Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2026 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2026

Appeal Ref: APP/J1535/D/25/3377088
Ringinglow, High Road, Epping, Essex CM16 4DQ

- 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 Mrs Holly Shepherd against the decision of Epping Forest District Council.
- The application Ref is EPF/1767/24.
- The development proposed is for demolition of existing conservatory and part demolition of rear elevation to create two storey rear extension and 1.5 storey side extension, extension of southeast facing roof to create front porch, refurbishment of existing house and associated landscape works.

Decision

1. The appeal is dismissed.

Appeal Procedure and Preliminary Matter

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 scheme.

3. The appeal proposal is identical to the extant permission for extensions and alterations to the main dwelling (ref. EPF/0906/24). At the time of my site visit, I observed works on site which appeared to relate to the implementation of that permission. The only distinction is that this appeal proposal also seeks to retain the existing outbuilding.

Application for Costs

4. An application for costs was made by Mrs Holly Shepherd against Epping Forest District Council. This application is the subject of a separate decision.

Main Issues

5. The main issues are a) whether the proposal would be inappropriate development in the Green Belt; b) its effect on the openness of the Green Belt; c) whether it would preserve or enhance the character or appearance of the Bell Common Conservation Area (CA); and d) 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 necessary to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

6. The National Planning Policy Framework (Framework) states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land

permanently open. Inappropriate development therein is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that development in the Green Belt is inappropriate other than in the case of specified exceptions. Paragraph 154 c) concerns the extension or alteration of a building, providing that it does not result in disproportionate additions over and above the size of the original building. This is reiterated in Policy DM4 of the Epping Forest District Local Plan 2023 (LP).

7. Whilst setting out that the original building is as it existed on 1 July 1948 or, if built after, as it was originally built, the Framework does not define disproportionate. It is therefore a matter of planning judgement. The supporting text to Policy DM4 requires regard to be given had the characteristics of the site locality, and existing buildings themselves in relation to the specific proposals.

8. It has been held that a detached residential outbuilding, as a normal domestic adjunct, can be considered an extension to the host dwelling for Green Belt purposes. The evidence suggests that the outbuilding proposed for retention was erected in 1990 and is thus not original. It therefore represents a previous, and non-original, growth of the original building. Which was erected in the 1950s.

9. Whilst little is evidently known as to the precise size and scale of the original dwelling, it is clear that it has grown. Indeed, the extant planning permission is the implementation of extensions to the original itself. The appellant approximates, via general consensus with the Council, that the original dwelling had a floor space of about 196 square metres. It is unclear if that was the land take (area) or the space made up by multiple stacked floors. That said, the proposed extensions in this scheme (which reflect the extant one), plus the retained outbuilding, would result in a total floorspace in the region of 430 sqm.

10. The appellant contends that the volume of built form currently on site (pre the current scheme being implemented) amounts to approximately 1200 cubic metres. Taking into account the proposed extensions to the dwelling and the retention of the existing outbuilding, this would increase to around 1500 cubic metres.

11. Given this appeal scheme, in terms of extensions to the dwelling, has an extant planning permission to fall back on, the retention of the outbuilding represents a cumulative addition to that. Whilst it has been there for some time and would not, in floorspace or volume terms, account for a great deal, it would stand as further growth, as well as growth of some considerable substance in itself. Amongst other positions established through previously extant and now lapsed planning permissions, the extant scheme was also predicated on the outbuilding being demolished. That will no longer be the case for the purposes of this appeal.

12. Despite the generous plot size, the proposal would also result in further spreading out of built form within the site. When considered in combination with the footprint and external dimensions of the proposal and previous historic additions, the overall effect would be excessive. Consequently, the proposal would result in disproportionate additions over and above the size of the original building. Thus, it would fail to comply with the Framework and Policy DM4 of the LP. It would accordingly be inappropriate development in the Green Belt, which is harmful thereto by definition.

13. Paragraph 154 g) of the Framework allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, provided it would not cause substantial harm to the openness of the Green Belt. Annexe 2 of the Framework explains, amongst other things, that previously developed land excludes land in built-up areas such as residential gardens.

14. The site is located within a semi verdant setting on the edge but clearly read as part of Epping. It comprises a large residential garden and forms part of a cluster and extended street scene of residential dwellings set back from and facing High Road to which it relates physically and functionally. Whilst there is open countryside to the north, taking into account the above, I can't see how the area in which the appeal site is, is not built up. Accordingly, it would not be previously developed land for the purposes of the Framework. The appeal scheme would not be acceptable under paragraph 154 g).

Openness

15. The Framework explains that the essential characteristics of Green Belts are their openness and their permanence. Openness has a spatial and visual aspect. In considering the effect of the proposal on the openness of the Green Belt, I have again had regard to the extant planning permission which included demolition of the existing outbuilding. The removal of the outbuilding was a benefit of the permitted scheme, reducing the sprawl of built form and making a positive contribution towards openness.

16. On the contrary, the retention of the existing outbuilding, together with the cumulative extensions to the host dwelling, would have an unavoidable reducing effect on the spatial aspect of the openness of the Green Belt. By reason of its size, permanence and physical presence, the outbuilding would occupy a space that would otherwise be open if it were to be demolished as per the consented situation.

17. Whilst it would be mostly screened from public vantage points by existing trees, hedgerows and neighbouring development, openness is not solely a visual concept. Furthermore, such vegetation cannot be relied upon to provide effective screening in perpetuity. Although the building would only be visible in limited and intermittent views from the public realm, its physical presence would nonetheless reduce the openness of the Green Belt. The fact that parts of the Green Belt are not readily visible does not diminish their contribution to openness, and to conclude otherwise would risk the incremental erosion of Green Belt purposes over time.

18. The proposal would thus result in a moderate degree of harm to the openness of the Green Belt. This would be contrary to the aims of the aforementioned policy and protection objectives of the Framework in the same regards.

Conservation Area

19. The significance of the CA derives, in part, from the historic layout of the area and the high proportion of historic buildings, some of which are statutory or locally listed. The character and appearance of the CA derive from the interaction of factors including layout, building form, density and materials.

20. The Bell Common Conservation Area Character Appraisal (BCCA), states that the CA is divided into five different character areas, each have their own unique

character in terms of spatial and architectural characteristics, land use and levels of activity. The appeal site is situated within 'area 2' where most of the buildings are set well back from the road, behind substantial hedges with trees in the front garden. The site is identified within the BCCA, as having neutral impact on the significance of the area.

21. I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and its setting. In addition to the requirement under section 72 of The Act, the CA is also a designated heritage asset as defined by the (Framework), which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

22. In the extant proposal, the Council noted that the demolition of the existing outbuilding would favourably reduce the overall scale of development across the site, thereby mitigating the previously harmful effects on the CA. Although the proposed extensions and alterations to the dwelling were found to be acceptable, the Council raised concern that, when taken together with the existing extensions and outbuilding, the cumulative effect would result in inappropriate massing, density and scale of development, to the detriment of the character and appearance of the CA and its setting.

23. The appeal site comprises a large plot. The existing outbuilding is single storey with a low pitched roof and makes a very limited contribution to the visual experience of the CA. There are no alterations or extensions proposed to the outbuilding which has been in situ for some time. When viewed from the road frontage, it is largely obscured by the existing dwelling, established vegetation, matures trees, and the site's gates and fencing. Views of the rear elevation are restricted to local vantage points, visible within the context of Magpies Nest and from Boundary Court, set back some distance from the main road and forming part of the pattern of built form that fronts onto and encloses the central green space. In this setting, the outbuilding sits comfortably within the existing development.

24. Many of the surrounding dwellings have detached garages and outbuildings within their rear gardens. As such, the retention of the outbuilding does not materially intensify the perception of development or alter the established qualities of the CA. Given the size of the plot, the orientation and positioning of the outbuilding does not appear incongruous or harmful to the character and appearance of the CA. Accordingly, the scheme would have an acceptable effect on visual amenity and the character and appearance of the street, thus preserving the character and appearance of the CA.

25. Consequently, the proposal would accord with Policies DM7 and DM9 of LP which require that new development contributes positively to the distinctive character and amenity of the local area and preserves or enhances heritage assets and their setting having regard to their character, appearance, and the contribution made by its setting.

Other Considerations

26. Since it appears to be sufficiently clear that the extant permission is being implemented on site, this included a condition which removed rights under permitted development. According to the appellant, this includes extensions and

outbuildings. I cannot therefore see a fallback position exercising these legislative rights and the correct means to address any concern in regard to the reasonableness of the condition is to apply to have it varied or removed. This would be for the Council to consider in the first instance.

27. Whilst there is value in positive and proactive engagement between applicants and local planning authorities, there is no statutory requirement for a Council to negotiate amendments to a proposal prior to determining an application. In addition, pre-application advice is not binding and cannot predetermine the outcome of a subsequent planning application. In this case it was for a different scheme from that proposed. Accordingly, I attach only limited weight to this matter.

28. Nos. 6, 9, 11 and 12 Griffin's Wood Cottages comprise semi-detached dwellings, each of which appear to include outbuildings within the rear garden area. However, I have been provided with limited information regarding the planning history of these structures, and it is possible that they formed part of the original development of the dwellings. Similarly, No. 1 Griffin's Wood Cottages is a detached property with an outbuilding that appears to form part of the original dwelling, although I have insufficient information to reach a definitive conclusion. In the absence of detailed evidence regarding the circumstances of these developments, I afford them limited weight as comparators in my assessment of the appeal proposal.

29. It appears that previous planning permissions, including that for a replacement dwelling, lapsed without being implemented. Whilst they form a story as to how the situation got to where it is now, they no longer form a fallback. Construction works on site appear to be related to the extant planning permission. I therefore attach only limited weight to this matter.

30. The proposal may deliver sustainability benefits through refurbishing the existing property instead of demolition and rebuild. In turn, this would reduce consumption of materials and embodied carbon associated with redevelopment, resulting in a lower carbon footprint. Whilst these benefits weigh modestly in favour of the proposal, they are also secured by another extant planning permission. They would therefore carry limited weight.

Conclusion and Recommendation

31. I have found that the proposal would preserve the character and appearance of the CA and would therefore not result in heritage harm. However, this would be neutral. Although loss of openness would be moderate, it would still represent it and the scheme would be inappropriate development in the Green Belt. These two matters should be afforded substantial weight. The other considerations do not attract sufficient weight to clearly outweigh them. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

32. For the reasons given, my above findings bring the proposal into conflict with the development plan. There are no material considerations, including the Framework, to indicate a decision should be made otherwise than in accordance with it. Therefore, I recommend that the appeal should be dismissed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

33. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR