
Appeal Decision

Site visit made on 4 September 2025

by **Robert Fallon B.Sc. (Hons) PGDipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/J1535/W/25/3367749

Stables at The Old Mill House, Betts Lane, Nazeing, Waltham Abbey, EN9 2DB

- 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 Tom Casey against the decision of Epping Forest District Council.
 - The application Ref is EPF/2188/24.
 - The development proposed is described on the application form as “Proposed residential use of the existing stables and associated land”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a signed and dated unilateral undertaking which makes a financial contribution towards mitigating the impact of the scheme on the Epping Forest Special Area of Conservation with specific reference to air pollution. The Council was consulted in respect of this and has confirmed that this addresses its third reason for refusal. In light of all I have read and seen I have no reason to disagree with this position and have revised the main issues to reflect this.
3. I have nonetheless considered this unilateral undertaking against the regulatory tests of the Community Infrastructure Levy and am satisfied that the Council has provided sufficient evidence to justify the need for the specified contribution and that this is supported by development plan policy. As a consequence, I conclude that the unilateral undertaking complies with the regulatory tests of the Community Infrastructure Levy in as much as I deem it to be; (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
4. Although the appellant’s documents use the word ‘ménage’, the Oxford English Dictionary refers to the word ‘manège’ for its description of an enclosed space for the training of horses and the practice of horsemanship. I have therefore proceeded on the same basis throughout this decision and replaced the word ‘ménage’ where previously used.

Main Issues

5. The main issues are:-
 - the effect of the development on the character and appearance of the conservation area; and

- whether the proposal would be inappropriate development in the Green Belt.

Reasons

Appeal site context

6. The appeal site lies on the eastern side of Betts Lane within the Nazeing and South Roydon Conservation Area and consists of an attractive single storey stable building of equestrian/agrarian design set back from the highway within large grounds. I found it to have a countryside character, quite distinct from the thinly built out historic village to the west.
7. My assessment of the character, appearance and special interest of the conservation area accords with the Council's conservation officer who describes it as an ancient landscape of exceptional quality featuring well-preserved medieval settlements and enclosed field patterns. They also state that the conservation area has a quiet, intimate, small-scale rural quality, with Betts Lane in particular characterised by its open, green setting which gives way to uninterrupted hedges and views over the arable landscape.

The effect of the development on the character and appearance of the conservation area

8. The introduction of multiple windows, a new pedestrian-sized front doorway and large areas of glazing into the existing stable building, with associated light spillage at night, would domesticate the appearance of the building. These changes, when taken collectively with the introduction of lawns, flower beds & pots and associated residential paraphernalia such as parked cars, washing lines, garden furniture, bins & children's play equipment/toys, would give the building and wider site an urban appearance out of keeping with its equestrian origins & countryside character and make it visibly clear that a change of use had taken place. As a consequence, the scheme would be harmful to the character and appearance of the conservation area.
9. The development and its relationship with the surrounding landscape would also be publicly visible from the entrance to the site on Betts Lane, which would intensify its harmful impact.
10. When the above factors are taken collectively, it is my view that the scheme would result in a medium to high level of less than substantial harm to the conservation area.
11. My conclusion on this is reinforced by the appellant's heritage impact assessment which states that the significance of the conservation area is considered to be moderate to high and that Historic England has included it on its 'at risk' list, noting it to be vulnerable, with its condition deteriorating. As a consequence, it is my view that the special qualities and historic interest of the conservation area should not be allowed to deteriorate further via poor quality development.
12. In support of the scheme, the appellant refers to the existing hedgerows that would screen large parts of the site. However, I do not consider reduced public visibility to be a sound basis upon which to justify an otherwise harmful impact as this could be repeated too easily and often for all forms of poor quality development. In any event, the conservation area designation relates to the entire site and not just those parts that maybe publicly visible from outside of it.

13. The appellant has also confirmed that they would be willing to accept a condition removing permitted development rights for outbuildings. However, this would fail to prevent residential paraphernalia such as garden furniture and children's play equipment/toys being placed on the land. Set against this context, I recognise that the existing use would result in equestrian equipment also being stored outside, but this has a quite different appearance to domestic paraphernalia and is a more common feature found in the open countryside.
14. My attention has also been drawn by the appellant to a fallback position, namely that it may be possible to insert windows into the stables under permitted development rights. However, even if it were possible to do this, I have no substantive evidence to indicate that there is a significant probability that this would occur, but even if it did, it would not overcome the harm I have identified in terms of the other changes to the external character of the site.
15. In light of the above, I conclude that the scheme would conflict with Policy DM7 of the Local Plan¹, which seeks, amongst other things, for heritage assets to be preserved or enhanced in a manner appropriate to their significance.
16. I also find that the scheme would conflict with Paragraphs 135 and 139 of the Framework² which collectively seek, amongst other things; (a) development that is sympathetic to local character; (b) development that maintains a strong sense of place; and (c) the refusal of permission for development that is not well designed.

Whether the proposal would be inappropriate development in the Green Belt

17. Policy DM4 of the Local Plan states, amongst other things, that the re-use of buildings of permanent and substantial construction are not considered to be inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Paragraph 154 of the Framework reiterates this and applies the same test to material changes in the use of land.
18. The existing stable building is of permanent and substantial construction and the proposal would not result in any increase in height or footprint. I recognise that the scheme could result in residential paraphernalia and fences outside of the building, but am not of the view that this would lead to any more loss of openness than the existing use which; (1) would also be enclosed by fences; (2) has a larger site area; and (3) would utilise equestrian accessories such as horse boxes, horse jumps, water/animal feed receptacles and waste/storage areas along with the parked cars of horse owners.
19. As a consequence, I find that the reuse of the building and change in use of the land would preserve the openness of the Green Belt and not conflict with the purposes of including land within it, which means that it does not constitute inappropriate development in the Green Belt.
20. In view of the above, I conclude that the proposal would comply with Policies SP5 and DM4 of the Local Plan which seek, amongst other things, to ensure that the openness of the Green Belt is protected from inappropriate development.

¹ Epping Forest District, Local Plan 2011-2033, Part One, Adopted March 2023, Epping Forest District Council.

² National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 12 December 2024 (as amended on 7 February 2025).

Planning balance

21. There is no evidence before me that demonstrates there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date. As a consequence, the presumption in favour of sustainable development outlined in paragraph 11 of the Framework is not engaged.
22. I have concluded that the development would not preserve the character and appearance of the conservation area. This harm would be to a medium to high level of less than substantial harm. The result is that the duties under the Act to preserve or enhance the character or appearance of the conservation area³, which I have given considerable importance and weight to, would not be met.
23. Paragraph 212 of the Framework requires that great weight should be attached to the conservation of a designated heritage asset and this is irrespective of the level of harm.
24. In accordance with Policy DM7 of the Local Plan and Paragraph 215 of the Framework, I have weighed this harm to the significance of a designated heritage asset against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I recognise that the scheme would result in public benefits from:- (1) the provision of an additional dwelling to boost housing supply; (2) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding rural area, as referred to by Paragraph 83 of the Framework; (3) the replacement of the existing manège with a wildflower meadow to improve biodiversity; and (4) local employment during the conversion. However, given the limited size of the scheme, I do not consider these benefits to be of sufficient value to outweigh the scale of harm identified to the conservation area.
25. Although the appellant is of the view that the loss of the equestrian use would give rise to a public benefit of less odour nuisance, I do not agree on the basis that it is not in close proximity to other residential dwellings and in any event, there is no evidence before me demonstrating this, such as neighbour complaints or the opinion of an environmental health expert. Neither do I consider the odour impacts of small scale equestrian uses to be harmful to the public's enjoyment of the wider countryside. I have as a consequence not considered this in the planning balance.
26. The appellant further states that there would be little need to maintain the existing building if the scheme is refused, which could result in it falling into a state of disrepair with the consequence of it becoming increasingly unattractive. However, I do not consider this to be a sound basis upon which to justify an otherwise harmful scheme as this principle could be repeated too easily and often by other landowners deliberately neglecting their sites as a means of justifying poor quality development. In any event, there also exists powers under s215 of the 1990 Town and Country Planning Act (as amended) to deal with untidy land and buildings should this ever occur.
27. My attention has also been drawn by the appellant to the three break-ins that occurred at the site and their assertion that the continued disuse of the building would potentially attract further incidences of crime and anti-social behaviour.

³ S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

However, there is no evidence before me that an equestrian/agricultural use of the site by other parties is not possible to prevent this from occurring again or why security measures such as an alarm and CCTV could not be used. Furthermore, the appellant could seek to remove the said building (which their heritage impact assessment referred to as being of no historical interest) and return the site to its former undeveloped condition if crime and anti-social behaviour becomes a particular point of concern to them.

28. I am mindful of the ill health of the appellant's wife and recognise that this halted their use of the stables for equestrian purposes. However, for the reasons I have identified, I do not consider this to be a sufficient reason to warrant approval of the scheme before me.
29. In view of the above, I conclude that the scheme does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

30. Although I have concluded that there is no harm in respect of the main issue relating to the Green Belt, I am nonetheless satisfied that the harm identified in respect of the main issue relating to the effect of the development on the character and appearance of the conservation area is sufficient to still justify dismissal of the appeal.
31. For the reasons given above the appeal should be dismissed.

Robert Fallon

INSPECTOR