



Appeal Decisions

Site visit made on 31 May 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal A Ref: APP/J1535/W/22/3302154

Netherhouse Farm, Sewardstone Road, Waltham Abbey E4 7RJ

- 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 R Tomkins (RCT Construction) against the decision of Epping Forest District Council.
 - The application Ref EPF/2759/21, dated 14 October 2021, was refused by notice dated 26 April 2022.
 - The development proposed is part single, part two storey extension to existing building to provide additional office space.
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Appeal B Ref: APP/J1535/Y/22/3302156

Netherhouse Farm, Sewardstone Road, Waltham Abbey E4 7RJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr R Tomkins (RCT Construction) against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2773/21 LB, dated 14 October 2021, was refused by notice dated 26 April 2022.
 - The works proposed are part single, part two storey extension to existing building to provide additional office space.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. These decisions address both planning and listed building consent appeals for the same site and for the same scheme. The remit of both regimes is different, and the main issues identified below relate to either the planning appeal (Appeal A), the listed building appeal (Appeal B), or both. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
3. The Epping Forest District Local Plan 2011 to 2033 (LP) was adopted by the Council on 6 March 2023. This has replaced the Epping Forest District Local Plan (1998) and the Epping Forest District Local Plan Alterations (2006). The Council confirmed that the relevant policies are DM4, DM7 and DM9 of the LP and I have therefore determined the appeal having regard to these. As such, discussions of consistency of these former policies with the National Planning Policy Framework (the Framework) are no longer relevant. I note the appellant has discussed these adopted policies in their appeal submissions and significant weight was afforded to them in the decision-making process.

4. The appeal building ('the barn') is historically associated with the Grade II listed building, Netherhouse Farmhouse¹. From the evidence before me, it is not a matter of contention that the appeal building is located within the historic curtilage of the listed building and thus, should also be considered as being listed.
5. To that end, as the appeals relate to applications for both listed building consent and planning permission, in accordance with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

6. The site is located within the Metropolitan Green Belt. Therefore, the main issues for Appeal A are as follows:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt; and
 - 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 required to justify the proposal.
7. A further main issue in both appeals is whether the proposal would preserve the Grade II listed building, Netherhouse Farmhouse, or its setting.

Reasons

Whether Inappropriate Development in the Green Belt

8. The appeal site is located off Sewardstone Road and currently comprises an outdoor yard area to the rear of a barn. At present, to the front of the building is a visitor car park which is accessed from Sewardstone Road and to the rear are fields and a track leading to a cemetery. The proposal would see a part two-storey, part single-storey extension erected within the yard to provide additional office space and storage.
9. Subject to the exceptions listed in Paragraphs 149 and 150, the Framework makes clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The proposal before me was assessed under the exception given in paragraph 149(c); the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Policy DM4 of the LP replicates this wording verbatim in part C (iii).
10. The Heritage Statement (Heritage Advisory, March 2022 - ref 2022/5542) submitted with the planning application demonstrates the phasing history of the appeal building, with the earliest section to the front and an early 20th Century structure built to the rear sometime prior to 1937. The Council's officer report and the Heritage Statement both demonstrate that the two buildings were then infilled with a structure some time before 1971, although it is

¹ List Entry Number: 1337467

unclear as to whether this was the situation as it existed on 1 July 1948 as per the definition of 'original building' given in the glossary of the Framework.

11. The supporting text of Policy DM4 of the LP states that in respect of extensions to existing buildings it is not intended to define "disproportionate" since they would depend on the characteristics of the site locality, and existing buildings themselves in relation to the specific proposals (paragraph 4.30). It is therefore a matter of planning judgement for the decision maker.
12. The appellant gives the percentage increase as 45% over the original building. However, this figure accounts for increased floor space only, whereas the Framework considers 'size' in a more holistic sense. This is particularly relevant given much of the extension would be two-storey while the host barn is single storey. Based on the evidence before me and taking into account the site-specific characteristics and nearby buildings, in my view the size increase would be substantial and would constitute inappropriate development in the green belt.
13. Consequently, for the reasons given above, the proposal would not fall under the exception given in paragraph 149(c) and would be inappropriate development in the Green Belt having regard to Policy DM4 of the LP and the Framework.

Openness of the Green Belt

14. Paragraph 137 of the Framework 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.
15. The extension would be located in a yard area to the rear. I observed on the site visit that this area is formed of hardstanding and enclosed by fencing and the appeal building itself, forming a storage area for machinery and building supplies. Set against the existing situation, the proposal would have a spatial impact due to the increase in built development, and would add to the cumulative bulk, scale and massing of the host building to the rear with an extension of single and two storey height which would wrap around to the rear.
16. The location to the rear of the building would screen much of the ground section of the extension from the car park and Sewardstone Road. However, the roof of the first floor would be readily visible, rising over the front elevation as demonstrated on the proposed elevations drawing (Ref 4847/PA/07) from these vantage points, while visitors to the cemetery would also have views when travelling along the track to the rear. The openness of the green belt would also therefore be negatively impacted visually.
17. Consequently, the development would, visually and spatially, not preserve the openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open and would also conflict with policy DM4 of the LP.

Other Considerations

18. Paragraph 148 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

19. The appellant cites the public benefits of the expanded office space and enhancement of the historic environment locally, which I have discussed in more detail in the relevant section of this report and apportioned some positive weight in favour of the appeals accordingly.

Very Special Circumstances

20. The proposed development would represent inappropriate development in the Green Belt that would reduce openness. As per paragraph 147 of the Framework, inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of Green Belts so a reduction in that quality would also be harmful.
21. Paragraph 148 of the Framework dictates 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 by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. I have had regard to the benefits forwarded in support of the proposal. I consider that they do not clearly outweigh the substantial weight which must be given to Green Belt harm and any other harm, and so are not sufficient to amount to the very special circumstances required to justify the proposed development.

Listed Building

Significance/Special Interest of the Listed Building

23. Netherhouse Farmhouse (the farmhouse) is located forward of the outbuilding proposed for extension. The listing description states that the building dates from 1767. The oldest section is the rear wing which has a pitched roof, with the later front section topped by a hipped roof. There is also a later-still single storey extension and a modern detached garage to one side.
24. From the evidence before me, alongside my own observations, I consider that the special interest and significance of the listed building is drawn in part from its age and architectural quality, particularly in terms of the use of traditional materials and construction, and its relevance to the historic evolution and agricultural heritage of the area. Moreover, the various phases of its development demonstrate how the farmhouse has evolved to meet the needs and aspirations of its occupants. This expansion and evolution are also apparent in the barn, which as the appellant's phasing plan demonstrates has been extended multiple times since its initial construction.
25. The listed building derives further significance from the continued legibility of the farmhouse as the principal structure of a farmstead and the historic and functional relationship with the barn which, as a group, are prominent features in the local area. Indeed, the barn itself is referenced in the listing description.
26. Given the barn's location within the curtilage of the listed farmhouse, its conservation is afforded the same great weight. It has been used for a number

of purposes over more recent years and has been modernised. Despite the relative incongruity of the existing facing materials, which has eroded part of the agricultural character of the building, its simple form and structure is still evident and is telling of its original purpose. There is further special interest in the remaining historic fabric of the oldest section of the barn. Evidently, this includes a tall section of wall at the southern end of the western wall, a low brick wall at the central and northern end of the west wall (although this has been raised at a later date), and the southern gable.

27. The surrounding pastoral fields along with the appeal site and barn form the wider setting of the farmhouse. Notwithstanding that this area has been compromised to a degree by a car park and recent development, its agrarian past is still discernible in the rural landscape and the historic buildings. This wider setting allows both an appreciation of the interrelationship between the farmhouse and barn as a group as well as their historic and functional association with the land. For these reasons the wider setting of the farmhouse, incorporating the appeal site and barn, contributes positively to its special interest and significance.

Effect of the Proposal

28. The proposed extension would be located to the rear of the infill middle section of the barn and project past and wrap around the rear portion of the building. The proposed elevations demonstrate that the two-storey section would project over the host ridge by a significant height, which would be immediately apparent in views from the front of the building and when travelling along Sewardstone Road, despite some tree coverage.
29. The increased height of the extension above the existing roof ridge to one side would fail to respect the simple form and design of the barn, particularly its roofscape. Although the building has been extended historically, previous expansions have generally followed the same linear and single storey structure of the original barn. The wrap around, two storey form of the proposal would not be in keeping with the character of the barn. Moreover, the emergence of a second storey above the barn would compete with, and distract from, important views of the principal listed building from Sewardstone Road while the addition of Juliet balconies and bi-folding doors would add modern, domestic features which would appear discordant with the agricultural character of the host barn.
30. I take on board the point that the new structure would not interfere with original or historic fabric contained in the oldest section of the building. It is also argued that the building has lost much of its significance through extensive alterations and changes of use over the years, particularly between 1971 and 1992. Be that as it may, to my mind rather than allowing further erosion of significance, this places more of an emphasis on preserving its remaining special interest. Therefore, the proposed extension would further dilute the integral agricultural character of the barn. In doing so it would weaken its contribution to the group and thus the significance of the principle listed building of the farmhouse. Additionally, it would adversely affect how the barn and group are experienced and so erode the contribution that the farmhouse's setting makes to its significance.
31. The vicinity of the area, in particular the opposite side of Sewardstone Road, is of more modern character and includes a range of built character. However,

these are distinctly separate from the farmhouse and its historically associated outbuildings. The existence of these, or the modern garage to the side of the farmhouse, does not therefore alter my assessment of the impacts of the proposal on the special interest of the listed farmhouse or its curtilage listed building.

32. Moreover, while views would be fleeting along Sewardstone Road, good practice in managing the historic environment seeks to retain the integrity of heritage assets whether they are publicly accessible or not. The lack of wider visibility does not therefore lessen the extent to which the proposal would harm the special interest of the building, as demonstrated in the foregoing chapters.
33. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) are matters of great weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
34. In light of the above, I conclude that the proposal would not preserve the Grade II listed building, Netherhouse Farmhouse, or its setting. As such, it would not meet the requirements of the Act and would harm the significance of the listed building. As per the approach espoused in paragraph 202 of the Framework, in considering the farmhouse and the barn as a group, in my judgement, the proposal would amount to 'less than substantial' harm to the significance of this designated heritage asset. This harm is of considerable importance and weight. This harm should be weighed against the public benefits of proposals including, where appropriate, securing its optimum viable use.

Public Benefits

35. There is reference to some benefits which relate to the overarching optimum viable use of the host structure and therefore long-term preservation and a positive contribution toward the wider historic environment.
36. As I have concluded, by virtue of the proposed development and works to the barn, it would not preserve the listed building or its setting, so impacts on the wider historic environment would not be positive. It is not explained how the extension would be of public benefit, although it is logical that the proposed offices could offer workspace to a business and increased rent to the building owner. However, there is little substantive information before me as to how or why this would secure optimum viable use of the barn, particularly given the site history indicates that the building is already used in this manner. Furthermore, there is no evidence that without the extension, the building could fall into disuse and disrepair.
37. As such, in the absence of sufficient public benefits that would outweigh the harm identified, I conclude that the proposal would fail to preserve the listed building or its setting. Overall, the proposal would be contrary to the Act and the provisions within the Framework as detailed above, which seek to conserve and enhance the historic environment.

38. It would also conflict with Policies DM7 and DM9 insofar as they seek to ensure heritage assets (both designated and non-designated) and their settings will be preserved or enhanced in a manner appropriate to their significance in accordance with national planning policy and guidance.

Other Matters

39. The appellant has criticised the way in which the planning application was assessed by the Council prior to its refusal. This includes advice on amendments to the scheme to make it acceptable which were implemented but ultimately refused. Be that as it may, I have had regard to the proposal as presented to me and matters relating to the Council's procedures are not relevant to my consideration of the appeals.
40. The Council's officer report advises that *'In line with the 'Listed Buildings and Conservation Areas Act 1990', the Council will seek to ensure that all development respects Listed Buildings and the setting of the conservation area...'* However, Section 72(1) of the Act makes no reference to the setting of Conservations Areas. Rather, it states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
41. While paragraph 200 of the Framework seeks to avoid any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), there is nothing before me to indicate that the appeal site is within the setting of a Conservation Area, and no further reference is made to this as an issue. Given I am dismissing the appeal on other matters, I have not considered this further.

Conclusion – Both Appeals

42. I have found that the proposed development would represent inappropriate development in the Green Belt which would also reduce its openness. Furthermore, the other considerations cited in support of the proposal do not clearly outweigh the substantial weight which must be given to Green Belt harm and any other harms, and so are not sufficient to amount to the very special circumstances required to justify the proposed development.
43. Moreover, the proposal would also fail to preserve the listed building or its setting. In the parlance of the Framework, the harm to the significance of the designated heritage asset would be less than substantial, but still of considerable importance and weight, which I find would not be outweighed by public benefits.
44. The Green Belt matters are determinative in their own right. Moreover, had this not been a site within the Green Belt the harm which I have identified to the listed building and its setting would, in itself, also be determinative.
45. Accordingly, for the reasons given, I conclude that both appeals A and B should be dismissed.

C McDonagh

INSPECTOR