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## Appeal Decision

Site visit made on 25 February 2015

**by R W Allen B.Sc (Hons) PGDip MRTPI**

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

**Decision date: 1 June 2015**

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**Appeal Ref: APP/J1535/A/14/2227268**

**Land Adjacent to 1 Gun Cottage, Abridge Road, Theydon Bois, Essex CM16 7NN**

- 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 Graham Skinner against the decision of Epping Forest District Council.
  - The application Ref EPF/0255/14, dated 28 January 2014, was refused by notice dated 14 May 2014.
  - The development proposed is proposed change of use of redundant stable block into two bedroom single storey dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed change of use is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
  - The effect of the proposed change of use on the openness of the Green Belt;
  - Whether any other harm exists, having specific regard to the effect of the proposed change of use on the character and appearance of the area; and
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

3. The appeal site is a parcel of open land with an L-shaped stable block and small area of hardstanding positioned close to its boundary with Abridge Road. The barn is a modest timber single-storey structure which currently accommodates 3 stables, a tack room and hay barn. I saw from my site visit that the appeal site was largely free of built form and obstruction and that it was open and exposed. The site's topography is level at the frontage of the site, from which it declines steeply to the rear. It affords appreciable views over the wider countryside.

4. The appeal site lies within the Green Belt. The Framework establishes national Green Belt policy. Policies GB2A and GB8A of the Epping Forest Local Plan Alterations July 2006 (LP) also deal with the Green Belt.
5. The Framework identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. LP Policy GB2A is broadly consistent with the Framework's approach, which says development in the Green Belt will be permitted where it preserves openness.

#### *Whether inappropriate development*

6. Paragraph 90 of the Framework sets out those categories of development which may be regarded as not inappropriate. The re-use of buildings of a permanent and substantial construction forms one such category, subject to it preserving the openness of the Green Belt. LP Policy GB8A is also consistent with the Framework. It says changes of use and re-use of buildings will be permitted where they are of a permanent and substantial construction, and that the use would not have a materially greater impact than the current use.
7. No evidence is before me as to the structural state of the existing barn. However from my site visit, the building appeared to be both permanent and substantial, and capable of conversion to residential without need for extensive rebuilding or repair. The Council has not raised this as an issue and I have no reason to disagree.
8. The test of inappropriateness therefore rests on whether the proposed development would preserve the openness of the Green Belt.

#### *Openness of Green Belt*

9. The physical alterations to the barn would have no greater impact on the openness of the Green Belt. However the area around the building would change considerably. The site would be in more frequent use than the existing barn, would likely result in a permanent parking presence on the land, and would bring with it associated domestic paraphernalia around the site including the proposed laying of a large terraced area to the building's side. It would introduce an enclosed residential curtilage into an open and unobstructed field such that it would have a greater impact on, and would not preserve the openness of the Green Belt over the existing use.
10. The appellant says that there are no restrictions on the site's use for equine related activities, that it could be intensively used by unrestricted visitor numbers and vehicle movements arriving and departing, and that the site could be stored with unlimited numbers of high horse boxes and jumping paraphernalia and equipment. All of which he says, would have a more significant effect on openness than a residential use of the land. The Council and the Parish Council contest this view, and say the extant planning

permission for the stable restricts its use to private stabling and not for commercial or business activity including livery.

11. Jumping apparatus was present at my site visit. However they were rudimentary, temporary, low height structures which could be easily removed off the site. I found nothing on site, and no evidence is before me, to suggest the land currently or previously was ever intensively used. I find the limited capacity of the barn and the parking area, and the steep gradient of the land, would unlikely be capable or desirable for large-scale use. I therefore find it unlikely the site would accommodate extensive equine paraphernalia on the land, such that its current use would not equate to or have a greater impact on openness than a residential use.
12. I therefore find the proposed change of use would not preserve and would harm openness, and as such would amount to inappropriate development in the Green Belt. It would not accord with the Framework or with LP Policies GB2A and GB8A. I have attached significant weight to this harm.

#### *Character and appearance*

13. The domestication of the appeal site and the introduction of suburban features would fundamentally alter the natural and rural character of the site to its detriment. It would contrast unfavourably with the immediately adjacent fields and the wider countryside.
14. I have considered whether the imposition of appropriately worded conditions could limit this effect, such as removal of permitted development rights to prevent extensions or outbuildings, and a condition to ensure appropriate and low-level boundary treatments. However, there is a point beyond which it would not be reasonable to control the use of a domestic garden. Consequently a change in the character and appearance would be inevitable.
15. I therefore find the proposed change of use would harm the character and appearance of the area. It would amount to any other harm for the purposes of the Framework. It would also not accord with LP Policy CP2, which says amongst other things, that the quality of the rural environment will be maintained, conserved and improved by sustaining and enhancing the rural environment including conserving the countryside character, in particular its landscape.

#### *Other Considerations*

16. The appellant says the need for the dwelling arises because of a sick relative who needs care and attention. This is not substantiated further in evidence before me. The proposed dwelling would however remain long after personal circumstances have changed. In any event, the appellant's case rests on his view that the development is not inappropriate, such that there is no need to put forward a case to demonstrate very special circumstances. I have therefore attached little weight to this.
17. My attention has been drawn to a decision made by the Council (ref EPF/2188/05) for *conversion of stables into residential accommodation*. I do not have the specific details of the case before me and I have afforded it little weight in my decision. I have also been drawn to an enforcement appeal decision reference (ref APP/A3655/C/13/2195104) which saw an enforcement notice quashed for *a material change of use of the converted barn to use as*

*two residential dwellings not occupied in conjunction with and ancillary to the farm/equestrian use of the land.* Again I do not have full details of that case, nevertheless I am satisfied that the circumstances before the Inspector are materially different to the scheme currently before me. The Inspector's decision in that case does not alter my own conclusion on the current appeal.

### **Conclusion**

18. The proposed change of use would have a greater impact on, and would not preserve the openness of the Green Belt. The development is therefore inappropriate development in the Green Belt. The proposed change of use would also detrimentally alter and cause harm to the character and appearance of the site and its relationship with the surrounding countryside. The proposed development would provide for a sick relative. However this consideration does not clearly outweigh the potential substantial harm to the openness of the Green Belt by reason of inappropriateness. Therefore, very special circumstances necessary to justify development do not exist.
19. Therefore for the reasons given above I conclude that the appeal should be dismissed.

*R Allen*

INSPECTOR