



Appeal Decision

Site visit made on 21 January 2025

by **E Grierson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/J1535/W/24/3350859

Taw Lodge Farm, Epping Lane, Stapleford Tawney, Romford, Essex RM4 1ST

- 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 R Holloway against the decision of Epping Forest District Council.
 - The application Ref is EPF/0113/24.
 - The development proposed is the change of use of former yard area to ancillary domestic use in connection with existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of former yard area to ancillary domestic use in connection with existing dwelling at Taw Lodge Farm, Epping Lane, Romford, Essex RM4 1ST in accordance with the terms of the application, Ref EPF/0113/24, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Location Plan (scale 1:2500) and 4216-6 Rev 3.

Applications for costs

2. An application for costs was made by Mr R Holloway against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Comments have been sought from both parties in relation to the revised Framework and any comments received have been taken into consideration within my decision.

Main Issue

4. The main issue is whether the development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies.

Reasons

5. The appeal site, described as a former yard area, is located adjacent to a residential dwelling and an existing farm yard with two access points from Epping Lane. It is also located within the Green Belt. The proposed development would change the use of this area to be used for residential purposes in conjunction with the adjacent dwelling. It is currently covered with hardstanding and used for vehicle access, parking and as a turning area, providing access to both the dwelling and the farm yard to the south.
6. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Exceptions (a-g) do not apply in this instance; however, exception (h) includes other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. This includes (v) material changes in the use of the land.
7. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One (the LP) 2023 does not include material changes in the use of the land under a list of other forms of development which are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. However, this does not appear to be a closed list and the policy does also state 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. This policy is therefore generally consistent with the Framework's approach.
8. The proposed development would constitute a material change in the use of the land. However, in accordance with the Framework, to fall under this exception the development must preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
9. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
10. The appellant has confirmed that the proposed change of use would make little difference to the way the land is used, with the hardstanding to remain, providing access to the dwelling and farm yard and vehicle parking and manoeuvring. Therefore, it would preserve the existing levels of both spatial and visual openness of the Green Belt. It could well be formalised into garden space in the future. However, this would not be likely to have a greater impact on the openness of the Green Belt than the current proposed use.
11. The Council raise concerns that the proposed change of use could hinder access to the agricultural land to the south, which is also owned by the appellant, that could result in the requirement for a new access, harming the openness of the Green Belt. However, there is no evidence to suggest a new access will be required or is proposed. Furthermore, any such access would require separate planning permission where the impact on the openness could be considered. Therefore, in relation to the appeal before me, this matter would not harm the openness of the Green Belt.

12. Paragraph 143 of the Framework outlines the five purposes of the Green Belt. These are (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
13. The Council do not raise any concerns in relation to conflict with the purposes of including land within the Green Belt. I agree that, due to the limited changes proposed, the proposed change of use would not conflict with any of the abovementioned purposes.
14. Therefore, the development is not inappropriate development in the Green Belt as it would fall under the exception listed in paragraph 154 (h)(v) of the Framework. It also accords with Policy DM4 of the LP which seeks to protect the Green Belt from inappropriate development.

Other Matters

15. It is noted that a detached cart lodge is located on the appeal site which does not benefit from planning permission. The Council raise concerns that if consent is granted for the proposed change of use, the appellant would reapply for consent for the retention of this cart lodge, which was previously refused for being located outside of the residential curtilage of the dwelling. The appellant confirm that this is the reason the change of use was applied for.
16. Intentional unauthorised development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals as established by a Written Ministerial Statement (WMS) dating from December 2015, particularly in relation to the Green Belt. Nevertheless, the proposal before me does not relate to the cartlodge, for which retrospective planning permission can be applied for separately and assessed by the Council accordingly. As such, I attach limited weight to the IUD on the appeal site which would not lead me to a different conclusion.
17. The Council also highlight a condition, which was attached to the original planning permission for the dwelling, that states that the curtilage should not be extended. I have not been provided with this decision. Nevertheless, such a condition does not impact on the ability to apply for planning permission for the proposed development or pre-determine the outcome of any such application.
18. Lastly, a third party makes reference to other buildings on the land owned by the appellant which they consider do not benefit from planning permission. However, aside from the cart lodge addressed above, these do not fall within the appeal site and therefore are not relevant to the appeal before me.

Conditions

19. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision.

Conclusion

20. It has been found that the development is not inappropriate development in the Green Belt, falling under the exception in paragraph 154 (h)(v) of the Framework. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

E Grierson

INSPECTOR