



Appeal Decision

Site visit made on 6 August 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/J1535/D/25/3367287

Hawthorn Cottage, 4 Bumbles Green Lane, Nazeing, Waltham Abbey EN9 2SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Williamson against the decision of Epping Forest District Council.
 - The application Ref. is EPF/0488/25.
 - The proposed development is single storey rear extension with crown roof and skylight.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties agree that the proposal constitutes inappropriate development in the Green Belt as it would result in a disproportionate addition to the original building having regard to previous extensions and therefore does not benefit from the exception in paragraph 154(c) of the National Planning Policy Framework. I see no reason to disagree.
3. The main issues are therefore
 - the effect on Green Belt openness and purposes;
 - whether the 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 openness and purposes

4. The proposed addition would be sited wholly to the rear of the dwelling which is itself located within a row of dwellings that front Bumbles Green Lane. In addition, there are dwellings located to the rear (west) which front Almains Close. The site is therefore located within a relatively built-up part of the village such that the proposed extension would have no adverse impact on the openness of the Green Belt which would be preserved.
5. The Green Belt purposes (a - e) are set out in Framework paragraph 143 and also listed in Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) (EFLP). Purpose (a) to check the unrestricted sprawl of large built-up areas, and (b) to prevent neighbouring towns merging into one another, are not relevant to the appeal site which relates to the built-up area of a village which is not located close

to any large built-up area or neighbouring town. Furthermore, there would be no encroachment of the countryside due to the location of the appeal site wholly within the built-up area of the village. Purpose (d) to preserve the setting and special character of historic towns and (e) to assist in urban regeneration are also not relevant to the appeal site. The proposal would therefore have no effect on nor would it conflict with any Green Belt purpose.

6. Overall, there would be no conflict in this regard with EFLP Policies SP5 and DM4 which seek to protect the openness of the Green Belt and avoid harm to Green Belt purposes.
7. The Council also cites conflict with EFLP Policy DM9 which is a general policy that seeks high quality design in all development. It does not contain any specific requirements in respect of the Green Belt. Notwithstanding the Green Belt harms identified above, the proposed extension would otherwise provide a suitably designed extension that would respect the form, period and detailing of the host building and thus complies with part E of Policy DM9 which relates to extensions to residential buildings.

Whether the 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

8. Framework paragraph 153 states that substantial weight should be given to any harm to the Green Belt and that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
9. The appellant contends that the proposed extension would be very small scale compared to the existing dwelling. However, I do not agree and consider that it would be a quite sizeable addition. That it would be located to the rear of the dwelling where it would be hardly visible from public view is a matter that has already been considered as part of the effect on Green Belt openness. These factors therefore have little weight.
10. The appellant also refers to a potential fall-back position provided by relevant permitted development rights (PDR). In this respect, the appellant cites relevant case law¹, confirming the circumstances in which weight may be given to any such fall-back position, with particular reference to the basic principle that a possibility of a 'real prospect' is sufficient. The appellant suggests that the existing dwelling could benefit from a larger home extension of up to 8 metres depth, if there were no objection from neighbours.
11. In this case there is no lawful development certificate confirming that such an extension could be built as PDR. Whilst I acknowledge that the lack of such is not determinative, whether such an extension could be erected under PDR would be subject to a prior approval procedure with consideration of effects on neighbours. It should not be assumed therefore that a different type of scheme submitted under that procedure would result in a lack of objection from neighbouring occupiers in the future.

¹ Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

12. In addition, there are other conditions and limitations that apply, including that the depth of any such extension under PDR is measured from the rear wall of the original dwelling house. Whilst the depth of the proposal only marginally exceeds that which would be permissible under PDR, that depth is measured from the rear wall of the existing kitchen / utility and it is unclear whether this is part of the rear wall of the original dwellinghouse. The appellant also acknowledges that the part of the extension to the rear of the existing utility / wc would not be to the rear of the original dwellinghouse, amounting to a not inconsiderable part of the proposal.
13. In these circumstances whilst such a fall-back position may be a material consideration, given the uncertainty as to the size and position of what may actually be permissible under PDR, only limited weight can be given to this factor.
14. I acknowledge that the proposal would provide enhanced accommodation for the occupants of the dwelling to which some limited weight is given.
15. Overall, however, I find that these other considerations do not clearly outweigh the substantial harm to the Green Belt by way of inappropriateness. As such there are no very special circumstances to justify the development. The proposal would therefore conflict with EFLP Policies DM4 and SP5 which consistent with the approach in the Framework only allow for inappropriate development in the Green Belt where justified by very special circumstances.

Conclusion

16. For the above reasons, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with that plan. I therefore conclude that the appeal should be dismissed.

P B Jarvis

INSPECTOR