



Appeal Decision

Site visit made on 2 December 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/J1535/W/25/3373673

High Beech Hall, Church Road, Loughton, Essex IG10 4AJ

- 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 and Mrs Stephen Pledger against the decision of Epping Forest District Council.
 - The application Ref is EPF/1313/25.
 - The development proposed is construction of a new two storey dwelling with second floor accommodation in the roof, a detached double garage, a new replacement external rear swimming pool and associated site works, following demolition of existing dwelling and outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a new two storey dwelling with second floor accommodation in the roof, a detached double garage, a new replacement external rear swimming pool and associated site works, following demolition of existing dwelling and outbuildings at High Beech Hall, Loughton, Essex IG10 4AJ in accordance with the terms of the application, Ref EPF/1313/25, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision letter.

Preliminary Matter

2. The appeal is advanced with a 'Proposed Site Masterplan' that was not before the Council at the time of their decision. This shows the location of a number of development proposals within the appeal site, which are the subject of lodged applications that, at the time of submission, had not been determined. These applications have now been decided, and the decisions have been provided to me. My acceptance of them would not prejudice the Council or any other interested parties who have had the opportunity to comment. Therefore, I proceed on that basis and return to this matter in my reasoning below.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and
 - if inappropriate, 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

Whether inappropriate

4. The appeal site lies within the Metropolitan Green Belt. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One (2023) (EFLP) sets out that within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt. It goes on to set out that development should be regarded as inappropriate unless one of a list of exceptions apply.
5. The exception set out in EFLP Policy DM4(C)(iv) and reflected in Paragraph 154(d) of the Framework, relates to the replacement of a building, provided the new building is of the same use and not materially larger than the one it replaces. In this regard, there is consistency between the policies.
6. The proposal is for a replacement dwelling and outbuilding, thus in the same use, such that the primary consideration in this case relates to whether or not the replacements are materially larger. There is no definition of 'materially larger' set out either in the EFLP or the Framework. The supporting text to Policy DM4 sets out that it is not intended to define 'materially larger' since it would depend on the characteristics of the site locality, and existing buildings themselves in relation to specific proposals. The exercise of determining whether they are materially larger therefore, is primarily an objective one by reference to size.
7. Having regard to relevant caselaw¹, the buildings as they currently exist on site is the relevant baseline for comparison, which is also the approach adopted by the Inspector in previously dismissing an appeal² for a replacement dwelling on this site. This approach has not been disputed by the Council. Whilst collectively the built form currently sprawls within the grounds, as domestic buildings in the same planning unit that are located close to one another, I agree they can sensibly be considered together in comparison to what is proposed to replace them.
8. The appellant has set out spatial dimensions of the existing and the proposed development. The existing footprint is said to be 460.4 square metres (sq. m) which would increase to 467.1 sq. m, the floor area would increase from 645.5 sq. m to 709 sq. m and the volume would go from 2,470 cubic metres to 3,069 cubic metres, all of which are undisputed by the Council. Notwithstanding the appellants calculations, this would amount to an approximate 1.45% increase in footprint, 9.83% increase in floor area and a 24.25% increase in volume.
9. Whilst slightly deeper, the replacement dwelling would be broadly built on the same footprint as the existing, albeit the built form would be pulled in from the side boundary and instead extend further back into the site with a single storey off-shoot, also replacing the outbuilding located in the north-west corner of the site, adjacent to the swimming pool. The proposed site plan shows that only the single storey front bays and porch would protrude beyond the existing building line. However, this protrusion is so slight that it would be imperceptible from the public realm.

¹ Athlone House Ltd v SSCLG [2015] EWHC 3524 (Admin)

² APP/J1535/W/24/3337078

10. The evidence points to the volume and bulk of the replacement dwelling having been considerably reduced compared to the previously dismissed appeal, such that I find previous concerns have been adequately addressed.
11. Due to the elevated ground levels, despite its set back from Church Road, the existing dwelling has an imposing presence on the site. The plans show the ridge height of the replacement would be similar. Additionally, ground levels are proposed to be reduced for the replacement dwelling which would help to further reduce its prominence. Having regard principally to the increased size, but also having regard to its scale and bulk, I do not consider that the increases in development constitute it being materially larger.
12. The replacement garage would be of a similar size on a similar footprint; it does not represent development that is materially larger either.
13. A second outbuilding adjacent to the southern-most access point would be demolished and would not be replaced, representing a betterment and reducing the sprawling nature of existing built form. This demolition can be secured by condition. A replacement building in this position, being set forward of the principal elevation of the dwelling, would likely need planning permission such that this betterment can be achieved and can be attributed considerable weight.
14. Accordingly, I find that the proposal would not be inappropriate development in the Green Belt having regard to the exception set out at paragraph 154(d) of the Framework and EFLP Policy DM4(C)(iv). As I have not found the proposal to be inappropriate development in the Green Belt, it is not necessary for me to go on to consider whether very special circumstances exist.

Openness

15. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness. However, in the context of the Green Belt, it generally refers to an absence of development. Openness has both a spatial dimension, and a visual aspect.
16. The replacement dwelling would be positioned on a similar footprint to the existing. Sitting on lower ground, at a similar height to the existing dwelling, its scale and massing would not appear materially larger and would have a comparable impact in spatial terms. This is also the case for the replacement garage. Indeed, when considered in the round, the removal of the outbuilding adjacent to the entrance gate would improve openness to the site frontage.
17. Available views of the development would be localised and limited due to the presence of existing built form, boundary treatments and trees which would be retained. Therefore, from a visual perspective, I do not find that, as a whole, the proposal would have any more of an impact on openness than the existing. This was also the conclusion of the Landscape and Visual Impact Assessment submitted with the application.
18. Consequently, the effect of the development on the openness of the Green Belt would be one of preservation; the fundamental aim of the Green Belt, which is to keep land permanently open as set out in paragraph 142 of the Framework, would not be undermined. EFLP Policy DM4 does not explicitly refer to openness other

than in respect of (D) certain other forms of development, which this proposal does not constitute. It follows that I find no conflict with it in respect of openness.

Other Matters

19. The appellant draws my attention to three certificates of lawfulness (CoL) for proposed outbuildings within the appeal grounds and one prior approval for a large home extension which have been recently granted. These represent realistic fallback positions. There is nothing to restrict the implementation of the three CoL after the replacement dwelling is in place. I have considered the effect of this and the invitation from the Council to remove permitted development rights. However, paragraph 55 of the Framework makes clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The suggested reasoning is given as the effect on the character and appearance of the area and the living conditions of adjoining neighbours, which I do not consider is a clear and reasonable justification, particularly as these are not the Council's areas of concern.
20. Whilst such development could theoretically have an effect on the Green Belt, this is equally the case for all such outbuildings enjoying the permitted development regime, which are not restricted just because of their location within the Green Belt. Accordingly, I do not find there is justification to remove permitted development rights on that basis either.
21. I am cognisant of representations raising concerns relating to elements of the design and the effect on landscape character. The Council has not raised these as concerns and without substantive evidence on the matter, I do not find differently than the Council.
22. The evidence before me indicates the site lies adjacent to, and within the zone of influence of the Epping Forest Special Area of Conservation (the SAC). The proposal is for a replacement dwelling of a similar size. Consequently, there would not be increased recreational pressure or additional pollutants to air quality arising from additional cars as there is no net gain of residential units. Therefore, it would not, either alone or in combination with other plans or projects, give rise to Likely Significant Effects on the integrity of the SAC. As such, an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 is not required and nor is any mitigation necessary.

Conditions

23. The Council have suggested a number of conditions. I have considered these in relation to the necessary tests, made changes to some, included additional conditions and not imposed all those suggested for the reasons set out above and below.
24. In addition to the standard time condition (No.1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No. 2) for the avoidance of doubt and in the interests of certainty.
25. The Bat Activity Survey (BAS) submitted with the application, identified two day roosts in the dwelling, and that bats utilise the site for foraging. A Natural England Mitigation Licence will be necessary to legally close the roosts, which is a separate process to the planning regime. As a replacement dwelling, it is not possible to

avoid impacts on the roosts. However, the BAS outlines mitigation measures to minimise impacts and to compensate for their loss which follows the mitigation hierarchy and would allow for the conservation status of bats to be maintained or enhanced following development. Subject to a condition imposed (No. 3), to require additional details to satisfy the six tests of the Framework, I am satisfied that these protected species would be afforded appropriate protection.

26. To afford trees on site protection during the construction period, a condition (No. 4) is necessary to require protective measures to be put in place prior to the commencement of development.
27. Whilst topographical information and finished floor levels are provided, these are not shown on the same plan. In order to ensure the development is precise and enforceable, a condition (No. 5) is imposed requiring the extrapolation of this information in one place.
28. To protect the environment, including the adjacent SAC from potential adverse effects from surface water run-off, a condition (No. 6) is necessary to require a suitable scheme for surface water disposal to be agreed and then implemented on site. For the same reason, and that of human health, a condition (No. 7) is necessary to appropriately deal with potential for land contamination.
29. Given that nesting birds have been confirmed within buildings on site, a condition is necessary (No. 8) to ensure these are protected from harm. The provision of bird nest boxes is also necessary to compensate for their loss, as secured by condition No. 9.
30. Whilst materials are indicated on plan, there is a lack of clarity regarding the colour of finishes, and manufacturer details. As such a condition (No.10) to require these to be agreed is necessary, in the interests of the character and appearance of the area.
31. As the district is located in an area of severe water stress, the reduction of water use is required in the interests of sustainability, in accordance with Policy DM19 of the EFLP. To secure this, condition No. 11 is necessary.
32. To help support improved digital connectivity and the wider aims and objectives of reducing the need to travel, I find it reasonable and necessary to impose a condition (No. 12) to require provision of infrastructure to enable superfast broadband connection or equivalent.
33. It has not been shown that the submitted details for both hard and soft landscaping are unacceptable. Therefore, the suggested condition requiring agreement of such details is not necessary. I have modified the suggested condition (No. 13) to require their implementation and enable their initial establishment.
34. In my reasoning, I have afforded weight to the removal of outbuildings in considering the overall effect of the proposal on the Green Belt. For this reason, and to ensure that the proposed demolition occurs in a timely manner, it is reasonable and necessary in this instance to restrict occupation (through condition No. 14) until this has been undertaken.
35. The Council have suggested a condition requiring the provision of an electric vehicle charging point. However, this requirement is covered separately by Building Regulations and as such it is not necessary to duplicate this requirement.

Conclusion

36. For the reasons set out above, the scheme would accord with the development plan when considered as a whole, and the Framework. Thus, having regard to all other matters raised, I conclude that the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing numbers:
Site Location Map (22-15-01)
Proposed Site Plan (22-15-03 Rev B)
Proposed Elevations (14-37-05 Rev B)
Proposed Roof Plan (14-37-07 Rev B)
Proposed Floor Plans (14-37-04 Rev B).
3. No development, including demolition, shall take place until a Scheme of Mitigation and Compensation for Bats has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall build upon those measures outlined in Section 5 of the Bat Activity Report by Elite Ecology dated September 2023 and should specify the timetable for provision and precise locations for the compensatory roosts. The development shall thereafter be implemented on site in accordance with the approved scheme.
4. All the trees and hedges shown on drawing no. 7782-L-2100 Rev D (Impact on Existing Trees) as "to be retained" shall be protected by the fencing as shown on that drawing. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

5. No development, other than demolition, shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

6. Development shall not take place until drainage works for surface water disposal have been carried out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
7. No development (except for demolition where it is necessary to make areas of the site available for site investigation) shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority; and ii. a verification report for all the remediation works has been submitted to and approved in writing by the Local Planning Authority.

8. No demolition works shall be undertaken during the bird breeding season (March to August inclusive) unless the buildings to be demolished have been inspected by a suitably qualified ecologist no more than twenty-four hours prior to the start of the works to assess if any nesting birds are present. If a bird nest is found, a temporary exclusion zone must be erected around the nests to allow the chicks to fledge.
9. Prior to first occupation, a scheme for compensatory bird nest boxes shall be submitted to and approved in writing by the Local Planning Authority. This shall specify a minimum of three bird nest boxes including the type and precise location, including heights. The approved scheme shall be implemented on site prior to first occupation of the replacement dwelling.
10. No development above ground level shall take place until precise details (including samples upon request) of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

12. Prior to first occupation, the replacement dwelling shall be provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.
13. Prior to first occupation of the development hereby approved, all hard and soft landscape works shall be carried out and completed in accordance with the approved details as shown on drawing numbers 7782-L-2300 Rev F (Softscape Plan), 7782-L-2200 Rev F (Hardscape Plan) and 7782-L-2000 (Landscape Masterplan).

If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective then another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

14. The replacement dwelling hereby approved shall not be first occupied until the outbuildings shown as being demolished on drawing no. 22-15-50 (Demolition Plan) have been removed from the site in their entirety.

End of schedule