



Appeal Decision

Site visit made on 6 January 2026

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th January 2026

Appeal Ref: APP/J1535/W/25/3375191

NJW Hair Ltd, 29 Highbridge Street, Waltham Abbey EN9 1BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Naim Zaman Choudhury, Abbey Trading Group Ltd, against the decision of Epping Forest District Council.
 - The application Ref is EPF/1688/25.
 - The development proposed is the conversion of ground floor (currently class B1 offices) into a self-contained residential flat (class C3 dwellinghouse).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of ground floor (currently class B1 offices) into a self-contained residential flat (class C3 dwellinghouse), at NJW Hair Ltd, 29 Highbridge Street, Waltham Abbey EN9 1BZ in accordance with the application EPF/1688/25 and the details submitted with it.

Application for costs

2. An application for an award of costs was made by Mr Naim Zaman Choudhury, Abbey Trading Group Ltd, against Epping Forest District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In the banner heading above I have based the description of the development proposed on that given in the appellant's application form but shortened it for clarity. Under the GPDO, from 2020, Class B1 has been merged into Class E, and I have considered it on this basis.

Background and Main Issues

4. Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses). Development is permitted under Class MA subject to the limitations set out in paragraph MA.1. and the conditions set out in paragraph MA.2. which include matters in respect of which the developer must apply to the local planning authority for prior approval.

5. The Council refused the prior approval on the basis that it considers that under paragraph MA.1.(1)(d), development is not permitted as the building forms part of a listed building or land within its curtilage. Furthermore, the Council considers that the proposal does not meet the condition in paragraph MA.2.(2)(e) relating to the impact of the proposed development on the character or sustainability of the Waltham Abbey Conservation Area.
6. Therefore, the main issues are:
 - Whether or not the proposed development would constitute permitted development with particular regard to whether the appeal property forms part of a listed building: and
 - Whether or not the proposed development would constitute permitted development with particular regard to the impact of the proposed development on the character or sustainability of the conservation area.

Reasons

Whether a listed building

7. The Council accepts that the appeal premises is not a listed building but considers that as it lies between and is attached to two listed buildings (Nos. 23 and 31 Highbridge Street), listed building consent would be required for any internal or external alterations to the building. The Council also refers to an earlier planning decision at the appeal property, which mentioned that development at the property affected the setting of the listed buildings and had an important relationship with them. The Council therefore considers that due to the attachment to the listed buildings and their relationship, the proposal would not fall within the remit of Section MA.1.(1)(d).
8. No. 23 Highbridge Street is a Grade II listed building (Ref.1306521). The list description mentions that the three storey building dates from the 19th century, and is constructed in brick with parapet, cornice bands, and sash windows under flat arches. It also mentions the 19th century shopfront.
9. No 31 Highbridge Street, The Old Court House, is a Grade II* listed building (Ref.1337477). The List description mentions that the building dates from the 18th century and is a two storey house built in red brick with a mansard slate roof. It describes the building's classical detailing including moulded cornice, sash windows, panelled door with architrave surround and pedimented Roman Doric porch. It also notes the passageway to the right within a rusticated stucco arch.
10. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) explains that (in summary) a listed building includes any object or structure fixed to the building, and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948. Whilst the appeal property is alongside and attached to the listed buildings, that does not mean that the next-door property is automatically included in the listing.
11. The extent of a listed building is not always easy to delineate, and decisions must be made based on the specific facts and circumstances of each case, together with interpretations provided by caselaw. In this regard, the courts have identified three key factors to be taken into account in assessing whether a structure is

within the curtilage of a listed building: (1) The physical layout of the listed building and the structure, (2) their ownership, both historically and at the date of listing, and (3) the use or function of the relevant buildings both historically and at the date of listing.

12. The appellant has provided a brief explanation in relation to each of the three factors and has confirmed that the appeal property has its own defined boundary and curtilage with no shared areas or internal connections. Furthermore, that the buildings are of separate construction and that each has historically had a separate ownership and function.
13. Based on the evidence submitted and my visit to the site, both listed buildings appear to be self-contained entities and from the street frontage there is a clear visual distinction between the listed buildings and the appeal property. There is little evidence to suggest that the appeal premises has ever formed part of the adjoining listed buildings or been part of their curtilage. It may play a positive part in contributing to the way in which the listed buildings are seen and appreciated but that is a separate matter to legally defining the extent of a listed building.
14. Taking account of the above, I therefore conclude that the appeal building does not form part of a listed building or land within its curtilage and therefore the proposal complies with paragraph MA.1.(1)(d).

Conservation Area

15. The appeal site is located within the Waltham Forest Conservation Area. In this regard I am aware of my statutory duty under the Act that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. From the submitted evidence and from what I saw when I visited the site, the significance of the conservation area, in so far as it is relevant to this appeal, encompasses Waltham Abbey grounds and the historic core of the town centre. It is an area of mixed character with mainly historic buildings lining the town centre roads, many with shops on the ground floor. This tight clustering is relieved only by the Abbey and the Market Square which are distinct focal points. I consider that its significance is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them.
16. The appeal building lies midway along one of the main entrances to the historic centre. There is a largely continuous building frontage of mainly historic buildings, and the street provides attractive views through to the Abbey. There is a mix of uses but a predominance of shops and offices with a few properties appearing to be in residential use. Buildings mainly appeared to be occupied and, at the time of my visit at around lunchtime, it was quite a busy area. A large proportion of the commercial buildings incorporated traditional shop frontages or other large shop windows providing mainly attractive, active frontages.
17. The appeal property is an imposing three storey building constructed in red brick with a pair of gable frontages and small pane windows below, divided by stone mullions and transoms. It has a front entrance to the left with decorative stone porch enclosure. During my visit, the premises appeared to be empty but is described by the appellant as having operated as a hair and beauty salon for many years. The only indication of this use is the signage applied directly to the brickwork above the ground floor windows.

18. Beyond the appellant confirming that the proposal would not involve any external alterations, little information has been provided to explain how the loss of the commercial unit would affect the character and sustainability of the conservation area. Likewise, the Council has provided few details to assess the proposal's impact other than highlighting that the premises lies within the Secondary Commercial, Business and Frontage as shown on the Waltham Abbey Local Plan Policies Map (2023). Based on this, the Council considers that the loss of the commercial premises would erode the viability and vitality of the High Street and considers that the appellant has not explained how the proposed conversion would benefit or provide support to the local community and visitors.
19. Even though I recognise that the premises lies within the Secondary Commercial, Business and Frontage, it does not automatically follow that the loss of the commercial use would harm the character or sustainability of the conservation area. The relatively small windows of the appeal premises limit views inside and it did not appear to me to have a strong commercial presence in the street. Given the absence of a shopfront or other large, glazed opening, and a limited active frontage, it appears to me that the proposed change of use, involving no external alterations, would have little impact on how the building is perceived in this location. It would appear no different to the upper floors which, I am advised, are already in residential use. Visually, therefore, there would be no immediate harm to the contribution that the building makes to the character and appearance of the conservation area, or its significance. Likewise, no harm would be caused to the setting of the adjoining listed buildings.
20. I accept that the loss of the commercial unit would have some impact on the range of shops and offices in the area which may to a small degree impact the vitality and viability of the retail area. However, I saw nearby numerous surrounding commercial units in active use, including shop frontages with a strong retail character. I also saw few vacant units. The provision of a dwelling also has the potential to provide accommodation within the local community and to support the maintenance of the building. Therefore, in the absence of any compelling evidence to the contrary, there is little to indicate that the loss of this unit, which has a limited commercial presence, would affect the vitality and viability of the area to such an extent that the character and appearance and sustainability of the conservation area would be harmed.
21. Taking all matters into account, and having regard to my statutory duty, I find that the proposal would have no detrimental impact on the character or sustainability of the conservation area. It therefore would comply with paragraph MA.2.(2)(e).

Other Matters

22. The appeal site falls within the zone of influence for the Epping Forest Special Area of Conservation (SAC). Article 3(1) of the GPDO grants planning permission for Schedule 2 Part 3 Class MA development subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017.
23. Regulation 75 provides that it is a condition of the planning permission granted by the GPDO in these cases, that development which is (a) likely to have a significant effect on a European site or offshore marine site, alone or in combination with other plans or projects and (b) not directly connected with or necessary to the

management of the site, must not begin until the developer has received written notification of the approval of the LPA under Regulation 77.

24. Under Regulation 78(3)(a), a Regulation 75 approval is to be treated as an approval required by a condition imposed on a grant of planning permission for the purposes of the appeals provisions of the GPDO. As such, although the Council proposes an SAC condition should the appeal be allowed, this is not necessary as Article 3(1) effectively imposes a pre-commencement condition on all development that is permitted by the GPDO and would affect a European protected habitat. The proposed development could not be lawfully begun until the process set out in Regulation 77 has been completed.

Conditions

25. I have not applied commencement conditions because permissions granted by the GPDO are continuous while the GPDO is in force. I have also not applied plans conditions because prior approvals are granted subject to the submitted details and therefore this is not necessary. The Council has suggested a condition relating to external materials matching those specified on the approved plans. However, as no external works are proposed this is not necessary.
26. The Council's Environmental Health Officer recommends a condition requiring an acoustic report. However, my attention has not been drawn to any requirement for such an assessment and the officer report advised that under paragraph MA.2.(2)(d) impacts of noise from commercial premises on the intended occupiers of the property was not applicable.
27. The Highway Authority request conditions relating to a Residential Travel Information Pack and cycle parking. Under this section of the GPDO, the prior approval of the Council is required as to the transport impacts of the development, particularly to ensure safe site access. Conditions therefore need to directly relate to this matter. The proposed site plan shows cycle parking, and a condition is therefore not necessary in this regard.

Conclusion

28. For the reasons given, I conclude that the appeal should be allowed and prior approval should be granted.

G Bayliss

INSPECTOR