



Appeal Decision

Site visit made on 7 January 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2020

Appeal Ref: APP/J1535/W/19/3238458

Brook House Barn, Epping Lane, Stapleford Tawney, Romford RM4 1ST

- 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 Lee and Suzy Davies against the decision of Epping Forest District Council.
 - The application Ref EPF/1487/19, dated 10 June 2019, was refused by notice dated 1 August 2019.
The development proposed is described as 'proposing a new boundary for the existing annex with shared access and making it to a separate dwelling. The annex to have a single storey rear extension and a loft conversion'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have been referred to policies within the Council's emerging Local Plan Submission Version 2017 (LPSV). Whilst the plan has now been through examination, it is yet to be adopted, and in their evidence, the Council state that the examining Inspector has provided advice on actions required to address issues of soundness with the plan. The plan is therefore subject to change and this limits the weight that I afford these policies.

Main Issues

3. The main issues are (i) the effect of the proposal on the setting of listed buildings, including Brook House, and (ii) the effect of the proposal on the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Setting of Listed Buildings

4. Brook House is a dwelling and grade II listed building located within a small cluster of buildings on Epping Lane. The Historic England list entry for Brook House refers to the building as Brook Farmhouse, pointing to an agricultural provenance, and describes it as being C17 or earlier in origin with a timber frame, rough render and weatherboard exterior and a hipped tiled roof with gablets. To the side of the building is a single storey extension which projects beyond the main rear elevation giving the building an 'L-shaped' footprint.
5. Other buildings within the cluster include The Bakehouse, a two-storey dwelling which is set close to the rear elevation of Brook House, and The Barn, a former barn to the side of Brook House that has been converted to a dwelling and

- which is also a grade II listed building. The proximity of these buildings to Brook House limit spacing around the rear and the west side of the dwelling.
6. However, to the east side of the single storey extension are large grounds extending away from Epping Lane. Within these and separated from Brook House by a driveway is a detached building described as an annex. The annex is at a higher ground level than Brook House and is a single storey structure, although a rooflight serves the loft space. There are 2 double garage doors in its side facing Brook House, and windows to its other side and to the rear where there is also a door onto a patio area.
 7. As Brook House and The Barn are grade II listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) applies. In considering whether to grant planning permission for development which affects a listed building or its setting, this requires that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
 8. The attractive vernacular design and materials of Brook House contribute to the semi-rural character of the area, and the aesthetic and historic interest of the building as an example of a C17 or earlier farmhouse contributes to its significance. While Brook House may no longer be in agricultural use, further historic interest and significance derives from its former role as a farmhouse within the cohesive cluster of inter-dependent buildings including The Barn and The Bakehouse, evidencing the historical association of these buildings and their relationship with the surrounding countryside. Likewise, the grounds around Brook House are an important part of the open and rural setting for the building and connection to the surrounding land, and therefore its significance. The grounds also provide for views of the building within the cluster, affording an appreciation of the relevance of its historic rural setting and relationships, and thereby contributing to its significance.
 9. In a similar way, the aesthetic and historic interest of The Barn as a C17 Barn which retains characteristic features including the weatherboarding and notable tiled roof as well as its location within the complex of buildings inform its special interest and significance.
 10. Associated with the proposed use of the annex as an independent dwelling, there would be a single storey extension to the rear of the building and a loft conversion. These works would increase the scale and bulk of the annex building and would create accommodation at first floor level served by a dormer window. Although the extensions would mostly be located on existing areas of hardstanding, this would increase its visual prominence on the site in comparison to the listed building, with the effect of this exacerbated by the building's position at a higher ground level to Brook House.
 11. The proposed materials and fenestration would be sympathetic to the existing development on the site. However, the garage doors facing Brook House would be replaced by windows, and a window and entrance door would be inserted in the front elevation facing towards Epping Lane. Together with the increased scale of the building and provision of accommodation at first floor level, this would give the building a much more domestic appearance.
 12. I accept that the existing building may provide for living accommodation, but this is in conjunction with the occupation of Brook House. In contrast, the

proposal includes the provision of a new boundary which would subdivide the building from Brook House, as well as additional parking and bin storage within the site. Although the size of the garden intended to serve the dwelling would be relatively modest and I note the proposed use of low native hedgerow to the boundaries, the separate domestic curtilage would nevertheless be clear. This division of the proposed development from Brook House and the presence of a separate dwelling would appear as an unwelcome and intrusive encroachment into the grounds of the listed building.

13. The increase in the scale of the building and the extent of accommodation, the external alterations proposed and the subdivision of the site would together evidence the residential use of the building as separate from Brook House and it would no longer be seen as a modest outbuilding, associated with and ancillary to, the main house. Although the closest part of Brook House is a later extension and I note that the development would be no deeper than this extension, the proposal would nevertheless cause the development to compete with Brook House, distorting the relationship between the listed building and the existing annex as an ancillary building, and harmfully diminishing the hierarchy of buildings on the site.
14. Moreover, the proposed subdivision of the grounds and the independent use would erode part of the remaining rural setting of the listed building and its connection with the surrounding countryside, as well as the historic interest derived through the connection of Brook House to its grounds within the wider cluster of associated buildings. I acknowledge that Brook House may not now retain the extent of farmland originally associated with the farmhouse and note the conversion of other buildings within the original cluster to dwellings, but these are not factors which would mitigate the harm that would be caused to the setting of the listed building.
15. The Council have not raised any specific concerns regarding the impact of the proposed development on The Barn, and noting the separation to this listed building and intervening development and boundary treatment I find that the setting of this listed building would not be compromised.
16. Notwithstanding this, for the reasons given above, the proposed development would seriously harm the setting of Brook House, a designated heritage asset and its significance. The structure of Brook House would not be affected and the harm to the significance of the heritage asset would be less than substantial, but with regard to paragraph 196 of the National Planning Policy Framework (the Framework), this harm should be weighed against the public benefits of the proposal.
17. The appellant suggests that there is a need for modest dwellings of the type proposed and that the development could be used as accommodation by family members of the occupiers of Brook House. However, I have no detailed evidence of any specific need for the development. While I also note that the appellant indicates that the site is located 2 miles from the main A113 road between Ongar and Abridge, the evidence before me does not lead me to conclude that a public benefit would arise from the accessibility of the site.
18. Notwithstanding this, the proposal would make use of an existing building to provide one additional dwelling. This would make a positive contribution to housing supply locally and would be a public benefit of the development.

19. Although the extent of the benefit is tempered by the small amount of development, I nevertheless give it moderate weight overall. However, Brook House is a designated heritage asset and in accordance with paragraph 193 of the Framework, great weight should be given to the asset's conservation. The harm that the development would cause to the significance of the listed building would be less than substantial, but given the importance of the setting to the significance and appreciation of the asset, I give this harm considerable importance and weight. In this context, I find that the public benefits of the proposal would not outweigh the harm to the significance of the listed building.
20. In conclusion on this main issue, the proposal would not preserve the setting of Brook House and would result in harm to its significance. The development would therefore conflict with saved Policy HC12 of the Local Plan with Alterations 2006 (LP) which sets out that permission will not be granted for development which could adversely affect the setting of a listed building. There would also be conflict with the aims of the Framework as the development would fail to sustain the significance of the listed building and public benefits would not outweigh the harm.

Epping Forest SAC

21. The Epping Forest SAC is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations impose a duty on the competent authority to consider whether a proposed development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the framework of an Appropriate Assessment (AA).
22. While this responsibility would fall to me as the competent authority, I am dismissing the appeal on other grounds and so it is not necessary for me to consider the development within the framework of an AA. However, the effect of the development on the SAC formed a reason for the Council's refusal of permission, and I have therefore considered this matter as part of my decision.
23. The designation of Epping Forest SAC reflects the presence of 3 qualifying habitats (Atlantic Beech forests on acid soils, European dry heaths and Northern Atlantic wet heaths with cross-leaved heath) and one qualifying species (Stag beetle). The SAC's conservation objectives are to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the favourable conservation status of its qualifying features.
24. The information before me indicates that the SAC is vulnerable to increased levels of visitors using the Forest for recreation, as well as to air pollution generated by increased motor vehicle use affecting the health of habitats and flora species. The appeal site is located outside of the zone within which the evidence points to an impact on the SAC through recreational use, but the evidence does not suggest a similar spatial limitation on air quality impacts.
25. I note the current use of the building as an annex and the appellant's suggestion that the effect of the single dwelling proposed on air quality would therefore be minimal. Nevertheless, occupation of the building as an annex to Brook House Barn would be likely to result in opportunities for shared trips to fulfil daily needs of the household which would not be the case were the building to be occupied independently. Moreover, although the appellant

- suggests that the annex provides for a bedroom at first floor level, this has no staircase access and is not shown on the submitted plans which indicate that the living accommodation would be extended, and 2 additional bedrooms would be created. This would increase potential levels of occupation on the appeal site, with a resulting increase in potential vehicle usage.
26. I acknowledge that any such increase may be small, but in exercising my duty to protect the European Site, I must adopt a precautionary approach. From the evidence before me I cannot be certain that the proposed development would not result in an increase in trips and motor vehicle usage and that there would not be a significant effect on the integrity of the SAC as a result of this proposal, either alone or in combination with other plans and projects, by reason of impacts on air quality.
27. The appellant has indicated a willingness to agree to the terms of any mitigation strategy, but there is currently no agreed approach to mitigate or avoid harm to the SAC through air quality impacts. Although the appellant suggests that conditions could require provision of electric vehicle charging points as well as air source or ground source heat pumps to avoid traditional fuel use, there is no guarantee that occupiers would make use of electric vehicles. I am not therefore satisfied that this would be effective mitigation for air quality impacts.
28. While I am in any case dismissing the appeal on other grounds, in the absence of suitable mitigation for impacts on air quality, I can only conclude that the proposed development would result in significant adverse effects to the Epping Forest SAC that would harm its integrity. This would fail to comply with the requirements of the Regulations, and the Framework's objectives for the protection of biodiversity and the conservation of the natural environment. There would also be conflict with policies CP1 and NC1 of the LP which require consideration for the impacts of development on the environment and compliance with obligations relating to SACs.

Other Matters

29. I note the other developments near to the site, both current and past referred to by the appellant and I accept that it is not unusual for barns or outbuildings to be converted to dwellings. However, I have considered the appeal proposal on its own merits with regard to the evidence before me.
30. I acknowledge that objections have not been received from neighbouring properties, Theydon Mount Parish Council or the Highways Department. However, this is a neutral factor and does not outweigh the harm that I have identified would be caused in relation to the main issues, and the resulting conflict with the development plan.

Conclusion

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

J Bowyer

INSPECTOR