



Appeal Decision

Site visit made on 27 February 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/J1535/W/23/3320747

Netherhouse Farm, Sewardstone Road, Waltham Abbey, Essex E4 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sewardstone Park Cemetery against the decision of Epping Forest District Council.
 - The application Ref is EPF/1759/22.
 - The development is the retention of WC building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published on 19 December 2023 and updated on 20 December 2023. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.
3. Since the appeal was submitted, Epping Forest District Council Local Plan 2011-2033 (the LP) was adopted on 6 March 2023. Therefore, the appeal will be considered against the policies from this recently adopted plan.
4. The application was submitted retrospectively, and I saw at my site visit that the development had been constructed and was in use. I have therefore considered the appeal on a retrospective basis.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - whether the development would preserve the significance of the curtilage listed barn and the setting of the Grade II listed building, Netherhouse Farmhouse; and

- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other consideration so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

6. The appeal building, a long timber-clad barn which is currently used for commercial purposes, is located off Sewardstone Road and is within the Green Belt. The existing barn has undergone previous modifications over a number of years to enlarge the original building and adapt to various uses. The development is a small L-shaped addition attached to the side of the barn to provide toilet facilities.
7. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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 also states that the construction of new buildings is inappropriate development in the Green Belt, for which planning permission will not be granted, with 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 also listed as an exception. It is therefore consistent with the Framework's approach.
8. Both parties have provided a history of the building, with the earliest section dating from the late 18th to early 19th century to the front and an early 20th century section built to the rear between 1920 and 1937. An infill has been constructed between these two sections which the Heritage Appeal Statement indicates is c.1960's. However, the appellant contends that this replaced an earlier link structure which is evidenced on the 1935 map image provided by the Council and a 1937 OS map in the Heritage Appeal Statement. However, the exact scale of this infill section is unknown and the images provided indicate that it was smaller than the current infill and therefore has been further extended.
9. The Framework describes an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. Therefore, the front and rear sections form part of the original building along with an infill section between the two. The appellant contends that this has a total floorspace of 911m². However, this includes the size of the infill section at present rather than as it existed on 1 July 1948. Therefore, the exact floorspace of the original building is unknown and, from the evidence provided, is likely to be smaller than what has been outlined.
10. Along with a larger infill section in the 1960's, there has also been a 21st century single storey extension to the rear which, when combined with the WC building, has a total floorspace of 73m². Policy DM4 of the LP and the Framework do not specifically define what would constitute a proportionate extension and the exact size of the increase, over and above the size of the original building, is unknown. Although the WC building is modest in size, in combination with the existing extensions it results in significantly more built form on the appeal site when compared to the original building which could not be considered proportionate to the size of the original building.

11. Consequently, the appeal extension along with previous extensions result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 154 (c) of the Framework, relating to the extension or alteration of a building. The development would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt, which in accordance with paragraph 153 of the Framework, should be given substantial weight.

Openness

12. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
13. The WC building is located to the side of the barn and is largely obscured by a timber fence. For this reason, and the single storey nature of the development, it would have limited visibility from the road. As such, the development does not erode the visual openness of the site. However, although the site may have already been occupied by hard surfacing, the development introduces additional built form onto the appeal site, with a greater floorspace and overall massing than the existing building. Due to this, the development has a spatial impact on the openness of the Green Belt, in that it is reduced.
14. The Framework makes it clear in paragraph 153 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Listed Building

15. The building adjacent to the appeal site, Netherhouse Farmhouse, is a grade II listed building and, although now entirely separate from one another, as the barn is located within the historic curtilage of this listed building, it should also be considered as being listed. However, the Council indicate that listed building consent has not been sought for the development.
16. From my observations on site and the information submitted as part of this appeal, it would appear that the significance of the grade II listed Farmhouse is derived, at least in part, from the antiquity of its structure and from its status as a well preserved example of a vernacular building of its age and type, particularly in relation to the agricultural heritage of the area. It derives further significance from its historic relationship with the barn. Given the barn's location within the curtilage of the listed farmhouse, its conservation is afforded the same great weight. Whilst the barn has undergone a number of extensions and alterations, which have eroded part of its agricultural character, its barn like appearance and original use are still apparent. The rural and open landscape to the rear of the buildings contribute to how these assets are appreciated and this setting makes a positive contribution to the significance of the listed farmhouse and the barn.
17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to

have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.

18. The Council have acknowledged that existing alterations to the barn have created an untidy appearance to the rear of the building, which has diminished its historic agricultural appearance. The WC building further alters the overall appearance of the barn and does not enhance its historic interest. However, due to its modest size and location within a nook of the barn, along with the use of traditional materials, the development does not cause further harm to the significance of the curtilage listed barn.
19. The development is located on the side of the building closest to the farmhouse and there is direct intervisibility between the two. However, due to its scale and positioning, the WC building is largely obscured by a timber fence around the rear of the barn and its location does not block views or the relationship between the farmhouse and its rural surrounds. For this reason, the development does not alter the historic relationship between the two buildings and does not harm the setting or significance of the farmhouse.
20. Consequently, I conclude that the development does not have a harmful impact on the setting or the significance of the grade II listed farmhouse or the curtilage listed barn and is not contrary to Policy DM7 of the LP. This policy, amongst other things, seeks to preserve the significance of heritage assets having regard to the special architectural or historic interest of its character, appearance and contribution made by its setting. It would also accord with the objectives of the National Planning Policy Framework relating to listed buildings.

Other Considerations

21. The development provides toilet facilities for users of the main building, visitors to the cemetery and the wider public. However, no evidence has been provided to suggest that such facilities could not be accommodated in the main building, which would alleviate the need for additional built form on the site. Therefore, this reason attracts limited weight in support of the development.

Green Belt Balance and Conclusion

22. Although no harm has been found to the curtilage listed barn or the setting of the grade II listed farmhouse, the extension is inappropriate development in the Green Belt in that it is a disproportionate addition over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the development conflicts with Policy DM4 of the LP which seeks to protect the Green Belt, along with paragraphs 152, 153 and 154 of the Framework.

24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR