



Appeal Decision

Site visit made on 29 July 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2025

Appeal A Ref: APP/J1535/D/25/3363664

Lower Lodge Cottage, Long Street, Waltham Abbey, Essex EN9 3TH

- 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 A Murray against the decision of Epping Forest District Council.
 - The application Ref is EPF/2211/24.
 - The development proposed is the replacement of existing outbuildings with ancillary use annex.
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Appeal B Ref: APP/J1535/D/25/3363665

Lower Lodge Cottage, Long Street, Waltham Abbey, Essex EN9 3TH

- 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 A Murray against the decision of Epping Forest District Council.
 - The application Ref is EPF/2230/24.
 - The development proposed is the “demolition of two storey garage building”.
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Decision

1. Both appeals are dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the erection of a building to be used as an annexe, while Appeal B is for the refusal of planning permission for demolition in a conservation area. I understand that two separate appeals were made because the Council issued two decision notices with separate reference numbers, covering each scheme. The appellant only ever submitted one application for planning permission. The Council provided one delegated report for both refusals, and the appellant has submitted the same appeal statement and supporting documents for each. Moreover, the refusal reason for Appeal B is the same as one in Appeal A and references the new development. It appears, with this in mind, the two proposals are one and the same development. I have therefore considered them together, as such.
4. A revised National Planning Policy Framework (Framework) was published prior to the determination of these appeals, and it has been referred to in the evidence. I have therefore proceeded with reference to the most up to date version of the Framework as the national policy position.

Main Issues

5. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the character and appearance of the area with specific regard to the Copped Hall Conservation Area (CA) and the setting of a grade II listed building; and c) whether it would be at an unacceptable risk of flooding.

Reasons for the Recommendation

Inappropriate Development

6. Policy DM4 of the Epping Forest Local Plan 2023 (LP) is broadly consistent (to a point) with the approach of the National Planning Policy Framework (the Framework) in so far as it relates to the purposes of the Green Belt along with some of the exceptions for the construction of new buildings therein. The Framework identifies that such is inappropriate unless one of the expressed exceptions applies. The appeal scheme is argued under more than one.
7. Paragraph 154 (c) sets out that disproportionate additions over and above the size of the original building, where they might be an extension thereto, would be inappropriate development. As a domestic adjunct, it is reasonable to consider the development of an outbuilding within the curtilage of a dwelling as an extension thereof.
8. Policy DM4 mirrors the Framework when considering disproportionate additions and, like the Framework, identifies no specific guidance on what might constitute such. The Council have advised that the original dwelling has already been significantly extended and therefore focussed on the combination of the dwelling including the outbuilding as being disproportionate additions. This is not unreasonable. There is some dispute between the main parties surrounding the level of increase in terms of floor area and volume. Notwithstanding this, both are in agreement that the increase in volume would be measurably larger, but the appellant advises it would not be disproportionate due to its design.
9. It is clear based on the design that the proposal would result in a significant increase in built form. Even though it is to be single storey, the building would be conspicuous by virtue of its modern boxlike design, bulk and mass. Moreover, the consolidation of one building from two would inevitably appear substantially larger than what was previously on site. Whilst the land take of the annexe would not be great, it would create a substantially larger living space and would overall be visually obvious by virtue of its concentrated size. Qualitatively and quantitatively therefore, the proposed works in the appeal scheme would result in disproportionate additions over and above the size of the original building, also taking into account what has gone before.
10. Paragraph 154 (d) explains that a replacement of a building may not be inappropriate development providing it is in the same use and not materially larger. DM4 takes the same approach. Whilst no longer incidental given the scheme would be an annexe, the new building would remain part of the dwelling's planning unit and maintain a residential use in association therewith. That said, the annexe would be materially larger with the above assessment in mind. I am therefore not convinced that the proposal would meet this exception.

11. Paragraph 154 (g) considers 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. I am satisfied that the appeal site is, for the purposes of the Framework, previously developed land being a garden not in a built up area and the appeal scheme would constitute the redevelopment thereof given there is some demolition and building works.
12. Openness is one of the key characteristics of the Green Belt. It has been held that it has a visual and spatial aspect. The latter can be taken to mean the absence of built form. The proposal would have a limited increase in footprint over the existing. It would be more visually prominent and have a more obvious presence within the site by virtue of its flat roof and modern boxlike design. However, it would be relatively secluded in the wider sense in amongst the site's vegetative cover. The limited effect on the visual aspect would not make up for the unavoidable reducing effect the new building would have on the spatial aspect by virtue of there being more built form in a place where there was previously none.
13. That said, this exception is concerned with there being substantial harm to the Green Belt's openness. Whilst the building might be materially larger, substantial is a higher test and, for the above reasons, I do not agree that the openness of the Green Belt, reduced and therefore harmed it may be, would be substantially so.
14. Policy DM4, in regard to this exception, refers to development not having a greater impact on openness. By virtue of being materially larger, I feel the new building would have a greater effect thereon and therefore conflict with DM4. However, the most recent iteration of the Framework is the most up to date expression of Green Belt policy nationally and thus it would carry the greater weight. With this and the above in mind, the appeal scheme would not be inappropriate development in the Green Belt, in accordance with the Green Belt protection aims of the Framework.

Character and Appearance

15. There is a distinct traditional rurality to the host dwelling's design and appearance which includes a number of projecting gables, chimney features and recessed window reveals. Quaint half dormers reflect the roof shape which over sails at the eaves. It appears to have been extended in places, but they have largely followed a traditional approach of lean to sloped roofs and design cues from the original dwelling. This is reflective of the immediate area which exudes a high quality managed agrarian estate feel. There are other large dwellings in substantial plots occasionally in amongst trees. In curtilage domestic outbuildings are generally small and unobtrusive both within their plots and how they relate to their host.
16. The dwelling is a 19th Century lodge which functioned as part of the wider Copped Hall Estate. There is a grade II listed farmhouse as part of Lodge Farm to the north. Prior to the erection of the two outbuildings which are to be removed as part of this scheme, the lodge's site was undeveloped. Historically, and in regard to the appeal site specifically, lodges were more isolated buildings that satellited the main complex. I.e. they were not primary buildings in themselves. Obviously there has been some evolution over time. The outbuildings in the lodge's curtilage have had an eroding effect on its historic and functional significance in this regard, but they nonetheless follow a natural rural aesthetic through the use of black stained timber weather boarding and tiled, pitched roofs.

17. There is a pleasing consistency to where incidental and ancillary structures have been developed in a scale and design subservient manner and reflective of the rural feel to the area more generally, incorporating a natural appearance to their use of materials on the whole. These and the above matters contribute positively to both the character and appearance of the area and the significance of the CA.
18. The removal of the existing outbuildings would make the lodge and its curtilage that more historically legible and arguably honest. The scheme would represent the imposition of what would be an ultra-modern and architecturally stark box type design with a more manufactured external finish. It would be separate from the lodge, but its concentrated size and mass would not only serve to highlight an awkwardly competing visual affect in an otherwise defined traditional context but one which would impinge spatially on the historic isolation of the lodge and its significance as such. The jarring effect of the proposed annexe in these regards would detrimentally affect the pleasing consistency to building relationships in the immediate area and wider CA.
19. The concentration of this type and design of built form within the curtilage of the lodge would represent additional clutter in a strong and traditional rural/agrarian estate context. That said, the listed farmhouse is in amongst its own related context and maintains a degree of originality and containment from the lodge within and closely related (both functionally and visually) to yards and other associated historic and more modern farm buildings. With this in mind I remain to be convinced that the harms I have found above would extend to the setting of the listed farmhouse.
20. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 explains that special attention shall be paid to the desirability of preserving or enhancing the character or appearance the CA. Nationally speaking, paragraph 212 of the Framework places emphasis on great weight being given to an asset's conservation. Given the above assessment, the proposal would neither preserve or enhance the character or appearance of the CA. Due to the scale and nature/design of the development in context, the harm would be at the upper end of less than substantial and, given the above, I would ascribe it significant weight. As directed by paragraph 215 of the Framework, the harm should be weighed against the public benefits of the proposal.
21. It appears that the main parties have not identified any. Be this as it may, any potential ones would be limited by the scale and scope of the scheme, such that they would attract only very limited weight. As a result, they would not be sufficient to outweigh the harm to the CA. Therefore, and overall, there would be conflict with Policy DM7 of the LP and the relevant paragraphs of the Framework. Together, these seek to ensure that development proposals are of a high-quality design and conserve the historic environment, amongst other things.

Flooding

22. The Council's reason for refusal has asked for an "exceptional sequential test plan" to be submitted. There is no exceptional sequential test but there is the sequential test and the exception test which can be applied to developments which are proposed within a flood zone. In this circumstance, as per Paragraph 176 of the Framework and footnote 62 and as the proposal is classed as householder development, the two tests are not required subject to meeting the requirements for

site specific flood risk assessments. As the proposal is sited within both flood zones 3a and 3b, a site-specific flood risk assessment has been provided.

23. I am therefore directed to Paragraph 181 in which the development is required to demonstrate compliance with the 5 subsections. I am satisfied, due to the nature of the development being a residential annexe, that there would be no other locations for the proposal and is in the area lowest of flood risk. Moreover, I am satisfied that the proposal has incorporated mitigation measures which will ensure that the development is appropriately flood resistant and resilient as well as any residual risk being safely managed. Additionally, the proposal would incorporate a suitable sustainable drainage system. Finally, it has been exemplified that safe access and escape routes have been demonstrated.
24. Therefore, and overall, the proposal would not be at an unacceptable risk of flooding. In so being, it would comply with Policy DM15 of the LP and the Framework. Together these seek to ensure that development proposals have appropriate drainage measures and do not increase flood risk to other areas.

Other Matter

25. There appears to be an extant certificate of lawfulness for the siting of a caravan. Plans have been provided but the evidence suggests this position relates to one being within the curtilage of the appeal site and not necessarily in the location of the appeal scheme.
26. A caravan would have a fundamentally different effect to that of the proposal due to its design and nature. The certificate also relates to a lawful position on the use of land, not the physical entity itself. It is unclear therefore, for visual comparison's sake, what such a caravan would look like. As an established position in lawful planning terms for the siting of a caravan, I remain to be convinced that one could rescind it. It relates to the land and not the individual. The incumbent occupiers might be able to agree not to site a caravan on the land, but I'm unsure as to whether such a restriction could apply to any other individual exercising legal rights to a lawful use of land.
27. In any case, and with this partly in mind, I have found that the building would be unacceptable in character and appearance terms by virtue of its design, scale and location. This lawful position would not change that. In addition, it would appear to be possible to site a caravan in the curtilage whether the appeal is successful or not. My findings do not therefore change.

Conclusion and Recommendation

28. The lack of harm I have found in regard to flood risk would be a neutral matter and thus not weigh in favour of the scheme. For the reasons given above, the appeal scheme would not comply with the development plan, and I have been given no compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeals should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and my representative's report and on that basis the appeals are dismissed.

John Morrison

INSPECTOR