



Appeal Decision

Site visit made on 30 October 2018

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th November 2018

Appeal Ref: APP/J1535/W/18/3205436

White Lodge, Little Laver Road, Little Laver, Harlow CM5 0JF

- 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 & Mrs John Smith against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0182/18, dated 15 January 2018, was refused by notice dated 9 May 2018.
 - The development proposed is construction of storage barn and stable building.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
 - (b) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it; and
 - (c) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site incorporates the residential property of White Lodge, a Grade II listed building, along with outbuildings and the gardens to the north and south of the property. Further to the south, within the blue line of the appellants' ownership is grazing land in the form of a paddock. The proposal would be located on the western side of the appeal site on an area of existing rough ground, screened to the north and east by tall hedging and conifers. The storage barn would be used to house various machinery including two tractors, a trailer, a utility vehicle, and trimming/cutting equipment. It would also be used for the storage of hay. The stable building would be for the purpose of housing horses which use the grazing land to the south.

4. At my site visit, I observed that various items of machinery were positioned in the open air next to the conifers, while a small stable building housed two donkeys and a shipping container contained hay and straw. The planning status of these two structures is not clear and the appellant referred to them as temporary during my visit. As such, they have not influenced my decision.
5. NPPF paragraph 145 regards the construction of new buildings as inappropriate development in the Green Belt unless it relates to a number of listed exceptions, two of which are relevant for the purposes of this appeal. The exception in paragraph 145(a) relates to buildings for agriculture and forestry, while the exception in paragraph 145(b) relates to the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments; as long as the facilities preserve the openness of the Green and do not conflict with the purposes of including land within it.
6. Policy GB2A of the Local Plan Alterations 2006 (LPA) deals with the exceptions for which the construction of new buildings in the Green Belt would not be inappropriate. Parts (i) and (ii) of the policy refer to agriculture and outdoor sport and recreation respectively, although part (ii) does not have the caveat of NPPF paragraph 145(b) in terms of openness and Green Belt purposes. While I have had regard to Policy GB2A, I have also applied the NPPF. Policy DM4 of the Epping Forest Local Plan (Submission Version) 2017 is more closely aligned to Section 13 of the NPPF, including paragraph 145(a) and (b), but as it forms part of an emerging Local Plan, I can only afford this policy limited weight.
7. Under NPPF paragraph 145(a) and LPA Policy GB2A(i), the size, height and massing of the storage barn and stable building has no bearing on my assessment as to whether the building would be inappropriate development in the Green Belt. Instead, the assessment should be whether the buildings are for agriculture or forestry.
8. While some of the machinery items indicate an agricultural purpose, the appellants have not demonstrated that the storage barn would be used for agriculture or forestry. Instead, they refer to the use of the barn to maintain the house and grounds and the adjoining grazing land, as well as for the storage of domestic and horse-related items. The evidence before me is not conclusive on the purpose of the barn under NPPF paragraph 145(a).
9. The appellants have also not demonstrated that the keeping of horses in the stable building would represent an agricultural purpose. Therefore, considered under NPPF paragraph 145(a) and LPA Policy GB2A(i), both the storage barn and stable building would be inappropriate development. The buildings could be considered as the provision of appropriate facilities for outdoor sport or recreation under the exception in NPPF paragraph 145(b) and LPA Policy GPA2(ii), although the appellants have not sought to argue that they would be used for this purpose. In either exception, it is necessary to consider the effect of the proposal on Green Belt openness and purposes. This leads me to the next main issue.

Effect on the openness and purposes of the Green Belt

10. NPPF paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

11. Both the storage barn and the stable building have been reduced in size since an earlier refused application (ref EPF/2826/17), particularly the barn. The two structures would be largely hidden from the listed building by the conifers and hedging. Their appearance and use of materials would not look out of keeping for this rural location. However, they would still be large structures, visible from the public footpath that runs along the western boundary of the appeal site. Even with more screening from new vegetation, the buildings would reduce the open spatial qualities of this part of the appeal site. Therefore, the proposal would have a moderate adverse impact on the openness of the Green Belt. In terms of Green Belt purposes, there would be no encroachment into the countryside given that the land forms part of the grounds to White Lodge, but this does not diminish the harm to openness from the two buildings.
12. When considered as buildings providing appropriate facilities for outdoor sport and recreation, the failure to preserve the openness of the Green Belt means that the proposal considered under NPPF paragraph 145(b) would be inappropriate development in the Green Belt. Thus, the proposal would be contrary to NPPF paragraph 145 and LPA Policy GBA2. While conspicuous, the development would not result in an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt, and so there would be no harm to LPA Policy GP7A.

Other considerations

13. I note that the barn is required to meet functional needs for managing the grounds. The recent theft of equipment from the site is clearly unfortunate and secure storage space would likely reduce the risk of further crime. However, it has not been demonstrated that the proposal is the only solution for addressing these issues. I accept that it is common for residential properties to have outbuildings for storage and other domestic purposes, but this needs to be balanced against the planning requirement to safeguard the Green Belt. I have little evidence of comparable development being allowed in similar locations and circumstances. As such, these other considerations carry no more than moderate weight in favour of the proposal.

If the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal

14. NPPF paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also result in harm in terms of the openness of the Green Belt. NPPF paragraph 144 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
15. No more than moderate weight can be attached to the benefits of development that make up the other considerations. As such, they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist. Thus, the proposal would not accord with LPA Policy GB2A or the aims of the NPPF which seek to protect Green Belt land from inappropriate development.

Other Matters

16. Interested parties have raised a number of other concerns, but given my findings on the main issues, it has not been necessary to consider them in any detail.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR