



Appeal Decision

Site visit made on 5 February 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal: APP/J1535/W/23/3329666

Blackwood House, Matching Green, Matching, Essex CM17 0PP

- 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 Simon Hartnell against the decision of Epping Forest District Council.
 - The application reference is EPF/0577/23.
 - The development proposed is detached five bedroom house and detached double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to listed buildings I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
4. There is no dispute between the parties that the site lies within the Metropolitan Green Belt. The Council have concluded that the proposal would constitute limited infilling within a village and would, thus, not be inappropriate development. I see no reason to disagree with this and so I have considered this appeal on that basis.
5. The site is within the zone of influence of the Epping Forest Special Area of Conservation (SAC). The appellant has submitted a planning obligation in the form of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 which would provide a contribution towards mitigation measures in respect of the SAC. However, as I am dismissing for other reasons I do not consider the adverse effects on the SAC or the UU further.

Main Issues

6. Thus, the main issues in this appeal are the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the

nearby listed buildings, Moat House and Forge Cottage, and the extent to which it would preserve or enhance the character or appearance of the Matching Green Conservation Area.

Reasons

Heritage

7. The Matching Green Conservation Area (CA) encompasses the historic core of the settlement. The appeal site lies towards the edge of the CA. Its significance is derived from the historic layout of the settlement, set around the unusually large village green and the historic buildings within the settlement core. The historic buildings range in date from the 14th to the 19th centuries. Most are detached and of two storeys in height. The historic enclosure of these dwellings, when present, is typified by hedges. The CA contains several water bodies, including the vestiges of the moat associated with Moat House.
8. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, is the enclosure of the building curtilages with hedging and the vestiges of the moat, the sense of open space created by the green and the way in which these contribute to the setting of the historic buildings.
9. The appeal site is within the setting of two listed buildings: "Moat House" (Ref:1123926) and "Forge Cottage" (ref: 1308925).

Moat House

10. Moat House dates from around 1500, although altered in the 16th and 20th centuries, and is a Grade II* listed building (LB). It is an exceptional example of a hall house enclosed within a moat, retaining an unusual number of original features of high quality.
11. Given the above, I find the setting of the building, insofar as it relates to this appeal, to be primarily associated with its evidential value as an exceptional example of a hall house constructed of local materials set within a moated enclosure and that this directly contributes to its special interest.
12. The hall once occupied a more rural location with open agricultural land to the north and east. The LB was set within a site protected by a moat. However, its setting has been eroded by modern housing development to the north. Moat House nevertheless retains a semi-rural location, set within the vestiges of its moat, with mature hedgerow boundaries and mature and semi-mature trees providing a degree of screening from neighbouring development. The layout, verdancy and spaciousness of the locality makes a positive contribution in which Moat House is experienced as a rural country dwelling, set within its former grounds.
13. The proposal would be situated on open land laid to grass. The presence of water bodies to the south-west and east, indicative of the moat associated with the LB, provide an appreciation of the close association of the site with the LB as part of its immediate landholding. The new buildings would infill a significant proportion of the gap between Fairfield and Blackwood House.
14. The appellant has suggested that the changes would be acceptable because the proposed dwelling does not encroach onto the main open space of the village green and would not be in a prominent position in views across the green.

However, I have identified above that the open, verdant nature of the site contributes positively to the understanding of the significance of Moat House.

15. Blackwood House is a property of modern appearance, but which was designed to reflect the previous agricultural barns that occupied its location adjacent to Moat House. It retained the open gap between the then farm buildings and Fairfield and so retained the visual link between Hall House and its historic demesne.
16. The proposed development would create a new vehicular access across an existing ditch, which feeds into a wider longitudinal water body to the south, which appears to be a remnant of the moat for the LB. However, the crossing point is clear of the water body. Thus, it would not encroach into the "moat".
17. Bringing these matters together, the construction of a substantial building within the open land would change the way in which Moat House is experienced by further undermining the visual link between the Moat House and its former landholding and this would fail to preserve the special interest of the LB, thus harming its special interest.

Forge Cottage

18. Forge Cottage dates from the 17th Century, although altered at a later date, and is a Grade II listed building. It is a good surviving example of a 17th century timber framed vernacular dwelling which retains elements of its original form and utilises traditional building materials. Given the above, I find the special interest of the building, insofar as it relates to this appeal, to be primarily associated with its aesthetic appearance and spacious location on the edge of the common. I find that these elements directly contribute to its special interest.
19. The proposed dwelling would be almost entirely screened from Forge Cottage by intervening mature vegetation and, thus, would therefore have a very limited effect on its special interest and the experience of this heritage asset. Therefore, the proposed dwellinghouse would preserve the special interest of Forge Cottage and how it is experienced visually. I consequently find that no harm would result.

The CA

20. The wider local landscape has a mix of dwellings, predominantly two storeys in height, of varying design set at the back of the footway or behind mature gardens of verdant appearance. These gardens are often fronted by hedges. The set back of buildings from the roads surrounding the village green, and the extensive village green itself, provide a sense of spaciousness to the settlement, whilst the predominance of planting, to which the extensive hedges contribute significantly, provide an appearance of verdancy. These are positive features contributing to the character and appearance of the area, allowing an appreciation of its character and appearance prior to the more recent expansion of the settlement.
21. The proposed dwelling would be similar in scale, massing and height to nearby properties. The buildings would be set back from the road, roughly on similar building lines with its immediate neighbours. This would maintain the sense of spaciousness of the locality.

22. The proposal would incorporate materials and design features referencing local vernacular buildings, but also incorporate other, more modern materials, such as concrete pavements and aluminium windows.
23. The use of more modern materials in the building is not altogether incongruous, and concrete paving and aluminium windows are apparent on Blackwood House. I note that the appellant altered the design of the dwelling to reflect pre-application advice.
24. The proposal would create a new access through the existing hedge fronting Down Hall Road. In so doing, some four metres of the hedge would need to be removed.
25. Whilst on site I observed that some works had been undertaken to remove trees that had seeded within the ditch. I further observed that part of the hedge fronting the road had become sparse. However, replacement planting to reinforce the existing hedge had taken place. I am satisfied that the removal of four metres of hedge, sufficient to form an access to a single dwelling, would not significantly undermine the visual integrity of the hedgerow.
26. The appellant has brought to my attention recent development within the CA, in particular new dwellings, one behind The Chequers public house, another adjacent to Pond House, two new dwellings converted or built in the grounds to the Grade II listed The Limes; and a replacement prefabricated dwelling built in place of Scathes. My attention has also been drawn to two other replacement dwellings built on Down Hall Road, just outside the CA. I have limited information regarding the planning history of these developments and do not have all the evidence before me which lead to those decisions. However, they do not lie in the immediate context of the appeal site and I have determined this appeal with reference to the individual merits of the proposal before me.
27. Bringing these matters together I find that the scale, massing and height of the proposed dwelling would not be so out-of-keeping with its neighbours or other buildings within the CA and immediate area as to be incongruous within the CA. Whilst I have some concerns about the use of some modern materials within the building, the extent and prominence of these within the site could be controlled through the use of a suitably worded planning condition.
28. However, I have found above that the proposal would encroach on a space within the CA that makes an important contribution to the setting of Moat House, a historic building within the CA. The proposal would thus harmfully erode the legibility of the moated site and consequently cause it harm.
29. Given the above, I find that the proposal would fail to preserve the special interest of the LB and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
30. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given that the proposal would not cause physical harm to the features of interest of any heritage asset, but rather the

disputed level of harm solely relates to how the proposal would affect their setting, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

31. The proposed development would provide an additional dwelling, constructed to high standards of energy efficiency and sustainability to supplement the local housing supply. The government has stated that it aims to significantly increase the number of homes being built and the Framework, at paragraph 70, advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The government has stated its aims to improve sustainability and reduce carbon emissions.
32. There is dispute between the parties regarding the ability of the Council to demonstrate a 5-year supply of housing land. The appellant has brought my attention to an appeal decision¹ dated 14 December 2022 wherein the Inspector concluded that, at that time, the Council could not demonstrate a five-year supply of housing land. However, that decision pre-dated the adoption of the Epping Forest District Council Local Plan 2011-2033 (the Local Plan), which has been tested and found sound.
33. The Local Plan was prepared under an older version of the Framework. However, it is less than five years old and, bearing in mind the provisions of paragraph 76 of the Framework the local planning authority is not required to identify and update annually a supply of specific deliverable sites at this time. Further, there is little specific evidence before me to challenge the Council's position.
34. I note that, in the latest Housing Delivery Test Results, issued on 20 December 2023, the Council has only delivered 30% of its annual requirement of dwellings. However, the benefits to be gained from a single additional property would be limited in boosting the local supply of dwellings.
35. The proposal would, during the construction phase, result in additional employment in the construction and supply chain industry, and would, by increasing the local population in the area, provide long-term support to rural shops and businesses in nearby villages and towns. There may be additional benefits to the community through the increased support of social groups. Paragraph 83 of the Framework identifies that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby. However, given the small scale of development, such benefits would, in this case, be limited. Taken together these public benefits are not sufficient to outweigh the harm that I have identified.
36. Given the above and in the absence of any significant public benefit that outweighs the harm that I have identified, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II* listed building and the character or appearance of the Matching Green Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 206 of the

¹ APP/J1535/W/22/3302594

Framework and conflict with Policies 29 and 41S of the Local Plan that seek, amongst other things to ensure that proposals protect and, where appropriate, enhance heritage assets and their settings and successfully integrate with the historic environment and character. As a result, the proposal would not be in accordance with the development plan.

Other Matters

37. Notwithstanding the implications of the 2022 Housing Delivery Test Results, I have found harm to assets of particular importance, as set out in the Framework, for which the application of policies within the Framework provide a clear reason for refusing the development.
38. I note that the proposal has received support from the residents of Moat House. Whilst the participation of the public is an important part of local democracy I must, nevertheless, determine this application having regard to local and national planning policy.

Conclusion

39. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

I A Dyer

INSPECTOR