



Appeal Decision

Site visit made on 29 July 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/J1535/W/25/3363419

Shielings, Cross Lees Lane, Moreton, Ongar, Essex CM5 0HX

- 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 Marc Linch against the decision of Epping Forest District Council.
 - The application Ref is EPF/2463/24.
 - The development proposed is to demolish an existing bungalow and replace it with a new bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the appeal form refers to a different property name to that stated on the application form and decision notice. For the avoidance of doubt, I have used the address given on the application form in the banner heading above.
3. Since the determination of the planning application, the Council has granted planning permission¹ for a replacement dwelling on the site. I have had regard to this in my consideration of this appeal and will return to this matter later in my decision.
4. During my site visit I observed that the bungalow had been demolished, and a garage had been constructed which appeared to accord with the positioning of the garage shown on the approved plans. A Lawful Development Certificate (LDC) for a garage² has also been granted on the site, which the appellant states has proceeded independently of this appeal. For the avoidance of doubt, notwithstanding the development that has commenced on the site, I have assessed the appeal based on the plans that are before me.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the National Planning Policy Framework (the Framework), including the effect upon the openness of the Green Belt; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

¹ Council Ref. EPF/0753/25, dated 8 July 2025

² Council Ref. EPF/1730/24

considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

6. The appeal site is located within the Metropolitan Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One such exception listed under paragraph 154(d) is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. Policy DM4 of the Epping Forest District Local Plan 2011-2033 (the LP) also provides exceptions to inappropriate development in the Green Belt including the replacement of a building, provided the building is of the same use and not materially larger than the one it replaces at paragraph C(iv). Therefore, in respect of this exception, the policy is consistent with the Framework. The Framework does not define “materially larger”, and I have not been directed to any such definition in the LP. However, the assessment clearly requires a comparison to be made between the size of the existing and proposed building, which would encompass considerations including the external dimensions of the buildings and their internal floorspaces.
8. However, whilst the appeal scheme proposes to retain the residential use of the site, since the appeal was lodged the original bungalow has been demolished and consequently, there is no building on site to replace. Therefore, the appeal scheme would not meet the exception listed under paragraph 154(d) of the Framework.
9. Nevertheless, even if I accepted that the scheme could be considered as a replacement building, the figures provided by the appellant state the former dwelling had a footprint of 186.2 square metres (sqm) and a floorspace of 169.9sqm and the proposed chalet bungalow would have a footprint of 282.35sqm and a floorspace of 278.9sqm. This represents an approximate 51.6% and 98.4% increase in footprint and floorspace respectively. The appellant has not provided comparative volume figures or stated the height of the former bungalow. However, from the plans it is clear the new chalet bungalow would be taller and have a greater volume with the addition of a first floor, even if this is to be provided within the roof space.
10. The new dwelling would have a broadly square footprint, compared to the more L-shaped footprint of the former bungalow, thus it would have a greater massing and would occupy a greater proportion of the site, even if the building would not be significantly wider overall. At over double the footprint and floorspace, the proposed dwelling would be significantly larger than the former building. The plans also include a detached garage which would add to the cumulative mass of buildings on the site. I note the floorspace and footprint figures provided by the appellant do not include the detached garage and the appellant states this is to be pursued separately under the garage LDC. However, even if I were to discount the garage, the new dwelling would still be significantly larger than the former bungalow. Therefore, due to the combined effect of its increased height, massing, footprint and floorspace, the new dwelling would be materially larger than the former bungalow such that it would not have fallen within the exception in paragraph 154(d) of the Framework in any event.

11. The appellant has put to me that the proposal could be considered against the exception at paragraph 154(g) of the Framework which allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt. The Council has not disputed this approach.
12. Policy DM4 of the LP contains a similar exception at paragraph C(vi), however, the wording is rooted in the previous version of the Framework and requires that the development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. This is not entirely consistent with paragraph 154(g) of the Framework as it imposes more stringent tests for the re-development of previously developed land. The requirements of Policy DM4 are therefore inconsistent with the Framework in this regard. As such, I have afforded limited weight to this policy in this respect.
13. The appeal site would meet the Framework's definition of previously developed land. It therefore falls to consider whether the development would cause substantial harm to the openness of 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 and the essential characteristics of Green Belts are their openness and their permanence. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
14. From the plans and photos provided in the evidence, the original bungalow was a modest, detached 3-bedroom bungalow with an attached garage and conservatory. The bungalow was relatively low-profile, set within a modest garden close to one of its side boundaries which are formed by a mix of fencing and vegetation. The surrounding area is relatively open in character, comprising open fields, farmland and sporadic buildings. Because of this, it is likely that both short and long-distance views of the property were achievable from the surrounding area.
15. As established above, the proposed dwelling would be larger than the former bungalow, with a significantly greater floorspace, footprint, number of storeys, height and overall volume and massing. It would also cover a greater proportion of the appeal site. Even though the replacement building would not be significantly wider, and the additional footprint would square off the L-shape of the former dwelling, it would occupy ground and air space that was previously devoid of built form. The dwelling would also be repositioned to be more central within the site, which would increase the space between the dwelling and the side boundary. However, the scheme also includes a detached garage to the side which would add to the cumulative mass of buildings and reduce the space to one side of the dwelling. Nevertheless, even if I discounted the garage as this has been granted under an LDC, the additional height, footprint and bulk of the dwelling would reduce views over and around the property and the increased height and massing of the roof particularly would increase the prominence of the dwelling in both long and short distance views.
16. Overall, when the spatial and visual effects are taken together, there would be substantial harm to the openness of the Green Belt. Accordingly, the proposed development would not meet the exception set out in paragraph 154(g) of the Framework.

17. The development would therefore be inappropriate development within the Green Belt and would result in substantial harm to the openness of the Green Belt. This is contrary to Policies SP5 and DM4 and of the LP, insofar as they are consistent with the Framework, which together require, amongst other things, for the Green Belt and its openness to be protected from inappropriate development.
18. In accordance with paragraph 153 of the Framework, substantial weight should be given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. These are considered below.

Other considerations

19. In addition to the detached garage, the appellant's case outlines several extensions that could've been carried out to the existing dwelling on the appeal site under permitted development rights³. Planning permission was also granted to replace the existing conservatory with a single storey rear extension, construct a new roof over the dwelling and convert the garage to additional living space in addition to other external alterations⁴. However, as the bungalow has been demolished there is no likelihood of these developments coming forward as the dwelling does not exist.
20. I have been supplied with copies of the approved plans, decision notice and officer report relating to the replacement dwelling that has recently been granted permission. In the officer report the Council states that the total floor space of the replacement dwelling would be 260sqm. Compared to the appeal scheme before me, the first-floor element and dormer window have been omitted, the angle of the roof pitch has been reduced from approximately 30 degrees to 24 degrees and the height of the ridge and eaves have been reduced by approximately 1.2m and 0.5m respectively.
21. As this permission is extant, there is therefore a greater than theoretical prospect that this dwelling would be constructed in the event the appeal is dismissed, which makes it a genuine 'fallback' position. However, as the approved dwelling would have a lesser floorspace, volume, bulk and overall height than the appeal scheme, it would be less harmful to the openness of the Green Belt. Therefore, this 'fallback' position does not weigh significantly in favour of the appeal scheme.
22. The appellant suggests the development would provide a dwelling with bedroom and bathroom accommodation on one floor, which they contend is needed in the district. However, this was the case for the former bungalow and the proposal would make a neutral contribution to housing supply as a replacement dwelling.
23. The appellant indicates that the proposed development would result in a modern, energy efficient dwelling that would incorporate enhanced renewable energy technologies compared to the former dwelling which they state was outdated. The development would also incorporate high-quality building materials and has been designed to respond to the character of developments in the area and comply with nationally described space standards. However, there is little in the evidence to suggest

³ Council Refs. EPF/0702/24, EPF/0703/24, EPF/1076/24, EPF/1713/24

⁴ Council Ref. EPF/1731/24

the development would be particularly innovative, or that it would go significantly beyond the requirements of the development plan or other governing legislation in this regard.

24. There would also be minor economic benefits associated with jobs created during construction and ecological improvements would be delivered through additional landscape planting. Although no specific details have been provided in this regard, this could be secured by a suitable condition if the appeal were to be allowed. The proposal is also described on the application form as a self-build project. Whilst no mechanism has been provided to secure this as such, this benefit attracts moderate weight.
25. The Council accepts that the development would improve the site's current appearance. However, from the photos supplied in evidence, the appearance of the former bungalow was not particularly harmful, and I am not persuaded that there would not be a less harmful way of redeveloping the site and securing the same benefits. Moreover, whilst the Council does not raise any objections to the proposal in terms of its effect on the living conditions of existing and future occupiers, highway safety, ecology and biodiversity and matters relating to design, compliance with the development plan in these respects is a neutral factor. I also appreciate that support has been received from the Parish Council, however, the points raised do not alter my above conclusions.

Green Belt Balance

26. The development would be inappropriate development in the Green Belt in that it would result in a new building within the Green Belt which does not fall under any of the listed exceptions. The proposed development would also result in substantial harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the 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 are clearly outweighed by other considerations.
27. Overall, when taken together, in the context of a single dwelling, whether it is regarded as a replacement dwelling or otherwise, the abovementioned benefits of the development attract limited weight in favour of the proposal. Therefore, the other considerations in this case are not sufficient to outweigh the substantial weight to be given to the Green Belt harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal conflicts with the Framework and Policies SP5 and DM4 and of the LP, insofar as they are consistent with the Framework, which together require, amongst other things, for the Green Belt and its openness to be protected from inappropriate development.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR