



Appeal Decision

Site visit made on 21 October 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th November 2024

Appeal Ref: APP/J1535/W/24/3338536

Brownings Farmhouse, Gravel Lane, Chigwell, Essex IG7 6DQ

- 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 Mr and Mrs B Ormsby against the decision of Epping Forest District Council.
 - The application Ref is EPF/1390/23.
 - The development proposed is subdivision of site and use of existing outbuilding as a self-contained dwelling including installation of solar panels and associated access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. One of the Council's reasons for refusal relates to the absence of financial contributions to mitigate adverse impacts on Epping Forest Special Area for Conservation (EFSAC). A signed and dated Unilateral Undertaking (UU) containing obligations relating to financial contributions has been submitted with the appeal. The Council considers that this addresses its concerns in this regard. This is a matter that I will return to later in my decision.

Main Issues

Therefore, the main issues are:

- i) 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;
- ii) The effect of the proposal on the openness of the Green Belt;
- iii) Whether the proposal would preserve the setting of a Grade II listed building, "Brownings Farmhouse" (Ref 1337262) (the LB), and any of the features of special architectural or historic interest that it possesses; and
- iv) Whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The appeal relates to around 2120sqm of the garden of Brownings Farmhouse and a detached ancillary outbuilding¹. The appeal site extends along Gravel Lane and there is undeveloped agricultural land to the south, north and east. The appeal site is in the countryside and the Green Belt.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 155 of the Framework goes on to set out certain forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including 155d) the re-use of buildings provided they are of permanent and substantial construction. Policy DM4 of Epping Forest District Local Plan 2011-2033 Part One Adopted March 2023 (the LP) reflects the approach set out in the Framework, and paragraph D(iv) of the LP policy mirrors paragraph 155d) of the Framework.
6. The proposal would be the conversion of the ancillary outbuilding into a dwelling house. The recently constructed outbuilding is of permanent and substantial construction. Consequently, the proposal would not be inappropriate development in the Green Belt provided it preserves its openness and does not conflict with its purposes.
7. The Framework advises 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 thus their openness and permanence. Case law has established that openness has both spatial and visual aspects.
8. In this case, the outbuilding is a relatively modest single storey building finished in black weatherboarding with a clay tile roof. It is widely separated from the appeal property and accessed from it across the intervening garden.
9. The proposed dwelling would be served by a new highway access and driveway curving around to the south of the building. There would be parking and manoeuvring space for 2 vehicles. Although not illustrated on the plans, it seems reasonably likely that there would be paths between the parking area and the dwelling, around the building leading to the door, and likely a patio area. Consequently, irrespective that the building would not be extended, there would be a small spatial loss of openness.
10. There would be visual changes to the building due to additional openings and rooflights. There would also be a visible increase in residential activity and comings and goings of future occupiers and their visitors; additional parking and manoeuvring of vehicles, including overnight when headlights would be conspicuous; residential paraphernalia; and artificial lighting. Cumulatively, the visual impacts would equate to a visual loss of openness of the Green Belt.
11. The outbuilding is in a residential garden, where domestic paraphernalia might already be expected. However, residential paraphernalia associated with the

¹ Planning permission Ref: EPF/2202/17, granted in November 2017, for erection of ancillary building and change of use of adjacent fenced area into garden land for Brownings Farm.

new dwelling would be in addition to that associated with the appeal property. While the appellants consider that any domestic paraphernalia would be extremely limited, they would have no control over the use of the garden of the proposal by future occupiers.

12. The appeal site is in a rural location and the proposal would be screened in part by the vegetated boundaries, particularly when the hedgerows were in leaf. Even so, the new residential unit, with consequent intensification of use, would result in the visual perception of development encroaching into the countryside.
13. Therefore, I conclude that the proposal would not preserve the openness of the Greenbelt. It would not meet the exception in Framework paragraph 155d) or LP policy DM4. It would be inappropriate development in the Green Belt in conflict with the national and local policies that protect the Green Belt.

Heritage assets

14. Brownings Farmhouse is a late medieval house with a documented history of occupation since 1468. It is a substantial detached building with timber frame and handmade red clay tile roof. The LB is set back from the road in a large plot, with historic agricultural buildings and yard to the west but otherwise widely separated from development. The historic layout and the open land around the LB, which comprises its setting insofar as relevant to the appeal, contribute to its special interest as a high status dwelling and isolated rural farmhouse which remains legible despite changes to its wider setting over time.
15. The historic maps illustrate that the appeal site was open to the garden of the LB in the 1800s. The land was later subdivided and it remained so until after 2017, when the appeal site was incorporated into the garden of the LB. The maps also indicate the presence of modest, presumably agricultural, buildings in surrounding fields at various times in the past. In particular, there appears to have been an ancillary building to the east of the LB in 1838, although it was absent by the mid 1800s. The evidence also refers to a mid to late 20th century ancillary building on the appeal site, although there is little evidence in relation to its planning history. Nevertheless, the evidence indicates that the appeal site was in the past, and it continues to be, functionally linked to the LB.
16. Irrespective of how successfully the recent appeal building integrates into the setting of the LB, it is subservient in scale to the dwelling. Its design and external materials are in keeping with its lower status relative to the dwelling. Its low key ancillary use also serves to emphasize its position in the building hierarchy and its function as part and parcel of the use of the dwelling.
17. The proposal would reinstate the former boundary between the appeal site and the garden of the LB. As this was the arrangement historically, the enclosure of the former garden would not harm the setting of the LB.
18. While there would be limited external changes to the building, the proposal would be a new residential unit with its own curtilage, access and parking. The functional link between the appeal site and the LB would be severed. Irrespective that a curtilage listed building to the west of the LB was converted to residential use, there appears to be no historic precedent for a dwelling to the east. The proposal would erode both the historic farmstead pattern of development and the physical, visual and functional links between the LB and the surrounding farmed landscape. The converted building would remain

subservient in scale to the LB, but its independent residential occupation would have a detrimental urbanising effect in this location. Consequently, the proposal would erode the setting insofar as it contributes to the special interest of the LB as an isolated and high status rural dwelling and farmhouse.

19. Historic farmhouses are often separated from their former farms and occupied by persons unconnected with farming. Moreover, former farm buildings and curtilage listed buildings are converted to residential or other uses. However, the proposal would not be the conservation of a curtilage listed or traditional rural building and the modern ancillary outbuilding is not part of a redundant agricultural building complex. Development elsewhere that is not directly comparable to the proposal does not provide a justification for it.
20. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The contribution of one dwelling to the supply of housing and the local economy would be a limited public benefit. The photovoltaic panels would contribute to climate change adaption. While this would be a limited public benefit, the Framework attaches significant weight to the need to support energy efficiency and low carbon heating improvements to domestic buildings. However, the policies that protect heritage assets continue to apply. Consequently, the public benefits are not sufficient to outweigh the harm that I have found, taking into account the considerable importance and weight that must be attached to the harm to the heritage asset.
22. Given the above, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with the heritage protection aims of LP policy DM7. As a result, the proposal would not be in accordance with the development plan.

Other Considerations

23. The appeal site is roughly 1km from Lambourne Road shops, facilities and bus stops, via an unlit rural road with no streetlighting or footway. The closest train station is roughly 2.7km away. Realistically, future occupiers would be heavily dependent on private car journeys to meet their reasonable daily needs. The location does not weigh in favour of the proposal. Compliance with the requirements of planning policy in relation to matters including living standards, highway safety, tree protection and drainage similarly weighs neither for nor against the proposal.
24. One new dwelling would make a negligible contribution to the supply of housing, even taking into account the government's objective of significantly boosting the supply of homes. As the building already exists, there would be limited economic benefits during its conversion. Future occupiers would make a

limited economic contribution in terms of support for the local economy. These matters carry limited weight in favour of the scheme.

25. The proposal includes photovoltaic panels and an air source heat pump. Notwithstanding the modest contribution in terms of climate change mitigation, in accordance with the Framework this attracts significant weight.

Epping Forest Special Area for Conservation – Planning obligation

26. The new dwelling would be within the 4 to 6.2km radius of the EFSAC, within which distance proposals are likely to result in adverse impacts on the designated site by way of increased recreational pressure and air pollution. The Council's strategic approach secures mitigation through financial contributions in order to avoid adverse effects, either alone or in combination with other plans or projects, on the integrity of the EFSAC.
27. The appeal is accompanied by a completed UU that contains obligations to pay to the Council an Air Pollution Contribution, Recreation Contribution, and Monitoring Contribution. I understand that the Council considers the obligations are satisfactory to mitigate the impact of the development on EFSAC, and thereby overcome the conflict with LP policies DM2 and DM22.
28. There is insufficient information before me in relation to the mitigation measures or how, where and when the contributions would be used. If the proposal had been otherwise acceptable, I would have requested further information to inform an Appropriate Assessment in this regard. However, as I am dismissing the appeal for other reasons, there is no need for me to consider this matter further. However, the absence of impacts on EFSAC would in any case be a neutral matter that would weigh neither for nor against the scheme.

Green Belt balance

29. I have found that the proposal would be inappropriate development in the Green Belt. It would not preserve the openness of the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt. The Framework further advises that great weight should be given to the conservation of designated heritage assets, even where the harm would be less than substantial. Consequently, the harm to the setting of the LB weighs against the proposal to a considerable degree.
30. Notwithstanding the benefits, there are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

31. For the reasons set out above, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR