



Appeal Decisions

Site visit made on 9 July 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal A: APP/J1535/W/24/3339651

North Wilmore Barn, Workers Road, High Laver, Ongar, Essex CM5 0DZ

- 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 Alan Knitter against the decision of Epping Forest District Council.
 - The application reference is EPF/2285/23.
 - The development is described as 'retrospective application for insertion of gable end window on east elevation.'
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Appeal B: APP/J1535/Y/24/3339654

North Wilmore Barn, Workers Road, High Laver, Ongar, Essex CM5 0DZ

- 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 Alan Knitter against the decision of Epping Forest District Council.
 - The application reference is EPF/2290/23.
 - The works are described as 'retrospective application for insertion of gable end window on east elevation.'
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the retention of the window would preserve a Grade II listed building, known as 'Great Wilmores Farmhouse' (Ref: 1123933), and any features of special architectural or historic interest that it possesses.

Reasons

5. Great Wilmores Farmhouse is a two storey detached dwelling, which is located to the west of the appeal site. It dates back to the 16th century and contains some later alterations and extensions. North Wilmore Barn has a cranked L shape plan form. It comprises of a large double height timber framed barn,

which has a smaller timber framed barn attached to it. The timber framed part of the building has a linear form and is finished with black weatherboarding. A single storey brick built building extends from the corner of the larger barn. North Wilmore Barn dates from the 19th century. The building was converted from agricultural to residential use in the early 21st century. A modern single storey extension has been added to the eastern elevation of the double height barn, which is contemporary in its design and materials.

6. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. The Council and the appellant's Heritage Consultant both concur that the barn is curtilage listed. The barn had a principal and accessory relationship to the main building at the time of listing. As a result, North Wilmore Barn is also consequently listed. Whilst North Wilmore Barn is not mentioned in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest and significance insofar as is relevant to these appeals is derived from its historic and architectural interest as an illustration of historic agricultural architecture. The building's agricultural heritage, historic fabric and predominant use of traditional materials make important contributions in these regards.
8. Planning permission and Listed Building Consent were granted in February 2024¹ for a black stained, timber framed window of the same size, design and siting as the appeal scheme before me. The only difference between the consented scheme and the appeal scheme is that the existing window (which is the subject to these appeals) has a black powder coated aluminium frame. The Council are happy with the size, design and siting of the consented window. Based on the evidence before me and my site visit, I find no reason to reach a contrary view to the Council in respect to the size, design and siting of the window. Consequently, my decision focuses on the materiality of the window.
9. While the colour of the window blends in with the black weatherboarding, the aluminium frame by reason of its use of modern materials appears incongruous on the historic part of this former agricultural building. I appreciate that there was previously a smaller, off-set casement window in this location and the replacement window provides a more symmetrical appearance. Nevertheless, the previous window was modest in size and timber framed and therefore appropriate in its materiality. As a result, I find that the proposal fails to preserve the special interest of the listed building.
10. Although the window is visible from the public realm, given the distance from a public viewpoint, the materials are not readily discernible. I also appreciate that the window is not visible from Great Wilmores Farmhouse. Nevertheless, these factors do not outweigh the harm that I have identified to the special interest of the listed building.
11. While I appreciate that the Council has permitted a new powder coated aluminium window on an extension to the building, this does not relate to the historic part of the building and the context is therefore materially different.

¹ Application Refs: EPF/2810/23 & EPF/0003/24

12. On my site visit, I observed a large, feature window on a dwelling, which was formerly an agricultural barn a short distance away from the appeal site. However, this property is not a listed building and is more modern in its design and appearance. As a result, the two schemes are not comparable and I give the other example limited weight in my decision.
13. For the reasons given above, I find that the window fails to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.
14. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find the harm to the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Where a scheme leads to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the scheme, including, where appropriate, securing the asset's optimum viable use. There is no compelling evidence before me to suggest that the use of the building would cease should consent not be forthcoming. Furthermore, there is a consented scheme before me, which utilises traditional materials and would not result in the same level of harm. As a result, I do not find the appeal scheme necessary to secure the viability and long-term conservation of the building.
16. The investment into the property, has a small economic benefit, which carries limited weight in favour of the scheme as a public benefit.
17. Overall, there are limited public benefits in favour of the appeal scheme. Consequently, in attributing great weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the scheme to outweigh this harm.
18. Given the above, I conclude that, on balance, the appeal scheme fails to preserve the special historic interest and significance of the listed building. The scheme fails to satisfy the requirements of the Act and paragraph 203 of the Framework. The appeal scheme also conflicts with Policies DM7 and DM9 of the Epping Forest District Local Plan 2011 – 2033, adopted March 2023. These policies among other things seek to preserve and wherever possible enhance the significance of the heritage asset having regard to the special architectural or historic interest of its character and appearance and that the design respects the distinctive form, period and detailing of original buildings.

Conclusion

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

A James INSPECTOR