



Appeal Decision

Site visit made on 9 December 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/J1535/W/25/3372526

Unit 3c, The Maltings, Station Road, Sheering, Harlow, Essex CM21 9JX

- 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 Ranald James Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/0068/25.
 - The development proposed is conversion of cafe (Class E) to dwelling (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A completed planning agreement under Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal in relation to the Epping Forest Special Area of Conservation (SAC). Although the Council does not appear to have commented on the submitted wording, it appears to resolve the fourth reason for refusal. I will, however, consider the planning agreement later.
3. I have a statutory duty under 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 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Although the Council does not appear to have raised any objections with the proposal in relation to these matters, I have included consideration of these within the main issues to reflect my statutory duty.

Main Issues

4. The main issues are:
 - whether or not the proposal would result in an unacceptable loss of an employment use;
 - the effect of the proposal on the character and appearance of the area, including the effect on designated heritage assets; and
 - whether or not the proposal would provide acceptable living conditions for future occupants with regard to sunlight and daylight, private amenity space, noise, fumes and odour.

Reasons

Employment use

5. The unit forms part of The Maltings which the Council advises is allocated as an employment site in the Epping Forest Local Plan (2023) (EFLP). Policy E1 states, in summary, that the Council will seek to retain and enhance existing employment sites for their authorised uses. Proposals which do not conform with points A-C of the policy will not be permitted unless it can be demonstrated through evidence, including marketing, that there is no longer a reasonable prospect of the site being used for the existing employment use or an alternative employment use or Sui generis uses of an employment character.
6. The appellant states that the site was last used as a café in December 2023 and that there have been discussions with various commercial tenants regarding the unit since that date. The Statutory Declaration provided by Mr Allan provides details of the steps taken to market the property and the feedback received. This describes a period of marketing through a commercial agent and latterly private marketing following advice from the agents that there was no commercial market for the unit. Mr Allan considered that he could not justify spending considerable sums on commercial marketing given the negative advice. Furthermore, he states that similar expensive fees would be incurred through Rightmove.
7. Consequently, Mr Allan states that a sign has been placed in the window of the unit since December 2023 with contact details. He lists five approaches made including a proposed use as a record shop, fitness studio, dog groomers, clothes shop and beauty parlour. Reasons for finding the premises not suitable mainly seem to focus on the level of rent sought, the limited size of the unit and its location.
8. An undated photograph has been provided showing an estate agent's board with contact details, but it is unclear as to how long the property was with the commercial agents. Little evidence has been provided to expand on the marketing exercise through the agents or that privately undertaken such as advertisements, booked viewings or detailed feedback. Nor do I have any adequate details of the price sought by the appellant, so it is not possible to know if the rent sought was reasonable. Given the submitted marketing evidence, I am not satisfied that this adequately demonstrates that there is no reasonable prospect of retaining the site in an employment use or a Sui Generis use of an employment character.
9. The appellant states that there is a lack of demand for commercial units in the locality and refers to a planning permission in 2021 at Nitronics House on the Maltings site (EPF/1882/21) to change vacant office and production space into five flats. The Council considers that in this case it was satisfied with the level of marketing to support the application which it says included a longer period of marketing and involved different uses. Therefore, the Council considers that this permission is not comparable to this appeal proposal.
10. I have few details to fully understand the background or context to the permission at Nitronics House. Therefore, each case should be considered on its merits and, in the case before me, it does not appear that the marketing exercise has been thoroughly undertaken. Furthermore, I saw on site that the Maltings complex appears to be a busy commercial area with a multitude of different business units. Therefore, from this example alone and alongside all the other surrounding

commercial activity, I am not satisfied that there is no longer a reasonable prospect of the appeal site being retained in employment use.

11. Based on the evidence submitted, the proposal would result in an unacceptable loss of an employment use. It would be contrary to EFLP Policy E1 and the National Planning Policy Framework (the Framework), the latter which seeks to support economic growth.

Character and appearance

12. The unit forms part of The Maltings, a Grade II listed building (Ref.1147132, The Maltings (That Part to the West of the Railway, North Block)). The list description explains that the building forms part of an extensive group of mid-late 19th century brick maltings alongside the railway and River Stour. It mentions that it is a long range of buildings, formerly of 3 storeys, with oasts, and later alterations and describes the building's materials, form and features. The significance of this building, in so much as it relates to the appeal before me, is largely derived from its age, form, historic fabric, and function, together with its relationship with nearby former industrial buildings and activity.
13. The listed building is associated with several other listed maltings buildings which form the focus of the Lower Sheering Conservation Area. The significance of this area is largely derived from its industrial heritage connected with the brewing industry. The appeal site forms part of the much larger listed maltings building and therefore contributes in a small way towards the character and appearance of the conservation area.
14. The appeal proposal would involve a replacement front door but no other changes to the exterior of the building. Internally, works would involve the removal of a small toilet cubicle and the introduction of a stud wall to provide a bathroom. Externally, a small garden would be formed at the frontage involving a seating area, bin storage area and parking. The Council advises that the proposed works to the building would not affect the building's significance, subject to conditions, and the appellant also advises that listed building consent has been approved for the physical changes, a fact not disputed by the Council. From the evidence before me and from what I have seen, I have no reason to consider that harm would be caused to the significance of the listed building.
15. The Council comments that the proposed residential unit within an environment of commercial units would not be appropriate to the character and appearance of the site. However, the appellant has directed me to the site at Nitronics House, mentioned above, and several other residential units within the malting's complex, commenting that no issues appeared to have been raised with these conversions.
16. I viewed the residential units at Nitronics House which are located towards the southern end of the Maltings building and these units did not appear to detract from the overall character and appearance of the site. Whilst the appeal premises appears largely surrounded by other commercial activity, it is only a small unit, and I see no clear evidence to explain why the proposed change of use would harm the character of the area or have a detrimental impact on the conservation area. Indeed, the Council appears to have found no harm to the character and appearance of the conservation area. It is suggested that such a change of use would set an unwanted precedent, but each case should be considered on its merits.

17. I therefore find that the proposal would not have a harmful effect on the character and appearance of the area, including the effect on designated heritage assets. It would therefore accord with the Act and Framework, along with EFLP Policy DM9 which seeks to achieve high quality design and the Framework which seeks to ensure that development is sympathetic to local character.

Living conditions

18. The appellant has submitted an Internal Daylight Assessment (June 2025) with the appeal documentation. This demonstrates that the proposal would meet the guidance levels for daylight. The Council raises no objections to these findings and based on the evidence before me; I see no reason to disagree.
19. Given the presence of numerous commercial activities around the appeal site and the busy comings and goings that I saw associated with them, it was very apparent that the proposed use of the appeal premises as a residential unit would be impacted by these surrounding activities. The proposal would result in opportunities for overlooking into the bedroom window, especially from the external staircase alongside to access an office above. The proposed outdoor garden space would also lack privacy and comfort given the surrounding commercial activities which includes parking alongside. There are also the potential issues of noise, fumes and odour given the adjoining uses which I saw included food preparation and a take away business, vehicle mechanics and an antiques warehouse.
20. All these issues are likely to detrimentally affect the living conditions of future occupants of the unit. In particular, the lack of privacy to the bedroom and garden area, and noise and disturbance from nearby businesses, including car parking, would be particularly impactful. These seemingly could occur at any time and for any duration. Furthermore, those uses could change over time and so would those impacts. Given the single aspect of the unit and the need for light and ventilation for occupants, the evidence indicates that this would not be an acceptable use for the unit. It is suggested that overlooking would occur in other residential centres, but I have little evidence to demonstrate this or to explain how circumstances would be similar. Whilst sensitive boundary treatments could increase privacy to the garden, they would not address the potential for noise, disturbance, fumes and odour.
21. I therefore find that the proposal would not provide acceptable living conditions for future occupants with regard to sunlight and daylight, private amenity space, noise, fumes and odour. It would be contrary to EFLP Policy DM9 and DM10 which, amongst other things, seek to ensure that development maintains acceptable privacy and design considerations. It would also conflict with the Framework which requires a high standard of amenity for users.

Planning Agreement

22. The Council has identified that the site is within the Zone of Influence of the Epping Forest SAC, and that recreational impact arising from the proposed development is likely to have a significant effect on the integrity of the SAC, either alone or in combination with other plans or projects. In this regard, the appellant has submitted a Section 106 Agreement to make a financial contribution to secure appropriate mitigation for the proposed dwelling, should it be approved.
23. Although the Council does not appear to have commented on this obligation, it would appear that the justification for it, including the links to policies, and the level

of contribution, is well made. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (as amended) require the decision maker to undertake an Appropriate Assessment (AA). However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, whilst I recognise that the agreement has been submitted and makes provision for a mitigation payment, as I am dismissing the appeal, it has not been necessary to address this in any further detail.

Planning Balance

24. The appellant's appeal statement comments that the district has a housing supply deficit and therefore permission should only be refused if substantial harm arises. Furthermore, the appellant considers that substantial weight should be given to a proposal which uses brownfield land within a settlement for homes and that the land is currently underutilised. In response, the Council states, in its written statement, that it has a Framework compliant housing land supply, suggesting that this is between 5.47 and 6.57 years, a matter not challenged by the appellant in the final comments. Therefore, this indicates to me that the Council's planning policies for new housing should be considered up-to-date and that Paragraph 11d) of the Framework is not engaged. Therefore, the appeal should be considered under a normal planning balance.
25. However, even if I was to be persuaded that the Council did not have a Framework compliant housing land supply, Paragraph 11d)ii. advises that permission should be refused where the adverse impacts would significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places individually or in combination.
26. The proposal would result in one new dwelling which would add to the overall stock and choice of residential dwellings and would support the supply of new homes, a Framework requirement. The scheme would also support local services and facilities in an accessible location. However, given the size of the development proposed, these benefits would be modest in scale, and I attribute them limited weight in support of the proposal. However, even if I were to be satisfied by these arguments, then they would attract only limited weight when balanced against the unacceptable loss of an employment use and the living conditions for future occupants. This clear harm would be significant and long-lasting and are matters that weigh heavily against the scheme. Finding no harm to the character and appearance of the area is a neutral matter weighing neither for nor against the scheme.
27. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, carry limited weight in favour of the scheme. However, they would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. Those adverse impacts would also significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

28. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR