



Appeal Decision

Site visit made on 24 November 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/J1535/W/22/3310833

New Barns Farm, Roding Lane, Chigwell, Essex IG7 6BJ

- 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 George Darlington (Hastingwood Developments Ltd) against the decision of Epping Forest District Council.
 - The application Ref EPF/1249/22, dated 25 May 2022, was refused by notice dated 14 October 2022.
 - The development proposed is described as 'Demolition of existing light industrial building and construction of 5 dwellings (5x4 bed dwellings), associated car parking, bin/cycle storage and vehicular access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Epping Forest District Local Plan 2011-2033 Part One (EFDLP) was adopted in March 2023, while the appeal was under consideration. This replaced policies of the Epping Forest District Local Plan 1998 and Alterations 2006, which were referenced in the reasons for refusal. The Council has forwarded copies of the relevant policies of the EFDLP in their adopted form, and the appellant has had the opportunity to comment on them. I have had regard to the EFDLP when considering the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
 - the effect of the proposal on the character and appearance of the area, with particular regard to its effect on the setting of the Grade II listed building known as Newbarns, 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.

Reasons

Whether Inappropriate Development in the Green Belt

4. The appeal site is located within countryside to either side of the M11 motorway, between the settlements of Chigwell and Buckhurst Hill. It is part of a cluster of buildings along a private road off Roding Lane. The site is next to a range of traditional farm buildings, converted to dwellings, and Newbarns, a Grade II listed building which was originally the farmhouse. To the south is a railway line on an elevated embankment and overbridge and the motorway is nearby.
5. Near the centre of the site is a former agricultural barn, of modern construction and appearance, now used as an industrial workshop. There are some informal areas of hardstanding to either side of the building, including a parking area used by the firm occupying the workshop. At one end of the site is a manège used in conjunction with a nearby stable complex. At the other, there is a small area of woodland scrub.
6. The site is within the Green Belt. Paragraph 149 of the Framework states that construction of new buildings should be regarded as inappropriate in the Green Belt. However, it goes on to set out a number of exceptions, which include the redevelopment of previously developed land, where it would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 149g). In the EFDLP, Policy DM4 echoes these provisions of the Framework, setting out similar requirements for the redevelopment of previously developed land.
7. Annex 2 of the Framework defines previously developed land as including the curtilage of an existing permanent structure, while making clear that it should not be assumed that the whole of the curtilage should be developed. Although land occupied by agricultural buildings is excluded from this definition, the building in this case is no longer used for agricultural purposes. On that basis, the site includes previously developed land. However, the parties disagree as to its extent, notably in relation to whether the area of woodland scrub falls within the curtilage of the workshop building.
8. Even if I were to accept the appellant's argument that the whole site comprises previously developed land, the Framework requires that an assessment is made of the effect of the proposed redevelopment on openness. The proposed dwellings would be located generally within the central and southern part of the site, where the workshop building is located. They would have a similar overall height. However, they would be laid out in a courtyard formation, extending well beyond the footprint of the existing building. Therefore, although each individual dwelling would be of smaller proportions than the workshop, they would collectively increase the spread of buildings across the site.
9. The proposal would also introduce domestic use of land across the full extent of the site, including the formation of private residential gardens with associated domestic paraphernalia such as garden furniture, play equipment, washing lines etc. This would encompass the wooded land near Newbarns, which currently shows little sign of being in active use apart from some limited informal outdoor storage. The area in the middle of the courtyard would include soft landscaping, but it would also incorporate domestic features such as

- access driveways and parking areas, and would be visually enclosed by the five dwellings.
10. Overall, the site would have a more intensively developed character, as a result of the introduction of buildings across a larger proportion of the site and the domestication of the land surrounding those buildings. This would be harmful to openness in spatial terms, compared to the existing building and uses on the site.
 11. Since the site is accessed via a private road, the development would not be exposed to general public view. However, the proposed dwellings would be conspicuous from the converted farm buildings and from Newbarns, as well as being visible to other users of the private road and rail passengers. Therefore, there would also be harm to the openness of the Green Belt in visual terms, as experienced from a range of viewpoints.
 12. The area includes existing features which affect the openness of the Green Belt, notably the other nearby buildings and the elevated railway embankment and overbridge. The M11 motorway is a significant urbanising feature, although it is less visually prominent, being at a generally lower level and screened by vegetation. Given its proximity to the motorway, the area around the site does not have particularly tranquil or remote character. Nevertheless, the proposal would erode the openness of the Green Belt within the site and its immediate surroundings, to a degree that would be materially harmful.
 13. On that basis, the proposed development falls outside the scope of Framework paragraph 149g, since it would have a greater impact on the openness of the Green Belt than the existing development. None of the other exceptions set out in paragraph 149 are applicable. I therefore conclude that the proposal would be inappropriate development in the Green Belt, as defined in the Framework and Policy DM4 of the EFDLP.

Character and Appearance, Including Setting of Newbarns

14. Newbarns is a Grade II listed building, standing immediately to the north-west of the appeal site, on the other side of the access road. It is an imposing brick dwelling on three storeys, dating from the 18th century. The principal elevation faces into a walled garden and is a prominent feature in the main approach from Roding Lane. A perpendicular wing at the rear is similarly prominent from the appeal site, the access road and the converted farm buildings.
15. The significance of the listed building includes its distinctive 18th century architectural detailing and form. Evidence from both parties identifies it as the former farmhouse. That being the case, its setting includes what remains of the associated farmstead. This encompasses the converted traditional farm buildings and land within the appeal site. Although the building on the appeal site is of modern construction, and no longer used for agricultural purposes, it retains an agricultural appearance consistent with its original use. Its siting in relation to the listed building is consistent with the way in which farmsteads have evolved in response to modern agricultural practices. This relationship contributes positively to the setting of the listed building, notwithstanding the building's modern and utilitarian appearance.
16. The proposed development would disrupt this relationship by introducing a courtyard of modern detached houses and gardens in a prominent location just

beyond the farmhouse. Unlike the converted farm buildings, which are modest in scale and continue to reflect the original farmstead layout, the proposed dwellings would introduce a new, formal courtyard of several buildings, each of a fairly substantial scale in its own right. Collectively, they would compete with the listed building in terms of their scale and prominence. As a result, the listed building's status and presence within the site would be diminished and its remaining agricultural setting would be eroded.

17. The proposed layout would allow for retention of some of the existing trees and would maintain a degree of separation between the listed building and the nearest dwellings. However, this land would be incorporated into the proposed back gardens and any domestic paraphernalia in these areas would be visually intrusive, in close proximity to the heritage asset. Soft landscaping elsewhere in the site would make a positive contribution to the appearance of the development itself, but would not adequately compensate for the harm arising to the setting of the listed building, as described above.
18. I have not been presented with any substantive evidence that the existing industrial use is harmful to the setting or significance of the listed building. At the time of my site visit, industrial activity was audible, but not to an intrusive extent, and there were only a handful of parked vehicles within the site. Representations from interested parties are generally supportive of the existing industrial use being retained, which weighs against any assumption that it is currently disruptive. The workshop building appears to be in generally good order and there is no substantive evidence that it is at risk of becoming dilapidated to an extent that would become harmful.
19. Given the above, the evidence does not support the appellant's contention that a residential use would be more appropriate in this location.
20. The design would incorporate traditional features and external materials, albeit these are sometimes used in an unconventional manner, such as the unsupported first floor bay windows. The external materials would reflect those found on the converted farm buildings. Aside from the specific heritage concerns outlined above, the overall design approach would not be inherently out of keeping with the rural surroundings. However, the use of traditional materials and design elements would not adequately mitigate against the harm arising from the scale, siting and formal layout of the proposed dwellings, in relation to the heritage asset.
21. For the above reasons, I conclude that the proposed development would not preserve the setting of Newbarns and would consequently be harmful to appreciation of its significance. The extent of the harm would be relatively localised, being confined to the section of the access road alongside the appeal site. There would be no direct effect on the fabric of the listed building or other buildings within its curtilage. On that basis, the harm to the significance of the heritage asset would be less than substantial. However, that does not imply that it should be treated as a less than substantial objection to the proposal. I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
22. Under such circumstances, paragraph 202 of the Framework advises that any harm should be weighed against the public benefits of the proposal. In this regard, the appellant particularly highlights the proposal's contribution to the

supply of housing, in what is described as a sustainable location. However, while there are urban areas providing a wide range of services nearby, which can be accessed by bus, the appeal site is somewhat detached from them by virtue of its location well south of Roding Lane. In addition, following the recent adoption of the EFDLP, the Council has provided evidence that it is now able to demonstrate a supply of housing land in excess of five years.

