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# Appeal Decision

Site visit made on 12 December 2023

**by Juliet Rogers BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 January 2024**

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**Appeal Ref: APP/J1535/W/22/3312801**

**Brewitts Barn, Back Lane, Nazeing, Waltham Abbey, Essex EN9 2RS**

- 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 Buchan of Woodgate UK against the decision of Epping Forest District Council.
  - The application Ref EPF/0647/22, dated 16 March 2022, was refused by notice dated 14 September 2022.
  - The development proposed is the change of use of barn to 4 no. 1 bedroom houses.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Following the Council's decision, the Epping Forest District Local Plan 2011-2033 Part One (the Local Plan) was adopted (March 2023). As a result, the policies referred to in the decision notice have been replaced. Additionally, a new version of the National Planning Policy Framework (the Framework) came into effect. The main parties have been invited to provide further comments on both these documents and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.

## Main Issues

3. The main issue is whether the proposed development would preserve the setting of the Grade II listed building known as Brewitts Farmhouse and preserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area (the NSRCA).

## Reasons

4. The appeal site is located within the NSRCA and close to Brewitts Farmhouse, a Grade II listed building. As a result, I am required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to:
  - have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and
  - pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

5. Brewitts Farmhouse is a detached, two-storey red brick dwelling with a red tile half-hipped roof. From the evidence before me, including the listing description, I consider the significance/special interest of Brewitts Farmhouse to be largely derived from its age, the condition of materials used and the quality of architectural detailing that remains. Fronting onto Back Lane, its formal fenestration arrangement with balanced spacings and proportions is simple yet has an imposing effect on the streetscape. Although the several outbuildings associated with the farmhouse have been converted into residential accommodation, the small-scale, linear courtyard arrangement remains.
6. The appeal site is located to the rear of Brewitts Farmhouse, within the NSRCA which extends across a large area of open countryside, encompassing several small settlements, including Nazeing. Beyond the settlements, winding narrow lanes dissect historic field patterns and are bounded by tall hedgerows and mature trees. The built form of Nazeing predominately lines Betts Lane and Back Lane which converge around the Nazeing Triangle. In addition to its scale, the significance of the NSRCA is largely derived from the settlement pattern and its relationship with the agricultural use of the countryside. Typically, barns and other structures associated with the farmsteads are located to the side or behind farmhouses, often set back from the lanes, and subservient to the farm dwelling. The dispersed settlements maintain the quietness of the NSRCA which is also evident in and around the site. Although the positioning, style and form of the buildings within Nazeing varies with many dwellings sited in spacious grounds, this contrasts with the intimate layout of traditional farmsteads such as around Brewitts Farmhouse.
7. The appeal scheme comprises the conversion of the existing agricultural barn on the site to provide four dwellings. The main parties agree that the barn has limited significance and does not form part of the historic built form associated with Brewitts Farmhouse. Nevertheless, despite the physical distance between the barn and the farmhouse, it is located within the setting of the listed building. Parts of the site, including sections of the barn, are visible from Back Lane through the site access between the farmhouse and associated outbuildings. Views between the site and the listed building are also possible. Furthermore, its siting to the rear of the farmhouse is reflective of the arrangement of agricultural barns and other structures which are positioned closer to the open countryside and set back from the lanes in Nazeing and the wider NSRCA.
8. Access to the proposed dwellings would be via the existing courtyard between the farmhouse and its former outbuildings, now converted to residential accommodation. This access is gated and already provides vehicular access to the farmhouse and the converted outbuildings. Consequently, the proposed development would lead to an increase in private vehicular movements through the courtyard, adjacent to the farmhouse, further reducing the agricultural character of the property, even if it increases the number of people who can appreciate the listed building.
9. Although the appeal scheme would not increase the built form or floor space on the site, a new façade would be required for the currently open-fronted barn. Additionally, despite limiting the proposed domestic paraphernalia to timber fencing and a waste and recycling store, these are features not currently present on the site. Restricting future occupiers of the proposed dwellings from adding to these domesticated features through the use of a planning condition

would not make the proposed development acceptable. Combined with the increase in residential activity in a predominantly agricultural environment, including the movement and parking of private vehicles and irrespective of any existing noise from agricultural sources, the character of the site and its immediate surroundings would be altered. This would be detrimental to both the setting of the listed building and the character and appearance of the NSRCA.

10. Irrespective of the lack of external lighting proposed or the absence of a relevant local planning policy test, the insertion of additional windows, doors and rooflights would inevitably lead to an increase in light spill during hours of darkness. Even if the barn is currently being used at similar times, given the three sides of the structure and the roof are devoid of openings, spillage from internal lighting would be limited to the open front elevation. Accepting that light from residential development is unavoidable nonetheless, this would further emphasise the domestic character of the site.
11. Whilst my attention has been drawn to the nearby properties of Windrush Lodge and Brynville given other structures have been constructed within their boundaries. However, I have no evidence before me confirming that these examples are listed or locally listed, nor the planning regime in place at the time of their construction. As a result, they are not directly comparable to the appeal scheme.
12. The conversion of the existing agricultural barn would result in the domestication of its immediate surroundings, thereby extending the residential environment away from the lane and into the countryside, despite retaining the bulk and form of the structure. This would have a detrimental effect on the special interest/significance of the listed building and the significance of the NSRCA. In the language of the Framework, the appeal scheme would result in less than substantial harm to the significance of the designated heritage assets. This harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Framework stipulates that great weight should be given to an asset's conservation, even where less than substantial harm to its significance is identified.
13. The provision of four new dwellings would contribute to the local housing supply, aligning with the Framework's aim to boost the supply of housing and recognition of the important contribution small sites can make in achieving this aim. Whilst the Framework, encourages the effective use of under-utilised land, at the time of my visit, the site and barn were being used for sheltering animals in stalls and the storage of equipment, bedding materials and food.
14. The removal of part of the existing hardstanding and the incorporation of new planting would provide a visual improvement to the site and have a positive effect on the setting of Brewitts Farmhouse and the NSRCA. However, given the low significance of the barn, any heritage benefits from its conversion, including an improvement in its condition, would be modest. Any social and economic benefits from the construction and occupation of the proposed dwellings and environmental benefits from new planting would also be modest given the scale of the scheme.
15. Consequently, the weight attributed to the public benefits identified above does not outweigh the great weight to be given to the harm to the heritage assets and the proposed development would conflict with the Framework.

16. I conclude that the proposed development would not preserve the setting of the Grade II listed building of Brewitts Farmhouse nor would it preserve or enhance the character or appearance of the NSRCA. It would not satisfy the requirements of the Act nor Chapter 16 of the Framework regarding the preservation or enhancement of designated heritage assets. It would also conflict with policies DM7 and DM9 of the Local Plan which, amongst other aspects, require development to be of a high-quality design which contributes to the distinctive character and amenity of the local area. Additionally, development proposals that affect a heritage asset or its setting should preserve and, wherever possible, enhance its significance.

### **Other Matters**

17. The site is located within the catchment of the Epping Forest Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, it would have been incumbent on me to consider the impact of the proposed development upon the SAC, in accordance with the Habitat Regulations. Notwithstanding the executed Unilateral Undertaking submitted with the appeal, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.
18. The evidence before me indicates that the Council are unable to demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. Additionally, the latest Housing Delivery Test<sup>1</sup> indicates that the delivery of housing in the Council's area was below 7% of the housing requirement over the previous three years. However, as I have found that the proposed development would cause harm to Brewitts Farmhouse and the NSRCA, assets protected by the Framework<sup>2</sup>, there is a clear reason for refusing the development. Despite the substantial shortfall in housing identified, the presumption in favour of sustainable development does not apply.
19. Although located in the Green Belt, the main parties agree that the appeal scheme would not amount to inappropriate development in the Green Belt and no contrary view has been presented.

### **Conclusion**

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the harm and associated development plan conflict. Therefore, the appeal is dismissed.

*Juliet Rogers*

INSPECTOR

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<sup>1</sup> Housing Delivery Test: 2022 measurement dated 19 December 2023

<sup>2</sup> Footnote 7