Planning Inspectorate

Appeal Decision

Site visit made on 2 December 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/J1535/W/25/3374239
Little Marles Cottage, Upland Road, Epping Upland, Epping, Essex CM16 6PE

- 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 Andrew Yiannoullou against the decision of Epping Forest District Council.
- The application Ref is EPF/1522/25.
- The development proposed is the demolition of existing dwelling and erection of a replacement two-storey dwelling with associated landscaping and parking and alterations to the existing garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are

    - Whether the proposal would be inappropriate development in the Green Belt;
    - The effect of the proposal on the openness of the Green Belt;
    - If the proposal would be inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances.

Reasons

Whether Inappropriate Development

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4. Paragraph 154 of the Framework sets out that the construction of new buildings is inappropriate except for a limited number of exceptions. The main parties agree that the exception pertinent to this appeal is subsection d) of this paragraph, which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One, 2023 (Local Plan) contains the same exception.

5. The appeal proposal is for a replacement dwelling and as such meets the first part of this criterion. However, the parties disagree about whether the proposal would be materially larger than the building that it replaces. The Local Plan does not set out any volumetric or other standards. Nor does it, or the Framework, provide any detailed guidance on how 'materially larger' should be assessed. In my view, it is a matter of fact and degree, and an assessment should consider all of the relevant circumstances, which could include, among other things, the floor area, volume, height and form of the relevant buildings.

6. The Council's evidence includes the planning history of the site and drawings of previously approved and constructed extensions. Nonetheless, paragraph 154 d) of the Framework refers to the replacement of a 'building' rather than 'original building'. The extensions clearly form a part of the building proposed to be replaced and should therefore be part of the baseline for the purposes of an assessment of 'materially larger' in this instance.

7. It is common ground between the main parties that the existing dwelling on the site has a volume of approximately 562 metres (m)³ and that the proposed dwelling would have a volume of approximately 850m³ which would be a 33% volume increase. I have no substantive reason to question these figures. Based purely on these percentage figures, the proposed development would lead to a large increase in the volume of the existing building.

8. Moreover, assessing whether a replacement building would be materially larger is primarily an objective test based on size. In this instance there would be a noticeable increase in its reconfigured 'H' shaped footprint, scale, bulk and massing when compared to the existing dwelling on the site. I therefore take the view that such an increase in size, bulk and volume cannot reasonably be anything other than materially larger.

9. Accordingly, the proposal does not fall within the fourth bullet point exception of paragraph 154 and would constitute inappropriate development that is, by definition, harmful to the Green Belt. Consequently, it would conflict with Local Plan Policies SP5 and DM4 which seek, amongst other matters, to protect the Green Belt.

Openness

10. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.

11. I have already found that the proposal would be materially larger than the building that it would replace. The scale and bulk of the appeal building would noticeably exceed that of the existing dwelling. This impact would be compounded by the increase in the height and volume of the proposed roof alteration to the detached garage, which forms a part of the proposal, and has not been included in the main parties' calculations above.

12. There is a hedgerow and several deciduous mature trees along the site boundary and I appreciate that the proposal sits in roughly the same position within the existing residential curtilage as the existing dwelling. Views into and out of the site are therefore restricted. Nonetheless, this development would still be apparent

through the vehicular entrance and from certain vantage points along the access track leading up to the appeal site. This would inevitably result in a reduction in the visual and spatial openness of the Green Belt, albeit to a marginal extent.

Other Considerations

13. It has been put to me that 90m³ of additional extensions and roof enlargements could be constructed under permitted development rights and represent a fallback position. However, there is no certificate of lawful development or extant planning permission to these effects or any details or plans of such schemes before me. Moreover, I also have no substantive evidence to indicate that there is a greater than theoretical probability that all of these developments would happen should this appeal be dismissed. I am therefore unable to be certain that these would be equally or more harmful than the proposal. Given this uncertainty the fallback attracts limited weight

14. It has been advanced that the proposal would enhance the site's appearance, removing unsympathetic extensions and replacing them with a building of high quality design that contributes positively to the wider landscape. Nonetheless, the Council has not raised any objection in respect of design, the living conditions of local residents, heritage matters, flood risk, drainage, parking, and highway safety. These matters did not appear to be contentious in the appeal and the absence of harm in these respects are therefore not factors that weigh in the scheme's favour. Furthermore, as the proposal is for a single replacement dwelling any benefits in respect of the environment, including ecology, biodiversity, and energy efficiency would be somewhat limited.

Other Matters

15. The appellant's frustration and criticism in respect of the Council's communication during the planning application process is noted. However, this has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me. In its decision notice, the Council has also referred to Local Plan Policy DM9 which is concerned primarily with design rather than the Green Belt. Given the Council's broad acceptance of the proposal's design, I find no conflict with this policy.

Conclusion

16. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There would also be a marginal loss of openness. Even when taken together, the other considerations reviewed above therefore do not clearly outweigh the harm that the proposal would cause. The very special circumstances required to justify the proposal therefore do not exist. As a result, the proposal would conflict with Policies SP5 and DM4 of the Local Plan and guidance within Section 13 of the Framework which seeks to protect Green Belt land.

17. The appeal scheme consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine INSPECTOR