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## Appeal Decisions

Site visit made on 8 May 2024

**by D R McCreery MA BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 June 2024**

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### **Appeal A: APP/J1535/D/23/3330408**

#### **Netherhall Farm, Netherhall Road, Roydon, CM19 5JP**

- 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 Mr P Taylor against the decision of Epping Forest District Council.
  - The application reference is EPF/1424/23.
  - The development proposed is the removal and replacement of existing 1.7m high metal gates with traditional timber and new brick support piers. Erection of new boundary wall up to 1.0m high.
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### **Appeal B: APP/J1535/Y/23/3330406**

#### **Netherhall Farm, Netherhall Road, Roydon, CM19 5JP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by Mr P Taylor against the decision of Epping Forest District Council.
  - The application reference is EPF/1430/23.
  - The works proposed are the removal and replacement of existing 1.7m high metal gates with traditional timber and new brick support piers. Erection of new boundary wall up to 1.0m high.
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## **Decision**

### **Appeal A**

1. The appeal is allowed and planning permission is granted for the removal and replacement of existing 1.7m high metal gates with traditional timber and new brick support piers. Erection of new boundary wall up to 1.0m high at Netherhall Farm, Netherhall Road, Roydon, CM19 5JP in accordance with the terms of the application, Ref: EPF/1424/23, subject to the following conditions:
  - 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: 1610\_300\_A, 1610\_301, 1610\_302\_B, 1610\_303, and 1610\_304\_E.
  - 3) Notwithstanding condition 2, no development shall commence until elevation drawings showing the height of the existing and proposed gates in relation to the existing ground level at scale 1:20 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.

- 4) The materials to be used in the construction of the new wall shall match the colour, style, bonding, and texture of the adjacent barn, unless otherwise agreed in writing with the local planning authority.
- 5) At least 48 hours prior notice of the date works will be commenced shall be given to the Archaeological Advisory Group of Essex County Council, and persons authorised shall be afforded reasonable access for inspection of the site, and for carrying out works of excavation for the purpose of recording any features thereon of historical or archaeological significance.

#### Appeal B

2. The appeal is allowed and listed building consent is granted for the removal and replacement of existing 1.7m high metal gates with traditional timber and new brick support piers. Erection of new boundary wall up to 1.0m high at Netherhall Farm, Netherhall Road, Roydon, CM19 5JP in accordance with the terms of the application, Ref: EPF/1430/23, subject to the following conditions:
  - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
  - 2) No works shall commence until elevation drawings showing the height of the existing and proposed gates in relation to existing ground level at scale 1:20 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.
  - 3) No works shall commence until a method statement for the construction of the proposed wall has been submitted to and approved in writing by the local planning authority. The statement shall be written by a suitably qualified person and include details of the method of excavation and wall construction of any works within 1 metre of the Listed Building (Garden Wall at Netherhall (Ref 1111123)) and the measures that will be put in place to protect it. The measures identified shall be implemented prior to commencement of the work and remain in place for its duration. The works shall otherwise be carried out in full accordance with the approved method statement.
  - 4) The materials to be used in the construction of the new wall shall match the colour, style, bonding, and texture of the adjacent barn, unless otherwise agreed in writing with the local planning authority.

#### Application for costs

3. An application for costs was made by Mr P Taylor against Epping Forest District Council. The application is the subject of a separate decision.

#### Preliminary Matters

4. As the proposal relates to Listed Buildings, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The proposal is in proximity to several listed buildings. Drawn to my attention are; [1] Garden Wall at Netherhall (1111123), [2] Netherhall Farmhouse (1111122), [3] Netherhall (1182255), [4] Granary 20 metres south east of Netherhall Farmhouse (1337289), [5] Barn 100 metres east of Netherhall Farmhouse (1182232). Considering the evidence, plans, and having visited the

site, I am satisfied that the proposal will not affect the setting of listed buildings [3],[4] and [5]. The focus of my decision is therefore on [1] and [2].

## **Main Issues**

6. The main issues in the appeal are;

- whether the proposal would preserve the Grade II\* Listed Buildings, as described above, and any of the features of special architectural or historic interest that they possess.
- the effect on the character and appearance of the surroundings.

## **Reasons**

7. The appeal site relates to the wider complex of Netherhall Farm, part of the medieval manor of Nether Hall. Access to the complex is gained from Netherhall Road and a concreated private access road, with metal gates and fencing (the subject of the appeals) separating the two.
8. The Grade II\* Garden Wall at Netherhall (Garden Wall) was listed in 1984 and dates from the early to mid 15<sup>th</sup> Century. It is a substantial structure that encloses an orchard adjacent to Netherhall Road and the site access road. It is of red brick construction with simple and pleasing decorative flared headers.
9. The Grade II\* Netherhall Farmhouse (Farmhouse) is at the end of the private access road. It was listed in 1952 and is the surviving of two manor houses built in the 14/15<sup>th</sup> Century. It has an imposing façade, with jettied and gabled crossings, decorative white plaster walls and a significant red plain tile roof.
10. From the evidence before me, insofar as it relates to this appeal, the special interest and significance of the listed buildings is largely derived from the appearance and surviving intactness of the Garden Wall and the historic importance of the Farmhouse, reflected by its imposing façade.
11. The existing white painted metal fence and gates are a crude and rudimentary modern access/boundary treatment. They detract from both the historic interest of the Garden Wall and, to a lesser extent due to proximity, the visual setting of the Farmhouse. A redeeming feature is that they are not attached to the Garden Wall, and therefore do not interrupt the historic fabric.
12. The height of the proposed wall would be similar to the existing fence and therefore appropriate in scale. The brick materials would match the adjacent barn and be sympathetic. The small gap between the proposal and the Garden Wall would preserve the separate identities of the two. Measures designed to protect the Garden Wall during the works could be required by condition to minimise the risk of disruption to historic fabric.
13. The height of the proposed gate, with supporting brick piers, would be similar to the maximum height of the existing and juxtapose well with the proposed wall in terms of relative scale. The disagreement between the parties about the existing height of the gate could simply be resolved by a condition requiring more detailed drawings to clarify the matter. The timber gate would be neither overtly residential nor agricultural in appearance. The design approach is sympathetic to the context, given the gates are intended to serve a large dwelling within a complex that includes buildings of traditional agricultural appearance.

14. I have noted the Council's concerns about the impact of the proposal on public visibility of the Farmhouse. As listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether public views of a building can be gained, this is not a consideration of significance.
15. Nevertheless, the proposal would be more congruent than the existing arrangement and would enhance the setting of the Farmhouse where the two are seen together, in line with paragraph 212 of the National Planning Policy Framework (the Framework). No opportunity to better reveal the significance of the Farmhouse would be lost. The Council's comments about effects on multiple heritage assets taken as a whole are vague and unsubstantiated. Regardless, the impacts would be beneficial rather than detracting.
16. Given the above, I find that the proposal would preserve and enhance the special interest of the listed buildings.
17. To address the Council's second planning reason for refusal, the proposal would not have a harmful effect on the character and appearance of the area. For the reasons set out above, the proposal would represent an improvement on the existing arrangement and be contextually sympathetic.
18. Given the above, the proposal would preserve the special historic interest of the listed buildings and would not harm the character and appearance of the area. This would satisfy the requirements of the Act, paragraph 203 of the Framework and would not conflict with policies DM7 or DM9 of the Epping Forest District Local Plan that seeks, among other things, the preservation or enhancement of heritage assets in a manner appropriate to their significance in accordance with national planning policy and guidance and development that achieves a high quality of design that contributes to local distinctiveness. As a result, the proposal would be in accordance with the development plan.

### **Other Matters**

19. Comments from the Parish Council are noted. My reasoning relating to the height and other aspects of the proposed gates is set out above.

### **Conditions**

20. I have considered the appropriateness of planning conditions considering the tests at paragraph 56 of the Framework. The rationale for conditions relating to the height of the gates (Appeal A and B) and protecting the Garden Wall during the course the works (Appeal B) is discussed above.
21. In respect Appeal A, a further condition specifying the approved plans is necessary in the interests of certainty. Securing access to an area of potential archaeological interest facilitates up-to-date evidence about the historic environment in accordance with paragraph 198 of the Framework. For Appeal A and B, requiring matching materials for the new wall is necessary to achieve a good standard of external appearance.

**Conclusion**

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

*D R McCreery*

INSPECTOR