



Appeal Decisions

Site visit made on 15 March 2022 by **S M Holden BSc (Hons)**

MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 JULY 2022

Appeal A Ref: APP/J1535/W/21/3271063 Embleys Farm, Fyfield Road, Moreton, Ongar CM5 0HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Frank Marta against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2338/20, dated 13 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is construction of cart lodge and associated garden walls and gates.
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Appeal B Ref: APP/J1535/Y/21/3271060 Embleys Farm, Fyfield Road, Moreton, Ongar CM5 0HY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Frank Marta against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2344/20/LB, dated 13 October 2020, was refused by notice dated 21 December 2020.
 - The works proposed are construction of cart lodge and associated garden walls and gates.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 4th April 2022.

Decisions

1. **Appeal A** is allowed and planning permission is granted for construction of cart lodge and associated garden walls and gates at Embleys Farm, Fyfield Road, Moreton, Ongar CM5 0HY in accordance with the application Ref: PL/EPF/2338/20, dated 13 October 2020, subject to the conditions set out in the first schedule below.

2. **Appeal B** is allowed and listed building consent is granted for construction of cart lodge and associated garden walls and gates at Embleys Farm, Fyfield Road, Moreton, Ongar CM5 0HY in accordance with the application Ref: PL/EPF/2344/20/LB, dated 13 October 2020, subject to the conditions set out in the second schedule below.

Preliminary Matter

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issue is whether the proposed development and works would preserve the setting of the Grade II listed buildings, Embleys Farm and Embleys Barn.

Reasons

Significance

5. The appeal site includes two listed buildings. Embleys Farm is a two-storey timber framed dwelling dating from the late 16th/early 17th century. Embleys Barn is a 17th/18th barn which together with the farmhouse was part of the agrarian economy in this part of Essex until the beginning of the 20th century. The farm subsequently expanded with the addition of a scatter of outbuildings. However, by the Millennium the agricultural uses ceased and much of the enlarged site had been redeveloped for commercial use.
6. The farmhouse continued to be in residential use but, due to its poor structural condition, eventually collapsed. Planning permission and listed building consent was granted for its reconstruction around the salvaged historic timber frame. This has been implemented. The barn is also timber framed. Works to repair and restore it, including replacing an asbestos roof with tiling, have enabled its conversion to office use associated with the adjoining commercial use.
7. The setting of both is the surrounding, predominantly open, flat rural landscape characterised by only scattered buildings. This gives them a somewhat isolated appearance. However, modern barns, large utilitarian buildings and the extensive area of hardstanding associated with the adjoining commercial activities have significantly expanded the cluster of built form and are also part of their setting. These have diminished the entirely rural context in which the historic buildings were previously seen.
8. The significance of the listed buildings therefore derives from their original age and siting as evidence of the pattern and importance of agricultural activities to the economy and the rural life of earlier times. Their design and remaining historic fabric contribute to their status as buildings which have survived several centuries. The intimate relationship between the barn and the farmhouse continues to speak of their importance as the hub of agricultural activity around the site in the past.
9. Having said all that, both listed buildings have been significantly changed in recent years. Alongside the historic timber frame modern materials have been introduced to facilitate the rebuilding of the farmhouse. Consequently, its age is not immediately apparent from its external appearance. Although the barn's

conversion has preserved its overall form and some historic fabric, its external appearance and its function have also fundamentally changed. Whilst these changes have preserved the buildings, they have diminished their significance as part of an isolated farmstead within the rural area. Their setting is now dominated by the commercial buildings and activities to the east. The scale and extent of these has degraded the surrounding area's contribution to the significance of the listed buildings as designated heritage assets.

Assessment

10. The proposal to convert the barn also included permission for an associated warehouse building whose principal elevations would have aligned with those of the barn. This has not been constructed. Instead, the Council granted permission for a garage/cart lodge on part of the same site. As it was smaller than the warehouse and would also have been aligned with the barn, it was considered acceptable.
11. The appeal proposal seeks permission to build this garage/cart lodge some 4m to the west of the approved location. Consequently, it would not align with the barn. It would occupy part of the gap between the barn and the farmhouse. This would create a greater sense of enclosure within the courtyard that currently separates them. It would partially block views of the front elevation of the barn for anyone approaching the commercial site along the concrete driveway. This would, to a small degree, increase the sense of separation between the domestic activities associated with the farmhouse and the operations on the remainder of the site. However, it would make little difference to the manner in which the listed buildings are experienced from the adjacent yard.
12. Neither would the revised position of the cart lodge be significantly apparent from the public highway running past the site. The main impression from the road would continue to be one of a tight cluster of older buildings with tiled roofs, to the rear of which are much larger utilitarian buildings typically associated with either agriculture or another commercial use.
13. Although the proposed building would be used for vehicles and domestic storage, this change of character would not be obvious to anyone beyond the site itself. Furthermore, there was map evidence to suggest that in the past a building occupied a similar footprint and siting to that proposed for the cart lodge. This was supported by photographic evidence of a single storey agricultural building with a pitched roof, above and beyond which the roof of the barn and its gable end could be seen. There does not, therefore, appear to be an overriding reason as to why a new building must be aligned with the front elevation of the converted barn.
14. I accept that the proposed layout would not fully replicate the historic layout of buildings that occupied the site in earlier times or reflect their primary agricultural uses. However, it would not be inconsistent with the way in which the wider site, including the commercial uses, has evolved in recent years.

15. For all these reasons, I am satisfied that the proposed change to the setting of the listed buildings would not undermine or harm their significance as designated heritage assets. Neither would the proposal diminish the contribution that their siting makes to an understanding and appreciation of the agricultural heritage of the site within the surrounding rural area. This leads me to conclude that the scheme would preserve the setting of the listed buildings and is acceptable. In avoiding harm, the scheme would preserve the special architectural and historic interest of Embleys Farm and Embleys Barn, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. I am also satisfied that there would not be any conflict with paragraph 199 of the Framework which states that great weight should be given to conserving a designated heritage asset's significance.
16. In addition, the scheme would comply with Policies DBE1 of the Epping Forest District Local Plan, 1998 and 2006 (Local Plan), which requires new development to respect its setting. However, as there are no internal or external works to the listed buildings, I find no conflict with policy HC10 of the Local Plan. Policies DM7 and DM9 of the Local Plan Submission Version 2017 were also cited in the Council's decision notice. These emerging policies have yet to be adopted by the Council. However, they are consistent with the Act and the advice of the Framework and as such I find no conflict with them.

Other Matters

17. The scheme included the introduction of associated gates and garden walls. The Council did not raise any objection to these elements of the proposal, and I see no reason to come to a different view.
18. The appeal site lies within the Green Belt. However, I have not considered the implications of this matter within this appeal as the Council has already granted planning permission and listed building consent for a building of the same size and scale as the appeal proposal.

Conditions

19. In addition to the standard time limit, a condition specifying the plans is required in the interests of certainty. The Council has also suggested that the use of the barn should be strictly controlled and that permitted development rights to amend it should be removed. I agree that these restrictions are necessary to ensure that the setting of the listed buildings is preserved and to prevent harm to the Green Belt and the purposes of including land within it. I have imposed a condition accordingly.
20. With the agreement of the parties, I have also imposed a condition requiring details of the proposed materials to be agreed prior to commencement of the works and development on site.

Conclusion

21. For the reasons set out above I conclude that both appeals should be allowed.

Sheila Holden

INSPECTOR

Schedule of Conditions

Appeal A: APP/J1535/W/21/3271063

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SK1, SK2, SK3, SK7, SK9 Rev F, SK12, SK14 and SK15 Rev B.
3. No development shall take place until details/samples of the materials to be used in the construction of the cart lodge, walls and gates have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the cart lodge hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site and shall at no time be converted into a room or used for any other purpose.

Appeal B: APP/J1535/Y/21/3271060

1. The works hereby granted shall begin not later than 3 years from the date of this decision.
2. The works hereby granted shall be carried out in accordance with the following approved plans: SK1, SK2, SK3, SK7, SK9 Rev F, SK12, SK14 and SK15 Rev B.
3. No works shall be carried out until details/samples of the materials to be used in the construction of the cart lodge, walls and gates have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.