



Appeal Decision

Site visit made on 26 November 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/J1535/D/25/3375004

Land adjoining former White Bear PH, 149 London Road, Sanford Rivers CM5 9QF

- 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 Binnie against the decision of Epping Forest District Council.
 - The application Ref. is EPF/0647/25.
 - The proposed development is annex and outbuilding to be used in conjunction with main house.
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Decision

1. The appeal is allowed and planning permission is granted for annex and outbuilding to be used in conjunction with the main house at land adjoining former White Bear PH, 149 London Road, Sanford Rivers CM5 9QF in accordance with the terms of application ref: EPF/0647/25 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun within three years of the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-6242_01 (1:1250 location plan), PL-6242_02 (existing site plan), PL-6242_03 (proposed floor and roof plan), PL-6242_04 (proposed elevations), PL-6242_05 (proposed site plan), OS 3142-25.2 (Tree Protection Plan) and accompanying Arboricultural Impact Assessment dated May 2025.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The building hereby permitted shall not be occupied other than for purposes ancillary to the residential use of the main dwelling on the site and shall not be used as a separate, independent unit of accommodation.

Main Issues

2. The main issues are
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and National Planning Policy Framework (the Framework);
 - the effect on Green Belt openness and purposes;
 - the effect on the setting of the former White Bear PH, a Grade II listed building;

Reasons

Whether inappropriate development

3. Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) (EFLP) states that permission will not be granted for inappropriate development except in very special circumstances in accordance with national policy. It then lists the exceptions as found in Framework paragraph 154. Whilst the Council suggests that the appeal proposal does not fall within any of the listed exceptions, the appellant contends that paragraphs 154(c) and (g) apply.
4. Paragraph 154(c) allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The appellant suggests that case law has determined that detached outbuildings can be considered as an extension to a dwelling, though does not cite any specific case. The appellant also refers to a proposal for a garden building elsewhere within the Council area where it appears the Council agreed that it represented an extension to the property.
5. I am aware that there is case law¹ which found that a detached outbuilding can be considered as an extension to a dwelling and need not be physically attached to it, provided it relates both physically and functionally to the existing dwelling. These issues are matters of judgement having regard to the specific circumstances. In this case, whilst separated by a drive running alongside the house, the proposed annexe / outbuilding would be sited relatively close to the existing dwelling and functionally would be for a use ancillary to it. I find that that it can be considered as an extension of the existing dwelling and thus Framework paragraph 154(c) is relevant.
6. The appellant confirms that various buildings (totalling 599.2 cubic metres in volume) which previously existed on the site (formerly part of the curtilage of the adjoining former public house), were removed and replaced by the new dwelling when it was permitted². However, it is the size of the existing dwelling now currently on the site that constitutes the 'original building' for the purposes of Framework paragraph 154(c). This is confirmed as 616.7 cubic metres amounting to quite a large dwelling albeit only single storey.
7. The proposed outbuilding would be 197 cubic metres amounting to approximately 32% of the size of the original building. Furthermore, given its scale and appearance, it would appear as a subservient building in relation to the existing dwelling. I therefore find that the proposal would not result in disproportionate additions over and above the size of the original building, that is, the dwelling that currently exists on the site.
8. The proposal would thus satisfy Framework paragraph 154(c) and would not be inappropriate development in the Green Belt. For these reasons it would also comply with EFLP Policy DM4.
9. Given my findings above there is no need to consider Framework paragraph 154(g).

¹ Warwick District Council v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 2145 (Admin)

² LPA ref: EPF/1826/20

Effect on Green Belt openness and purposes

10. A finding of the acceptability of the proposal on Green Belt openness and purposes is implicit in a finding of it not being inappropriate development. These matters do not therefore need to be considered further.

Effect on the setting of the adjoining heritage asset

11. The appellant confirms that the adjoining former White Bear PH is a Grade II listed building and that the existing dwelling on the site was built on land that was formerly part of the garden area within its curtilage. Whilst the Council does not appear to have assessed whether the proposal would affect the setting of this listed building, the officer report concludes that in respect of character and appearance the proposed building would be appropriate to the site and surrounding area.
12. The proposed outbuilding would be sited some distance to the rear of the heritage asset within the curtilage of the new dwelling on the appeal site and screened by fencing and gates around the new boundaries of that property. Whilst the roof of the proposed outbuilding could be visible above these boundary features, this would not detract from the setting of the heritage asset which mainly derives its significance from its immediate curtilage characterised by existing outbuildings and wider rural setting which would be unaffected by the proposal.
13. I therefore find that the setting of the adjoining listed building would be preserved. EFLP policy DM9 would be complied with in this regard as would the policies of the Framework which seek to ensure that heritage assets are conserved in a manner appropriate to their significance.

Conclusions

14. As I do not find that the proposed development would be inappropriate, there is no requirement to consider whether very special circumstances are demonstrated in this instance. No other harms would arise including in respect of the setting of the nearby listed building nor on the character and appearance of the wider area. The proposal would therefore comply with all relevant policies of the EFLP and with the Framework. I note that a concern has been raised with regard to drainage; this is a matter that would be considered under other regulations.

Conditions

15. In addition to the standard time condition and a condition to refer to the approved plans in the interests of clarity, a condition to ensure that the materials to be used match those used in the existing building is necessary in the interests of the visual amenity of the area. In addition, a condition to ensure that the annex / outbuilding is only used for purposes ancillary to the host dwelling is necessary as that is the basis on which the proposal has been considered.

Conclusion

16. I therefore conclude that the appeal should be allowed.

P B Jarvis

INSPECTOR