



Appeal Decision

Site visit made on 7 January 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/J1535/W/24/3344282

Mill House Farm, Theydon Road, Epping, Essex CM16 4DL

- 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 Mike Phillips against the decision of Epping Forest District Council.
 - The application Ref is EPF/2778/23.
 - The development proposed is demolition of existing residential dwelling and associated buildings at Mill House Farm and erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. Changes to the Framework, including amendments to the Chapter relating to Green Belts, do not affect the main issues of this case. Accordingly, the parties have not been invited to make additional comments in relation to this. Where reference is made to paragraph numbers of the Framework in this decision, these relate to the most recent version.

Main Issues

3. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies including the effect of the proposal on the openness of the Green Belt,
 - 2) the effect of the proposal on the character and appearance of the Bell Common Conservation Area (CA),
 - 3) 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

Effect on Green Belt

4. The appeal site is located within the Metropolitan Green Belt as defined by policy SP5 of the Epping Forest Local Plan 2023 (EFLP) and subject to the provisions of policy DM4. These policies are consistent with the Framework in stating that inappropriate development in the Green Belt will not be approved except in very special circumstances. Criterion C. (iv) of policy DM4 of the EFLP sets out that the

replacement of a building, provided the building is of the same use and not materially larger than the one it replaces, is an exception to this. This accords with paragraph 154 d) of the Framework. It has not been put to me that the proposal would comply with any other exceptions of policy DM4 or paragraph 154.

5. The existing dwelling at Mill House Farm is a substantial detached home. It is formed of the main building itself, a two to three storey building under a pitched roof with a large catslide to one aspect and dormer windows. The building has been altered and extended in varying fashions including two conservatory style structures and a long sweeping barn wing. In addition, there are numerous outbuildings in the form of sheds, garages and other ancillary domestic structures which are mainly of a timber construction.
6. The proposed building would replace all these buildings and structures with one, single storey, broadly H shaped dwelling with a central core of living accommodation with bedrooms, garaging and the like in the wings.
7. In visual terms there would be a reduction in the maximum height but a clear increase in the overall footprint and spread of the building. The appellant has nominated that the footprint of the proposed building would be 584 square metres and this is not disputed by the Council. The appellant considers this to be a reduction from the current 595 square metres of floorspace which is formed in the existing building and considering all outbuildings. The Council refers to the existing building only and notes it has a floorspace of 390 square metres. Again, these figures are not in dispute.
8. As noted above, both policy DM4 of the EFLP and paragraph 154 d) of the Framework state that the exception to the presumption against inappropriate development in the Green Belt only applies when the proposal is not materially larger than the one it replaces. In this case, it is quite apparent that the spread of the building is greater as the wings of the building result in a long and wide footprint. Although of a low profile, the mass and volume of the building overall would be increased. The reduction in overall height is contained to only a small area of the existing building where it is two to three storey under the slope of the roof. There is a substantial increase in floorspace when considering the dwelling only. A small reduction in floorspace would only apply if all outbuildings are considered too. Even if the outbuildings were to be regarded as forming part of the existing building for Green Belt purposes, there would still be an increase in the mass and presence of the building and an increase in volume meaning that the resultant building would be materially larger than the one, or ones, it replaces. It would therefore amount to inappropriate development in the Green Belt.
9. The proposal therefore conflicts with policy DM4 C. (iv) of the EFLP and paragraph 154 d) of the Framework. Moreover, as the development increases the spread of the building to a substantial extent and increases the volume, I conclude that it would result in harm to the openness of the Green Belt in both a spatial and visual dimension. The proposed development would result in a dwelling that would be materially larger and would thus conflict with policies SP5 and DM4 of the EFLP and provisions of the Framework.
10. The proposal also incorporates the removal of a substantial hedgerow and effectively opens up the site to include an adjacent parcel of land. This parcel of land has the appearance of a paddock or field. Although I have not been provided

with any definitive evidence on the use of this piece of land, it did not display any characteristics of being used as part of the garden to the property. Use of this parcel of land for residential purposes would result in additional harm to the Green Belt. However, whilst I accept the Council's concerns in relation to the use of this piece of land as part of the garden to the replacement dwelling, this has not been proposed in this instance.

11. A recent decision relating to Beech Hill House¹ has been provided by the appellant for a replacement dwelling in the Green Belt. In this decision however, the replacement dwelling was smaller in terms of both volume and footprint and accordingly I am unable to draw any direct comparisons.

Character and appearance

12. The site is set within the Bell Common CA and the significance of this area is the arrangement of buildings around the central, wooded, Bell Common and development of this area on the entrance to Epping. The site itself is set towards the southern end of the CA where the arrangement of buildings is more dispersed and lacks the distinctive arrangement of buildings directly addressing the Common itself. Nevertheless, this dispersed arrangement is pleasing in its own right.
13. Due to the verdant surroundings and relative isolation of the dwelling from the remainder of the CA, it is not visible within the main publicly visible context of the CA. Even so, its architectural style and characteristics very much reflect the form of development in the locality. This includes the red brick walling, tiled roof, extensive catslide and use of dormer windows. The use of weatherboarding to the attached and unattached outbuildings reinforces this character, notwithstanding that these are more modern additions. Moreover, and despite the lack of visibility, the presence of the building in this location is important in reading the wider context and historical development within the CA.
14. Whilst I recognise the above points and comments provided in the Heritage Assessment, I am not satisfied that the contribution that the existing building makes to the CA has been adequately addressed. Indeed, the appellant's statement observes that the buildings on site have no heritage value and this cannot be the case given the position of the property within the CA. This is of particular significance here given the very substantial degree of change which would be introduced through the construction of the new building. The proposed dwellings has a dramatically different style and appearance to the existing building and to the majority of other buildings within the CA. It draws no references from these surroundings and represents a distinctly different prospect. Whilst this lack of visibility may render the building to be an acceptable proposition, without a cogent understanding of the context and importance of the existing dwellings to the CA, it is not possible to form a reasoned judgement on the full merits of this proposal as a replacement.
15. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have also had regard to paragraphs 214 and 215 of the Framework. The loss of the existing dwelling and its effects on the CA has not been adequately assessed and the

¹ APP/J1535/W/24/3345763

introduction of this proposed new dwelling, in a manner that would not be sympathetic to the area, would harm the character and appearance of the CA.

16. The Framework advises, at Paragraph 212, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, I find the harm to the CA to be less than substantial but nevertheless of considerable importance in this case.
17. In such circumstances paragraph 215 of the Framework requires such harm should be weighed against the public benefits of the proposal. The proposal would result in a modern building with easier access, particularly for those with a disability and have a sustainable energy efficient design. However, these benefits are limited and would not outweigh the identified harm to the CA.
18. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA. The proposal therefore fails to accord with policy DM7 of the EFLP insofar as it would not preserve or enhance the character and appearance of the CA.

Other considerations and very special circumstances

19. It is submitted that there would be a gain in the overall area of soft landscaping and environmental gains. However, no detail on what these gains comprise have been given so I can therefore afford this limited weight. That this soft landscaping could help assimilate the proposal into the area has also not been demonstrated with any landscaping proposals or the like.
20. I have noted the reference to the Council's pre-application response which notes that the replacement dwelling should not exceed a 50% increase in floorspace/volume over the size of the original. However, this is not stated in the Council's policy, nor is it reflected in the Framework. Moreover, no evidence has been provided to indicate the size of the original building, as opposed to the existing one, and therefore I am unable to draw any meaningful conclusions here.
21. The development has been put forward as a self-build home. However, I have not been provided with any evidence that replacement dwellings can be considered as being capable of meeting a demand for self or custom-build plots. I have had further regard to the fact that any replacement dwelling would not represent an increase in housing provision within the district. Regardless, no planning obligation has been provided with the appeal to secure this. Therefore, even if I were to regard the proposal as self-build or custom housing, there is no mechanism to secure this.
22. I can, however, ascribe some weight to the use of sustainable construction, use of renewable energy and enhancing disabled and elderly access to the new building by comparison to the existing one.

Green Belt Balance and Conclusion

23. The Framework sets out the general presumption against inappropriate development within the Green Belt. It explains that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the

Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

24. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt and be detrimental to its openness. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
25. The evidence provided by the appellant can only attract limited weight and it would not amount to very special circumstances to clearly outweigh the harm to the Green Belt I have identified. I have further considered the delivery of a new, albeit replacement, home with a sustainable design and ease of access however these benefits would be very modest, and they are not sufficient to clearly outweigh the harm to the Green Belt. Furthermore, I have found the development would not preserve or enhance the character or appearance of the CA. Therefore, the very special circumstances necessary to justify the development do not exist.
26. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Bowden

INSPECTOR