



Appeal Decisions

Site visit made on 27 June 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/J1535/W/22/3306404

Middle Barn, Holyfield Road, Waltham Abbey, Essex EN9 2ED

- 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 and Mrs Stephen Levy (Heat Outdoors) against the decision of Epping Forest District Council.
 - The application Ref EPF/0621/22, dated 11 March 2022, was refused by notice dated 24 June 2022.
 - The development proposed is a single storey conservatory.
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Appeal Ref: APP/J1535/Y/22/3306407

Middle Barn, Holyfield Road, Waltham Abbey, Essex EN9 2ED

- 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 and Mrs Stephen Levy (Heat Outdoors) against the decision of Epping Forest District Council.
 - The application Ref EPF/0703/22, dated 11 March 2022, was refused by notice dated 24 June 2022.
 - The works proposed are a single storey conservatory.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeals relate to the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. The Council's decision notice for both applications the subject of these appeals, does not include the full reason for refusal, particularly with reference to adopted policies of the development plan. However, the Council has explained in its statement of case that this is due to a technical error and included the full reason for refusal. I have proceeded on that basis and the appellants have had the opportunity to comment.
5. 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. These were discussed in the officer report when the LP was emerging, and the appellant has had the opportunity to review these accordingly.

6. 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

7. The main issue in both appeals is whether the proposal would preserve the Grade II listed building, Barn at Holyfield Farm.

Reasons

8. The appeal site, Middle Barn, comprises the middle section of a Grade II listed building known as 'Barn at Holyfield Farm'¹. The listing description establishes that the barn dates from 1767 and, as a whole, was formed of a long timber frame with a tiled roof which is hipped at the southern end ('Old Barn') and gabled on the north side ('Barn End') and faced with tarred weatherboarding. Evidently, the original barn was initially converted to residential use in 1997 with Old Barn being the first unit. Middle Barn and Barn End were converted in 2009. The eastern elevation of the original barn prior to conversion had three lean-to additions which were removed in the 2009 scheme and replaced with new residential extensions. The appeal site is located outside of Waltham Abbey in open countryside.
9. The proposal seeks to erect a single-storey conservatory to the rear of Middle Barn which would be positioned in a small courtyard area. The conservatory would be affixed to a side wall of the existing extension and the rear wall of the host building. It would be constructed of glass and steel and a new door would be installed in the extension linking the conservatory with the host building.

Special Interest/Significance of the Listed Building

10. Based on the evidence before me and my own observations on my site visit, the special interest and significance of the listed building is mostly derived from its historic and architectural interests, particularly in terms of its age, the use of traditional materials and timber framed construction positively reinforcing the local vernacular. Furthermore, its relevance to the historic evolution and agricultural heritage of the area. Despite being altered, most obviously through its conversion to residential use and ensuing extensions, the building's simple agrarian form and structure is largely still evident, particularly in the roof form, and is telling of its original purpose.

Effect of the Proposal

11. Much of the original rear elevation of the building as a whole has been built upon in previous extensions, including both when the building was in agricultural use and following its conversion. Although the glass would be transparent and the appellants have offered that it could be non-reflective glass, the conservatory would cause further loss of legibility of the rear elevation, particularly through the black framing of the glass. This is regardless of whether the cladding constitutes 'original fabric'. I am presented with photographs of examples of similar conservatories² erected upon ostensibly

¹ List Entry Number: 1169554

² Plan Ref: 1102_BB_AL_0_005 Rev 2

similar buildings, but I have little information on these before me such as whether they involve listed buildings. I cannot therefore be certain that those schemes are directly relevant to that before me. Regardless, proposals are assessed on their own merits, as I have done in this case.

12. Moreover, the conservatory would be of overtly modern design, primarily due to the said extensive use of glass and black steel frame. This would jar with the retained traditional materials and agricultural character of the host building. The host building displays a generally more subtle palette of materials which weather over time. The proposed conservatory would be a permanent, starkly modern structure which would not assimilate well with the form and character of the barn. Furthermore, the flat roof and general box-like shape of the conservatory would be incongruent set against the host roofscape which displays variety in its form and finish. This tells part of its history as an adapted building but also displays its traditional construction methods which did not produce clean lines. Overall, the modern appearance would not complement the remaining character of the traditional timber finish of the listed building. As a result, the development and works would appear discordant, and out of keeping with its historic context.
13. I acknowledge that the proposal would not affect the frontage of the barn as a whole, where the appellant asserts the significance of the building primarily resides, and that the rear has already undergone alterations following the conversion of the barn. However, the remaining original wall of the rear elevation, together with the historic gap where the conservatory would be sited, is important in understanding the building's historic form. To my mind, this increases the heritage merit of retaining these elements and the contribution they make to the significance of the listed building, regardless of whether the boarding is original.
14. Moreover, while views of the conservatory would be limited to the rear gardens of the appeal property and those of its adjoining neighbours, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. 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 paragraphs.
15. It is argued that the building has lost much of its significance through these alterations over the years, particularly the conversion to residential use beginning in 1997 and further changes in 2005 and 2009. This has domesticated large parts of the building, particularly to the rear of all three dwellings where I observed bi-folding doors and modern style window openings. 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, notwithstanding the domestic paraphernalia accruing from the residential conversion of the building, the proposed conservatory would add another incremental domestic addition which would further dilute the integral agricultural character of the barn.
16. I understand that since the refusal of planning permission and listed building consent, a subsequent scheme³ has been granted for a rear extension. I have been furnished with plans for this development, which would see a continuation

³ Planning Ref's: EPF/2035/22 & EPF/2029/22

of the existing extension across the gap whereby the proposal before me would be positioned. This would use the same materials as the existing projection, including dark timber boarding, black frames, and similar expanses of glass. There is nothing before me to suggest that this scheme would not go ahead should the appeal proposal be dismissed. However, given that this scheme has planning permission and listed building consent it follows that the Council considers it would be an acceptable addition that would not cause harm. Although the appellant considers it to be inferior, for the reasons I set out above, I cannot agree. Therefore, as a fallback position it attracts minor weight.

17. A previous appeal on the same site for a similar proposal was dismissed⁴ in 2014. I am provided with a copy of this decision by the Council, although the appellant has also referenced it in their evidence. It is argued that the 'Appeals Officer' suggested the use of metal framed glazing. However, from my reading the Inspector in that case was addressing a suggestion by one of the main parties rather than offering design advice themselves. As such, this carries little weight in favour of the proposal and does not lessen the harm I have identified.
18. Drawing things together, the statutory duties in Sections 16(2) and 66(1) of the Act are matters of great weight. Paragraph 197 of the National Planning Policy Framework (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.
19. In light of the above, I conclude that the proposal would not preserve the Grade II listed building. 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 my judgement, given the nature and extent of the proposal it 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

20. As I have concluded, by virtue of the proposed development and works to the barn, it would not preserve the listed building. There would be some limited economic benefits accrued from the construction phase of the conservatory. However, the main benefits would essentially be private, and the limited public benefits would not be sufficient to outweigh the considerable importance and weight attach to the harm to the listed building. 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. 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.

⁴ Appeal Ref's: APP/J1535/A/14/2224789 & APP/J1535/E/14/2224283

21. It would also conflict with Policies DM7 and DM9 insofar as they seek to ensure high quality design and that 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

22. The appellant has criticised the way in which the planning application was assessed by the Council prior to its refusal. This includes the advice of the Council's Conservation Officer. 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.
23. The Council's officer report assesses the proposal for its impact on the Metropolitan Green Belt. I was also sent a copy of Policy DM4 of the LP which relates to proposals in the Green Belt. However, this is not given as a reason for refusal on the Council's decision notices and there is limited explanation as to whether this would be inappropriate in the first instance before matters of character and appearance are considered. Given I am dismissing the appeal on other matters, I have not considered this further.

Conclusion – Both Appeals

24. I have found that the proposed development and works would fail to preserve the listed building in conflict with the requirements of the development plan and therefore there would be conflict with the development plan as a whole. The benefits I outline above are not sufficient to outweigh that conflict. Accordingly, for the reasons given, I conclude that both appeals A and B should be dismissed.

C McDonagh

INSPECTOR