensure that developments create places with a high standard of amenity for existing users.

Other considerations

21. I have had careful regard to the appellant's requirements for the proposed outbuilding and how it would enhance accommodation at the property. However, the personal circumstances of the appellant have limited weight in its favour, particularly given that planning is normally concerned with the use of land in the public interest¹. Furthermore, the harm identified to the Green Belt would likely persist long after any personal circumstances cease.
22. The evidence before me does not demonstrate that an outbuilding with similar or greater effects could be erected in the Green Belt as a permitted development were this appeal to fail. As such, the potential for an outbuilding to be erected as a permitted development is of limited weight in favour of the proposal.
23. The proposal would be broadly similar in scale to other garden buildings in the locality and would have a high-quality finish. However, the information before me indicates that a number of the outbuildings to the west are not within the Green Belt, and as such the presence of those existing garden buildings has limited weight in favour of the proposal.
24. The appeal proposal is not described as a replacement for the existing outbuilding and therefore would be in addition to it. A previously refused application to extend/rebuild the existing poor quality outbuilding has limited relevance to my considerations in this appeal, which is based on the planning merits of the proposal for a new outbuilding.
25. I have found that the proposal would cause no unacceptable impacts on the character and appearance of the area, or any other harms aside from to the

¹ Planning Practice Guidance Paragraph: 008 Reference ID: 21b-008-20140306

Green Belt. Conditions could be imposed to avoid harm to existing trees. However, an absence of harm in these respects does not weigh positively in favour of the development.

26. The Parish Council has no objection to the proposal and no other third parties have raised an objection. However, an absence of objections does not weigh positively in favour of the proposal.

Other Matters

27. The evidence before me indicates that housing site STAP.R1 in the Epping Local Plan Part 2, which is described as providing an opportunity to focus development on lower performing Green Belt land, was removed from the Green Belt through the Local Plan process. The scale, nature and planning policy context of the allocated housing site is materially different to the development proposed in this appeal. The test for changing Green Belt boundaries through a Local Plan is also different from the 'very special circumstances' test which applies to proposals for inappropriate development in the Green Belt. As such, the housing site STAP.R1 has limited relevance to my considerations in this appeal and does not alter my conclusions on the main issues.
28. The appellant's concerns over the alignment of the Green Belt boundary are noted, however I have necessarily determined the appeal on the drawings and evidence before me and therefore such concerns are of limited relevance to my considerations.

Green Belt Balance and Conclusion

29. The proposal would be inappropriate development in the Green Belt and would harm the openness of the Green Belt. The Framework requires that all 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.
30. I give substantial weight to the appeal proposal's harmful effect on the Green Belt by reason of inappropriateness and loss of openness. There are no other considerations in this case that clearly outweigh 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.
31. The proposed development would accord with LP Policy DM9 insofar as it would not cause harm to the living conditions of the occupiers of Long Acres or to the character and appearance of the area. However, it would harm the Green Belt and this would bring it into conflict with LP Policy DM4 and the development plan as a whole. All the harms to the Green Belt must be given substantial weight. Having regard to all matters raised, there are no material considerations of sufficient weight to outweigh this finding. Therefore, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR