



Appeal Decision

Site visit made on 15 July 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/J1535/W/24/3336520

Green Oaks, Threshers Bush, Matching, Harlow, Essex CM17 0NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Costi against the decision of Epping Forest District Council.
 - The application Ref is EPF/0298/23.
 - The development proposed is conversion and alterations to existing greenhouse to create 1no. self-contained dwelling, with associated curtilage, landscaping and new means of access to the public highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the character and appearance of the area; and,
 - Would the 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

Whether inappropriate development

3. The appeal site is in the Green Belt. The National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their openness and their permanence. The Framework further states that inappropriate development is, by definition, harmful to the Green Belt, but identifies certain types of development as being not inappropriate. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction, and provided they preserve Green Belt openness and do not conflict with the purposes of including land within it. Policy DM4 of the Epping Forest District Local Plan 2011-2033 (the Local Plan) states similarly with regards to Green Belt development.
4. The appeal proposal would involve the fitting of much of the exterior of the building with larch board cladding and zinc roofing material. The greenhouse has glass walls and a glass roof. While some of the wall panels have been lined

with opaque material, the appeal proposal would result in a building of a much more solid appearance. This would cause a significant loss of visual openness as the greenhouse is a lightweight and mostly transparent structure.

5. The proposed dwelling would occupy the same footprint as the greenhouse and would be no taller. If I were otherwise minded to allow the appeal, appropriately worded conditions could restrict the permitted development rights of the new property for extensions, boundary treatments or outbuildings. While any residential use of the site would be likely to result in some domestic paraphernalia collecting at the site, I note that the greenhouse sits in an existing domestic garden. As such there would be no materially greater impact to spatial openness from the proposed development, and it would not result in greater encroachment of the countryside.
6. The structural report dated 17 December 2022 concludes that the roof, walls, foundations form an ideal exoskeleton and frame for the new dwelling. The council have suggested that the report is insufficient to confirm that the building is of permanent and substantial construction as it states that the foundations may need to be supplemented. However, I do not read this as definitive, rather it appears as a precautionary note alongside the overall favourable conclusion supporting the proposal. On balance, I am therefore satisfied that the building is of permanent and substantial construction.
7. Nevertheless, as the appeal proposal would be harmful to the openness of the Green Belt it would be inappropriate development on this basis.

Character and appearance

8. The greenhouse sits within the grounds of the host property, Green Oaks. The surrounding area is predominantly rural with intermittent residential development along Threshers Bush. The appeal proposal would convert the greenhouse to a new dwelling. While this may result in some intensification of the residential use of the land, I note that the wider site is all part of the garden of Green Oaks.
9. The development would change the appearance of the existing building, but not its footprint or general shape. The resulting effect would be neutral given the neighbouring residential properties. As noted above, the proposed garden area is already part of the garden to Green Oaks so domestic paraphernalia would not be out of place in it. Given the Green Belt location appropriately worded conditions could be imposed to restrict the new development within the garden.
10. The existing site access would be relocated to in front of the proposed new dwelling. There is a large area of hardstanding to the front of the greenhouse which would be retained, and the 3 existing mature trees in this area would also be retained. The relocation of the access would also be broadly neutral in the street scene. 4 trees would be removed from the verge to the front of the site. These are part of a larger group of Category C trees of limited value in the street scene. Given the extent of planting within the site and on the verge, their removal would not be harmful to it.
11. The appeal proposal would therefore not be harmful to the character and appearance of the area. It would accord with policy DM9 of the Local Plan which, amongst other criteria, requires development to achieve a high quality of design and contribute to the distinctive character of the local area.

12. The council also identified conflict with policy DM4 of the Local Plan in relation to this issue. I have addressed that policy in relation to the Green Belt main issue.

Other Matters

13. The appellants have provided a signed and dated unilateral undertaking for the purpose of funding mitigation for any effect on the Epping Forest Special Area for Conservation (the SAC). This is an internationally important site containing vulnerable or rare species, including beech trees, wet and dry heaths and stag beetles. If I had been minded to allow the appeal I would, as the competent authority, have had to carry out an Appropriate Assessment of the effect of the development on the SAC. As I am dismissing the appeal on other grounds it is not necessary to pursue this matter further.
14. The main parties have made submissions regarding whether the appeal site is previously developed land or is within the curtilage of Green Oaks, including referring to a previous appeal decision at the site¹. These matters are not determinative to my decision, so I do not need to comment on them.

Other considerations

15. The appeal proposal would be inappropriate development in the Green Belt as it would be harmful to its openness. The Framework requires that substantial weight is given to any harm to the Green Belt.
16. The appellant has identified considerations that weigh in favour of the proposal. The development would create a new house, supporting the government's objective of significantly boosting the supply of homes. As the council has a record of underdelivery in relation to the Housing Delivery Test, this benefit attracts additional weight. Furthermore, there would be economic benefits from the construction work, as well as from the ongoing occupation of the dwelling.
17. The appellant notes that the site is not in an isolated location, and there would be no environmental harm from the proposal. The absence of harm in relation to these points is a neutral consideration.
18. My attention has been drawn to 2 previous permissions granted by the council for the conversion of glasshouses. The permission at Ericas Nursery involved a 61% reduction of built form at the site, and therefore enhanced the openness of the Green Belt. Similarly, the permission at Copped Hall Garden Nursery also involved an unspecified reduction in built form which weighed in favour of that proposal. No such enhancement of the openness of the Green Belt is proposed as part of this development. Therefore, I afford these permissions very limited weight in my determination of this appeal.
19. Overall, these considerations attract significant weight in favour of the appeal proposal, given the shortfall in housing delivery. However, this does not outweigh the harm by reason of inappropriateness. Very special circumstances do not therefore exist in this case. The appeal proposal consequently conflicts with the Green Belt protection aims of policy SP4 of the Local Plan and of the Framework.

¹ APP/J1535/W/21/3289565 dated 2 August 2022

Conclusion

20. The proposal conflicts with the development plan and there are no material considerations to indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR