
Appeal Decision

Site visit made on 6 December 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 December 2016

Appeal Ref: APP/J1535/D/16/3159377

St Clements, Vicarage Lane West, North Weald, Epping CM16 6AL

- 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 John Scott against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0983/16, dated 1 March 2016, was refused by notice dated 10 August 2016.
 - The development proposed is timber framed office and store.
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Decision

1. The appeal is allowed and planning permission is granted for timber framed office and store at St Clements, Vicarage Lane West, North Weald, Epping CM16 6AL in accordance with the terms of the application, Ref PL/EPF/0983/16, dated 1 March 2016 and the plans titled: Block Plan Rev O (without the location of the timber framed office and store); Block Plan Rev O (with the location of the timber framed office and store); Office/Store Plan; and Office Store Elevations.

Preliminary matter

2. The timber framed office and store (hereafter referred to as 'the development') has already been built as shown on the submitted plans. I have determined the appeal on this basis.

Main issues

3. The main issues are:
 - Whether or not the development is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the setting of St Clements, a Grade II listed building; and
 - If the development is inappropriate development, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the development.
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Reasons

Whether or not the development is inappropriate development in the Green Belt

4. The appeal site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Bullet Point 3 of Paragraph 89 of the Framework sets out that the extension of a building in the Green Belt is inappropriate, unless it does not result in disproportionate additions over and above the size of the original building.
5. The development is free standing. However, it is sited at a modest distance of approximately 6 metres (m) from its host dwelling, St Clements. The appellant has cited a High Court Judgement¹ in which the Judge agreed with an Inspector that separation alone does not prevent a development from being part of a dwelling. Whilst that case related to a garage building, which the Inspector considered could be regarded as a 'normal domestic adjunct', the use of the development in this case, as an office and storage space, could likewise be said to be a normal domestic adjunct. Consequently, taking account of its use and its close proximity to St Clements, it is my view that the development can reasonably be treated as an extension when applying Green Belt policy. Moreover, the Council has not provided any substantive evidence on this matter that would persuade me to consider otherwise.
6. The Glossary at Annexe 2 of the Framework, defines the term 'original building' as "a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally". St Clements was built before 1948. The appellant sets out that it has not been extended since 1 July 1948. On the basis of the evidence before me, I have no substantive reasons to doubt this assertion. In addition, the appellant sets out that St Clements has a floor area of approximately 150 square metres (sqm). The floor area of the development, according to the evidence, is approximately 47sqm. This represents an approximate 31% increase in the floor area of St Clements. In my view, this increase in floor area is not disproportionate. In addition, given that the development is partially sunken into the ground and displays a pitched roof, its form and scale does not appear disproportionate when seen against the form and scale of St Clements.
7. I note that there is an extant planning permission for a single storey cart lodge² on the appeal site. Nevertheless, the siting of the development and the siting of the consented cart lodge are the same. On this basis, I am satisfied that the consented cart lodge could not be implemented simultaneously to that of the development and could not, therefore, result in any cumulative disproportionate additions.
8. Consequently, the development complies with the listed exceptions as set out in Paragraph 89 of the Framework, including in respect of extensions to buildings in the Green Belt. It is therefore unnecessary to demonstrate any very special circumstances. The proposal also complies with saved Policy GB2A- Development in the Green Belt, of the Epping Forest District Local Plan Alterations 2006, which allows limited extensions to existing dwellings in the

¹ *Sevenoaks District Council v Secretary of State for the Environment and Dawe* [1997] EWHC Admin 1012

² Ref EPF/0269/14

Green Belt. This policy is broadly consistent with the aims and objectives of the Framework.

The effect of the development on the openness of the Green Belt

9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. Nevertheless, on the basis that I have found the development to be not inappropriate development in the Green Belt, it is not necessary for me to assess the impact of the development on the openness of the Green Belt.

The effect of the development on the setting of St Clements, a Grade II listed building

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, Paragraph 132 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. The listing description notes that St Clements is a part plastered/part weatherboarded timber framed building, which is roofed with handmade red clay tiles. I observed that St Clements sits within grounds of a substantial size which provide a spatial quality to its setting.
12. The development is modest in height and size. This, combined with its separation from St Clements, maintains a sense of spaciousness around the listed building. In addition, its traditional design, timber construction, paint colour and red, clay tiled roof, reflect the appearance and characteristics of St Clements. I therefore consider that the development preserves the setting of the listed building and does not result in harm to the significance of the designated heritage asset.
13. The proposal would therefore comply with the requirements of s66(1) of the Act and Paragraph 132 of the Framework. The proposal would also comply with saved Policy HC12 of the Epping Forest District Local Plan 1998, which seeks to resist development that could adversely affect the setting of a listed building. This policy is consistent with the broad aims and objectives of the Framework which require planning to conserve heritage assets.

Other matters

14. I acknowledge the concerns of some interested parties, including in respect of drainage, noise and disturbance, parking and potential for conversion to a separate dwellinghouse. However, these matters were not raised as a concern by the Council and on the basis of the evidence before me, I have no substantive reasons to take a different view. Moreover, any future conversion of the development to a separate dwellinghouse would likely require a separate planning application which would be considered on its own merits and is not a matter before me in this appeal.

Conditions

15. I have had regard to the planning conditions that have been suggested by the Council. However, as the development appears to have been constructed in accordance with the submitted plans, I do not consider a separate plans condition is necessary. Furthermore, as I find that the appearance of the development, including its colour, preserves the setting of the listed building, I do not consider a condition to stain the timber cladding black is necessary.

Conclusion

16. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the development is not inappropriate development in the Green Belt and consequently no very special circumstances are necessary to justify a planning permission in this instance. Moreover, I have found that the development preserves the setting of St Clements, a Grade II listed building, with no harm arising to the significance of this designated heritage asset.

17. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR