
Appeal Decision

Site visit made on 10 June 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th July 2025

Appeal Ref: APP/N1540/W/24/3355702

The White Horse PH, 160 Old Road, Harlow, Essex CM17 0HQ

- 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 Walsh Properties Investments Limited against the decision of Harlow District Council.
 - The application Ref is HW/FUL/24/00278.
 - The development proposed is the retention of existing White Horse Public House building with the demolition of a single storey extension on the front, side and rear and conversion into 1 x two-bedroom flat and 1 x two-bedroom maisonette, together with one new detached dwelling to the front of the site, a new detached dwelling to the rear of the site, private amenity space allocated to each unit, additional landscaping, car, and cycle parking and refuse store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning Practice Guidance (Making an application, paragraph 061, Reference ID: 14-061-20140306 - revision date 06 03 2014) indicates that whilst it is possible for an applicant to suggest changes to an application, it is at the discretion of the local planning authority whether to accept such changes. The Council have confirmed that the application was determined on the basis of the drawings originally submitted. I proceed to determine the appeal on the basis of the proposed plans upon which the Council made its decision.
3. A completed Biodiversity Net Gain (BNG) metric has been submitted with the appeal. I am satisfied that the additional information in this regard does not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I have taken it into account in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including its effect on the significance of the building as a Non-Designated Heritage Asset (NDHA);
 - whether it has been demonstrated that the White Horse Public House (PH) as a community facility is surplus to requirements;

- the effect of the proposal on the living conditions of future occupiers with particular regard to the proposed layout and privacy;
- the effect of the proposal on highway safety with particular regard to the parking layout; and,
- whether the proposal would make adequate provision for BNG.

Reasons

Character and Appearance

5. The extensive corner site and its setting amongst trees and a rear garden lend the site a verdant appearance. The vacant, 2 storey PH is a modest building positioned centrally within its site and is set well back from the street frontage of Old Road. The area is largely residential, with housing of varying ages fronting Old Road, with modern housing to the cul-de-sacs of Wheatfields and Wyldwood Close to the rear.
6. The brick building has a tiled, gabled, pitched roof with partial catslide to the rear. The Council indicate it is early 19th Century in origin. There are later, single storey extensions to the front and rear which detract from the simplicity of the original building's design.
7. I note the Planning Practice Guidance (PPG) (Reference ID: 18a-040-20190723) advises that, irrespective of how NDHAs are identified, it is important that the decisions to identify them as NDHAs are based on sound evidence. It goes on to advise that in some cases local planning authorities may also identify NDHAs as part of the decision-making process on planning applications.
8. I consider the significance of the NDHA to be derived from its age and simplicity of built form, consistent with the building's historic function as a PH. Its age and form set the building apart from the neighbouring housing both in appearance and function. Its setting in a large, verdant plot is part of its significance as an NDHA, particularly when seen in long views down Hart Lane. It is of local architectural interest and is a good example of its type. Although there have clearly been unsympathetic alterations over the years in the form of the ground floor extensions and various other elements including satellite dishes, the building retains its integrity in terms of its overall composition, materials and detailed design.
9. Whilst not having the same level of heritage significance as those included on the statutory list, the building as an NDHA forms part of the district's historic environment. I am satisfied that the appeal building holds a sufficient degree of interest as set out above for it to have a moderate degree of significance in terms of its designation as a NDHA.
10. The National Planning Policy Framework (the Framework) states that the effect of an application on the significance of NDHA should be taken into account in determining the application, and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy PL12 of the Harlow Local Development Plan (2020) (Local Plan) reflects this approach.
11. In terms of the proposed alterations to the PH building itself, the removal of the existing ground floor extensions would be a positive intervention and would allow greater appreciation of the original building. To the rear, the lead clad dormer would be over-scaled and dominating in its form in relation to the remaining roof. In

accepting that the proposed rear lead clad dormer addition would be inappropriate in terms of its form and materials, the appellant submitted a revised design of a reduced scale, but ultimately the application was determined on the originally submitted drawings. In the officer's report, the Council indicate that this aspect of the scheme could have been dealt with by condition had the remainder of the scheme been considered acceptable. I have had sight of the revised drawing and I agree that had the scheme been acceptable in all other respects and the appeal allowed, this matter could reasonably have been dealt with by a suitably worded condition requiring full details of the revised dormer.

12. Whilst I accept that contexts change over time in terms of how the built environment is appreciated, the position of the PH within the site forms an important part of its significance as an NDHA. House A, to the front of the site, would obscure views of the NDHA from Old Road and Hart Lane. It would be a dominating addition to the plot. By infilling the existing 'set-back' position of the PH within its grounds, the proposed layout would harm the setting of the NDHA as the appreciation of the original historic plot layout from surrounding public vantage points would be lost.
13. Set close to the corner of Old Road and Wheatfields, House A would be highly visible from these streets and also from Hart Road. The south elevation of the house presents a largely solid brick and render façade with little relief in the form of fenestration or design detail. The house would effectively turn its back to Old Road, with the main garden area and large living/dining room windows facing the street. It would present an awkward juxtaposition with Old Road and the blank southern façade would be at odds with the character and appearance of the surrounding street scene.
14. The position of proposed House B within the site would still allow an appreciation of the NDHA in the key views from Hart Lane and Old Road. However, given the relatively limited space within the rear garden of the PH, the overall effect would be a cramped form of development in terms of accommodating a 4-bedroom house whilst retaining the existing trees bordering other gardens to the rear.
15. Despite its more secluded location, House B would similarly contain large expanses of brickwork unrelieved by fenestration or features of architectural interest. The overall effect would be of a rather unbalanced appearance and would not result in a design that would sit comfortably with the surrounding context or in views from Wheatfields, or Old Road.
16. The arboricultural statement does not indicate that all the trees surrounding House B would be retained. The line of trees to the boundary with the adjacent garden on Wheatfields including a Wild Cherry, Common Pear, Apple and Silver Birch would be retained, along with the Silver Birch to the rear of the PH. The 2 Elder trees (T12 and 13) and a shrub to the north side of the garden to House B would be removed, along with the Common Ash and Leyland Cypress to the site's border with Wheatfields. In terms of the consequent effect upon the verdant character of the wider site, I do not find that the proposed tree removals would have an unacceptable effect given the majority of trees would be retained. Those to be removed do not make a significant contribution as individual specimens to the character and appearance of the appeal site.
17. Whilst there would be several trees within the garden of House B, I consider they would be at a sufficient distance from the house and at an orientation so as not to produce undue overshadowing. As such, I do not find that there would be so

significant a risk from future occupiers removing these trees as to indicate potential harm arising to the character of the area. I find therefore that the proposals would be consistent with the aims of Policy PL7 of the Local Plan in terms of its effect on the character and visual amenity derived from the existing trees on site. Although I have found in favour of the appellant in terms of the effect on trees, the absence of harm from this element of the proposal is a neutral consideration in my determination of this appeal.

18. In conclusion on this main issue therefore, there would be significant harm to the NDHA through development within its setting. The removal of the existing ground floor extensions would not be sufficient to mitigate the harm I have identified through development within the setting of the NDHA. I have also identified significant harm to the character and appearance of the area as a result of the cramped site layout and detailed design of House A and House B.
19. The scheme would therefore conflict with Local Plan Policies PL1, PL12 and H2. Taken together, and amongst other things, these policies seek to ensure development would not have an unacceptable effect upon the character of the locality and appearance of the street scene, along with requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

Community Facility

20. Local Plan Policy L2 does not support the loss of recreational, sporting, cultural and community uses unless it can be demonstrated that the use is surplus to requirements and an alternative replacement is not required.
21. The evidence indicates the PH was marketed for almost a year by specialist agents in the leisure property market before it was purchased by the appellant. It then returned to the market in April 2023 with another agent. In a letter dated 1 May 2024, the agent sets out that there had been numerous viewings in the year between April 2023 and May 2024. An offer in December 2023 was ultimately not pursued by the potential purchaser. A subsequent offer in 2024 was from a convenience shop operator but again was not pursued.
22. In the agent's opinion, as of May 2024, they considered it unlikely that the building would attract any interest as a working PH in the foreseeable future due to market conditions, current trends and other factors. They did not consider it a viable business opportunity for operation as a PH. I have little substantive evidence before me regarding any further formal marketing or substantive evidence on market conditions after May 2024, although I noted on my site visit that the 'for sale' board was still up clearly indicating its availability.
23. Although I note the appellant's commentary on the wider trends affecting the sector including the declining number of pubs and broader socio-economic trends regarding the consumption of alcohol, these are more general issues affecting the sector as a whole and are not unique to the appeal site. The appellant also indicates various site-specific factors including the small size of the building and it potentially being unsuitable as a food operation or being unappealing to prolific operators in the sector who may favour larger premises, though this evidence appears to be anecdotal. Reference is also made to the location of the PH, which although being located within a settlement, the appellant considers it would not have sufficient local custom, particularly as there is a choice of other PH's nearby.

24. Whilst I am satisfied that the property has been marketed as a PH, Policy L2 does not distinguish between types of 'community use'. In this case, there is little substantive evidence that any specific marketing strategy has been pursued in relation to targeting other potential occupiers outside the PH/hospitality sector who could make use of the space as an alternative community facility. I do not therefore consider that the evidence submitted is sufficient to demonstrate that the former PH has been marketed widely enough to demonstrate that the facility is 'surplus to requirements' as required by Policy L2.
25. In conclusion on this main issue therefore, it has not been demonstrated that the PH would be surplus to requirements in the context of Local Plan Policy L2. This policy does not support the loss of all or part of any recreational, sporting, cultural and community uses and/or facilities unless, amongst other things, it can be demonstrated that the use and/or facility is surplus to requirements and an alternative replacement is not required.

Living Conditions of Future Occupiers

26. The refuse and recycling storage for all 4 dwellings would be located adjacent to the main garden area of House A, close to the large windows/doors from the living area overlooking the garden. Whilst the Council's evidence was not specific about the nature of this harm, I consider the arrangement would be harmful to the living conditions of the occupiers of House A though general disturbance as a result of the location of a communal refuse and recycling store adjacent to the main garden and living area of House A.
27. A first-floor bedroom of House A would overlook the living room and part of the garden area of Flat 1. The Council refer to the guidance contained within the Harlow Design Guide Addendum, adopted as a Supplementary Planning Document in 2011 (SPD). It sets out that directly facing habitable room windows would normally require a separation distance of 18m, and that a distance of 9m should be kept between gardens and habitable rooms, except where the existing character of the area varies from this.
28. The area is suburban in its layout and housing is generally at a low density. However, the proposed layout is such that the relative position of the proposed buildings within the appeal site would mean that it would be difficult to achieve the distances advised by the SPD. Nevertheless, the proximity of habitable room windows and gardens between House A and Flat 1 would be such that the occupiers of Flat 1 would be unacceptably overlooked by a bedroom in House A. Flat 1's living area would be single aspect and the actual and perceived sense of being overlooked by a house in close proximity would not provide acceptable living conditions for future occupiers of the flat.
29. As the small garden adjacent to House A would not be the only amenity space for Flat 1, I do not consider the level of harm to privacy within the garden would be unacceptable as the proposal includes an alternative garden space to the rear of the kitchen/diner.
30. A secondary window to a first-floor bedroom in House B would overlook the garden areas to both flats. Given that this window is shown as being a smaller, secondary window serving a bedroom, the loss of privacy could reasonably be addressed by the use of a condition requiring obscured glazing and restricted opening of this window.

The lack of harm in this respect would not outweigh the harm I have already identified to the future occupiers of House A and Flat 1.

31. Taken together, the harm to the privacy of the living area of Flat 1, along with the general disturbance to the occupiers of House A which would be caused due to the location of the communal refuse store relative to the main living and garden area, would cause significant harm to the living conditions of future occupiers. This would conflict with Local Plan Policy PL2 insofar as it supports development which preserves or enhances the level of amenity of existing and future occupiers.

Parking

32. Local Plan Policy IN3 requires vehicle parking to be provided in accordance with the adopted Essex Vehicle Parking Standards. The standards set out the preferred bay size for cars should be 5.5m x 2.9m, with a minimum bay size of 5m x 2.5m only in exceptional circumstances. Neither the policy nor standard contains any definition of exceptional circumstances.
33. The proposed parking arrangement would provide a policy compliant number of parking spaces, but their dimensions would be the minimum size. The appellant indicates that the size of the spaces could be increased, but this would be at the expense of the soft boundary treatment and landscaping.
34. There is no substantive evidence before me which would suggest that the minimum dimensions for car parking spaces would themselves be harmful, or would cause the car parking layout to be unsafe or inadequate with the consequence of increasing pressure on on-street parking in surrounding streets or harming the safe operation of the highway. As such, I do not find that the proposed car parking arrangement would cause unacceptable harm to highway safety and it would be in line with the aims of Local Plan Policy IN3.

BNG

35. BNG is a way of creating and improving biodiversity by requiring development to have a positive biodiversity impact. It is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act), which was inserted by the Environment Act 2021. Every relevant planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met, for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat. This is reflected in paragraph 187(d) of the Framework.
36. The appeal proposal is therefore required to demonstrate 10% BNG in mitigation. The minimum information required to accompany a planning application which would be subject to BNG has been provided with the appeal.
37. In order to achieve the mandatory 10% BNG, a small area of grassland would be created to the front of the site, along with the planting of 3 trees within it, and native hedgerows. This would deliver a 13.8% BNG within the site boundary but outside of the private garden areas associated with the proposed dwellings. I am therefore satisfied that the BNG area is achievable and can be maintained in accordance with the requirements of the Act.
38. The proposal would be capable of meeting the mandatory requirements for a minimum of 10% BNG, in accordance with the statutory framework. I therefore find

that it would not conflict with the requirements of the Act. It would be in line with the aims of Local Plan Policy PL9 insofar as it seeks to conserve and enhance existing biodiversity and geodiversity assets.

Planning Balance and Conclusion

39. The proposal would provide 4 additional dwellings which would meet the national space standards. The scheme would use brownfield land in a sustainable location. It would support the Government's aim of significantly boosting the supply of homes. However, the addition of 4 homes would provide a limited contribution in this context and I attach moderate weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and future residents' use of local shops and services, but given the modest number of dwellings, those benefits would be limited.
40. I also acknowledge the benefits derived from removing the ground floor extensions and bringing the NDHA back into active use, along with the benefits to biodiversity.
41. My conclusions regarding the absence of harm to highway safety and the provision of appropriate BNG, are neutral considerations which do not weigh for or against the appeal scheme.
42. As set out above, I consider the scheme would result in significant harm to the significance of the NDHA and to the character and appearance of the area. I have also identified harm to the living conditions of future occupiers of House A and Flat 1 arising from the proposed layout and detailed design of the scheme. The marketing evidence submitted has not demonstrated that the PH would be surplus to requirements in terms of the potential for it to be used as an alternative community facility, conflicting with the Local Plan.
43. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

L Francis

INSPECTOR