



Appeal Decision

Site visit made on 16 February 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/J1535/D/23/3326566

2 Esgors Cottages, High Road, Thornwood, Epping, Essex CM16 6LY

- 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 James Wembridge against the decision of Epping Forest District Council.
 - The application Ref EPF/0399/23, dated 22 February 2023, was refused by notice dated 3 July 2023.
 - The development proposed is garage extension and change of use to accommodation incidental to the main dwelling in Green Belt land.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues and I have determined the appeal on the basis of the new Framework.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site consists of a semi-detached dwelling with an extensive garden located in the Metropolitan Green Belt. The Framework states that new buildings within the Green Belt are inappropriate subject to a number of exceptions. Paragraph 154(c) of the Framework sets out that one of these exceptions 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.

5. The proposal relates to the extension of a detached garage within the curtilage of the host dwelling. The Council's Officer report sets out that the number of existing and proposed extensions would cumulatively amount to over 100% of the original dwellinghouse, and I have had regard to the planning history of the property which refers to permissions for a number of extensions and buildings. Given the previous extensions, the proposal would represent a significant cumulative increase compared to the size of the original dwellinghouse. Comparatively, the proposal would also represent a significant extension to the detached garage, even given the relatively small scale of the proposal.
6. Based on the evidence before me and my observations on site, the proposal would contribute to a substantial cumulative increase in built development compared to the original building, which would represent a disproportionate increase in the size of the original building. Therefore, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Other Considerations

7. The appellant refers to the removal of structures associated with the operation of the site as a cattery, and has provided photographs of these structures. However, other than reference to these structures being removed some years ago, no substantive information as to the date of their removal has been provided to demonstrate if they were removed in the recent past. The lawfulness of these structures as permanent buildings has also not been set out, and I am mindful that the planning history of the site refers to portable catteries and storage sheds. Therefore, on the basis of the evidence before me, I give little weight to the removal of these structures as a benefit arising from the construction of a permanent built extension.
8. I also saw that there were other existing structures on the site which could be removed. However, evidence of the lawfulness of these structures or a mechanism to ensure their removal has not been provided to me.
9. The appeal proposal would be of a design that complements the host dwelling and the garage. However, a lack of harm in respect of character and appearance is not a benefit and is a neutral consideration. The proposal would also be of a more suitable design compared to the structures that have been removed. However, given the uncertainty as to the date of their removal and lawfulness this does not weigh in favour of the proposal.

Planning Balance and Conclusion

10. The weight to be given to any other considerations in respect of the proposal would be far outweighed by the substantial weight that must be given to the harm arising from inappropriate development in the Green Belt. Very special circumstances to justify the proposal do not therefore exist. The proposal would therefore be contrary to Policy DM4 of the Epping Forest District Local Plan 2023 and the Framework with regards to protecting Green Belt land.
11. I conclude that the appeal should be dismissed.

David Cross

INSPECTOR