23. The listed building is occupied and the evidence does not demonstrate any clear need for further development to secure its optimum viable use. In that context, the public benefit associated with five additional dwellings in this location would not outweigh the harm to the heritage asset.
24. While I have found that the design approach would not be harmful to the character and appearance of the area in more general terms, I have concluded that the proposal would fail to preserve the setting of the Grade II listed building known as Newbarns. It would therefore be contrary to the Framework and to Policies DM7 and DM9 of the EFDLP which require, amongst other things, that heritage assets and their setting are preserved in a manner appropriate to their significance and that all new development relates positively to its context, including the historic environment.

Other Considerations

25. While I have noted that the Council's 2021 Housing Delivery Test result indicated a period of under-delivery, that result pre-dates the recent adoption of a new Local Plan. This has boosted the supply of housing land as outlined above. In that context, while I recognise that the proposal would contribute to the supply of housing, I have given this benefit only modest weight.
26. There would be some limited economic benefit arising from the construction process, spending by future occupiers and Council income derived from the provision of new dwellings. However, given the site's rather detached location, there is no substantive evidence that the modest number of dwellings proposed would make a meaningful contribution towards maintaining or enhancing services and facilities in Chigwell.
27. A range of measures are proposed to avoid and mitigate the effect of development on existing habitat within the site, which is identified in the ecological evidence¹ as being of moderate ecological value. There would be scope for habitat enhancement, as set out in the ecological evidence and landscape strategy. However, the evidence does not clearly demonstrate that these measures would go beyond what is ordinarily required by the development plan and Framework. I have therefore given the potential for ecological enhancement limited weight.
28. The Framework's support for the efficient use of previously developed land and development on small or medium sites is not at the expense of satisfying other relevant requirements, including those relating to development in the Green Belt and the effect on heritage assets.
29. Even if I were to agree with the appellant that living conditions for neighbouring occupiers would be unaffected, this would be a neutral factor weighing neither for nor against the proposal. There is no clear evidence that

¹ Tim Moya Associates Preliminary Ecological Appraisal dated April 2022 and Bat Survey dated June 2022

relocation of the manège would be materially beneficial to living conditions for neighbouring occupiers.

30. Compliance with relevant design standards covering matters such as access, parking, quality of internal accommodation, gardens and open space, is likewise a neutral consideration.

Green Belt Balance

31. The proposal would be inappropriate development in the Green Belt, as defined in the Framework and the EFDLP. There would be harm to openness. There would also be harm to the setting of a Grade II listed building.
32. While a number of factors have been highlighted in favour of the proposal, I have given these limited or modest weight, for the reasons explained above.
33. The Framework, at paragraph 148, states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations. In this case, the harm to the Green Belt and a designated heritage asset is not clearly outweighed by the other considerations, even if they are considered collectively. Therefore the very special circumstances necessary to justify the proposal do not exist.
34. There are clear reasons for refusing the development proposed, based on policies in the Framework that protect areas or assets of particular importance. Accordingly, the test in paragraph 11 d) ii. of the Framework is not applicable and the proposal does not benefit from the associated presumption in favour of sustainable development.

Other Matters

35. The appeal site is located within a Zone of Influence around the Epping Forest Special Area of Conservation. Evidence from both parties identifies a requirement for mitigation of adverse effects on the integrity of this Habitats Site, associated with the provision of new residential development.
36. The appellant has expressed willingness to make the required financial contributions towards mitigation measures, which could be secured through a unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. However, no UU has been provided with the planning application or this appeal. Nevertheless, since I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.

Conclusion

37. For the reasons set out above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR