



Appeal Decision

Site visit made on 5 August 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/J1535/W/24/3357890

Tadgells Barn, Carters Green, Matching, Essex CM17 0NX

- 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 D Hopkinson against the decision of Epping Forest District Council.
 - The application Ref is EPF/1682/24.
 - The development proposed is 'construction of a cart lodge in replacement of approved leisure building and cart lodge shown in EPF/2441/23'.
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Decision

1. The appeal is allowed and planning permission is granted for 'construction of a cart lodge in replacement of approved leisure building and cart lodge shown in EPF/2441/23' at Tadgells Barn, Carters Green, Matching, Essex CM17 0NX in accordance with the terms of the application, Ref EPF/1682/24, subject to the conditions in the attached schedule.

Preliminary Matters

2. Planning permission and listed building consent were granted in 2009 for the conversion and change of use of a barn to a dwelling and the erection of a cart lodge¹ ('the 2009 Scheme'). The 2009 Scheme was implemented, resulting in the dwelling on the appeal site, although the cart lodge element remains outstanding.
3. Approval was subsequently given for an 'outbuilding ancillary to the main dwelling to house gym, sauna, solarium, spa and steam room'² ('the Leisure Outbuilding'). The Leisure Outbuilding has not been implemented.
4. The Council has issued a lawful development certificate confirming that the cart lodge which remains outstanding from the 2009 Scheme and the Leisure Outbuilding can be built separately but at the same time³.
5. The cart lodge now proposed would be on a different part of the site to the 2009 Scheme cart lodge and the Leisure Outbuilding. The appellant has submitted a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 ('the Act') dated 4 February 2025 ('the UU') and suggested conditions intended to ensure that the 2009 Scheme cart lodge and the Leisure Outbuilding could not be built alongside the appeal development. I return to this matter in my reasoning below.

¹ Application refs EPF/0913/09 and EPF/0930/09

² Most recent application refs EPF/1907/22 and EPF/1909/22

³ Application ref EPF/2441/23

Main Issues

6. The main issues are:
- i) whether or not the proposal would be inappropriate development in the Green Belt; and
 - ii) the effect of the proposal on heritage assets.

Reasons

Whether Inappropriate Development

7. The appeal site is within the Green Belt where the National Planning Policy Framework ('the Framework') provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies that development is inappropriate unless one of a list of exceptions applies. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One, adopted 2023 ('the LP') includes similar provisions.
8. The Council has assessed the proposal against the exception at paragraph 154 c) of the Framework which is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Although the proposed cart lodge would not be physically attached, I have no firm reason to depart from the Council's assessment of it as comprising an extension to the appeal dwelling. As an extension, the Council's evidence does not suggest that the appeal development alone would amount to disproportionate additions over and above the size of the original building. Neither party has presented detailed calculations, but I am satisfied having regard to the single-storey height and comparative dimensions of the cart lodge that it would be of clearly modest overall scale relative to Tadgells Barn. Its simple form and design with muted detailing would further provide for a suitably subservient and subordinate feature and in my assessment, the development would not in itself result in disproportionate additions over and above the size of the original dwelling.
9. The Council is though concerned that the proposal taken together with the 2009 Scheme cart lodge and the Leisure Outbuilding would result in a cumulative floor area increase of well over 50% of the floor area of the original dwelling. I agree that the combined effect of these structures would amount to disproportionate additions. However, the UU provides that the 2009 Scheme cart lodge and the Leisure Outbuilding could not be implemented alongside the appeal proposal. Despite being invited to comment on a number of occasions, the Council has not raised concerns in respect of the UU and I am satisfied from the information before me that it would be adequate to secure what is intended. On that basis, cumulative effects would not occur in practice.
10. The Council's reason for refusal asserts that the development is not considered a limited addition. Its evidence does not make clear whether this refers to the appeal development alone or cumulative effects, but the relevant test relates in any event to whether additions are disproportionate rather than limited.
11. Given the provisions of the UU and that I have found that the appeal development would not in itself result in disproportionate additions over and above the size of the original building, I conclude that the proposal would comprise an exception to

inappropriate development. It would therefore comply with the terms of the Framework and Policy DM4 of the LP.

12. In reaching this conclusion, I have noted a suggestion in the Council's officer report that 'Policy DM4 of the LP states that...and that the Council will refuse permission for development that is prominent and conspicuous from within the Green Belt which would have an excessive adverse impact upon the openness, rural character, or visual amenities of the Green Belt'. However, this wording does not appear in the text of Policy DM4 nor the supporting text within the extract provided by the Council. I am therefore unclear of the basis for this assertion, and it does not alter my conclusion that the proposal would be an exception to inappropriate development.
13. I have also noted the Council's references to harm to the openness and rural character of the Green Belt and that the development would contribute to urban sprawl. As an exception to inappropriate development however, the proposal should not be regarded as harmful to the openness or purposes of Green Belt.

Heritage Assets

14. Tadgells Barn is not a designated heritage asset in its own right, but both main parties refer to it being 'curtilage listed' owing to its historic association with Tadgells which is a Grade II listed building. From the information before me, I have no firm reason to take a different view and I have considered the proposal in light of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard be had to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. In addition, the appeal site includes part of the area of the 'Moated site known as Tadgells, 100m south west of The Cottage' Scheduled Monument ('SM'). There is no statutory protection for the setting of SM, but the Framework requires an assessment of the significance, including any contribution to that significance made by their setting, of any heritage assets that might be affected by a development proposal.
15. The SM relates to a medieval moated site including a rectangular island which is contained to the east, south and west sides by a water-filled moat and which has some indication of a building platform marking the site of an earlier house towards the south. The list entry notes that the majority of moated sites served as prestigious aristocratic and seigneurial residences with the provision of a moat intended as a status symbol, and that they are important for the understanding of the distribution of wealth and status in the countryside. Despite some infilling of the northern arm and part of the eastern arm of the moat, the moated site here survives well and insofar as it relates to this appeal, the surviving features and below ground/water remains would contribute much to the significance of the SM. In addition, the predominantly open and rural quality of the surroundings reflect the historic isolation of the SM site. This informs an understanding of the pattern of settlement and contributes to the significance of the SM.
16. Tadgells is an attractive 15th Century timber-framed Hall House with 16th Century alterations and 17th/18th and 20th century extensions. The building now sits within a domestic plot, part of which falls within the boundary of the SM, but was historically part of a farmstead which also included former stables along the roadside as well as Tadgells Barn.

17. Tadgells Barn is a timber-framed barn with a tiled half-hipped roof and a weatherboard exterior above a brick plinth. Although now converted to residential use, its vernacular form and traditional materials are distinctive and its historic use and function as a working agricultural building remains readily apparent.
18. The arrangement of Tadgells, Tadgells Barn and the former stables around a central courtyard reinforces the legibility of the structures as a historic farmstead group. The appellant's Built Heritage Statement includes historic mapping which indicates that there have been some changes to the footprint and layout of development around Tadgells over time. Nevertheless, there remains a general focus around a loose courtyard and this morphology together with the surrounding rural landscape inform an understanding of the historic purpose and agricultural role of the site.
19. Insofar as it relates to this appeal, I find given the above that Tadgells derives significance from its evidential and historic value as part of a farm complex on a former medieval moated site. As part of this, the nature of Tadgells Barn as a former working building associated with Tadgells and its location forming part of one edge of the farmstead courtyard within surrounding countryside contribute to the understanding of the historic role and function of the listed building within the complex and thus its significance.
20. The proposed cart lodge would face towards the road on a perpendicular orientation to Tadgells Barn effectively offset beyond the south eastern rear corner of the host dwelling in a loose 'L-shaped' arrangement. The development would occupy part of the garden which currently comprises a large area of grass with some scattered trees that is set somewhat apart from the appeal dwelling and its immediate patio by a line of hedges. In this position, it would sit some way outside of the general extent of the courtyard layout of buildings at Tadgells.
21. I have found in respect of the first main issue that the development would not be disproportionate to Tadgells Barn overall and given its simple form and understated design and materials, I am satisfied that it would be suitably subservient and subordinate so that it would not cause harmful disruption to the general hierarchy of buildings on the site. Nevertheless, it would still be a reasonably large structure which would be clearly appreciable in views including from the road. In these views and despite the generally traditional design and materials, it would be likely given the context of the site to be understood as a domestic outbuilding.
22. The appellant suggests that many post-medieval farmsteads developed around small yards to aid efficiency, but it is unclear from the submitted evidence whether this was typical of the local area here. In any event, it would be a clear departure from the historic grain and layout of the Tadgells complex.
23. I acknowledge that there have been past changes to the layout of the Tadgells complex including construction and later demolition of buildings and the subdivision of grounds associated with the formation of the separate dwelling at Tadgells Barn. Nevertheless, I find given the above factors that the development would unbalance and distort the courtyard morphology of the Tadgells group, causing some further erosion of the integrity and legibility of the complex. Its scale and use would also increase the spread of urbanising development and would reduce the current generally open and rural quality of the land around the courtyard. This would

weaken the relationship of Tadgells, its associated barn and the SM with the surrounding rural landscape.

24. I find for these reasons that there would be harm to the significance of both the listed building and the SM through development within their setting.
25. Given that the proposal would not result in direct physical effects on the SM or listed building and would relate to only a small part of their wider setting, I find that the harm to the significance of the listed building and SM would in each case be 'less than substantial' in the terms of the Framework. In my assessment, the harm in each case would be towards the lower end of the range.
26. 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. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It goes on to advise that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.
27. In this respect, the appellant proposes that the development would in effect replace the 2009 Scheme cart lodge and the Leisure Outbuilding, with the UU providing that these structures could not be implemented alongside the appeal proposal. While the Council's report refers to a suggestion that the 2009 Scheme cart lodge could not be built without harm to the SM, this is not explained further. In any event, the Council has not disputed the appellant's comments advising that the Leisure Outbuilding would be constructed should the appeal fail. I have no firm reason to doubt that there is a real prospect that it would be implemented in the absence of the appeal development, and I have therefore taken it into account as a fallback.
28. The development would be smaller than the combined scale of the 2009 Scheme cart lodge together with the Leisure Outbuilding. It would be larger than these structures individually, but it would be of similar height to the Leisure Outbuilding and only of relatively slightly greater width and depth and I consider the impression of difference from this structure would be fairly modest.
29. In addition, it would be further away from Tadgells and the SM site than the 2009 Scheme cart lodge and the Leisure Outbuilding. Although it would still be likely to be appreciated together with these assets, the greater separation would result in a marked reduction in the intrusion into the immediate setting of the SM and the principal listed building relative to the 2009 Scheme cart lodge and the Leisure Outbuilding taken either individually or cumulatively.
30. The 2009 Scheme cart lodge and the Leisure Outbuilding would provide greater separation to Tadgells Barn than the appeal scheme, but they would still share a relatively close association and in my view would be readily appreciated and understood as associated structures within the existing garden of the dwelling. In this context, the greater separation would offer little tangible benefit to the appreciation and understanding of Tadgells Barn relative to the development now proposed, but would instead increase the outward spread of urbanising built form.
31. Furthermore, the 2009 Scheme cart lodge and the Leisure Outbuilding would also increase the spread of development outside of the Tadgells courtyard. I

acknowledge that the Leisure Outbuilding would not extend as far to the east as the current proposal, but it would still project beyond the rear building line of Tadgells Barn which has historically marked the outer extent of the courtyard, and it would additionally be set notably behind the main rear elevation of Tadgells. Noting also that the plans show the elevations facing towards Tadgells and Tadgells Barn to be blank, it seems to me that the Leisure Outbuilding would effectively appear to turn its back on the existing courtyard rather than being read as part of the complex. Indeed, the Council's evidence refers to its lack of integration with the set of buildings on site. In such proximity, I consider that the resulting juxtaposition and the lack of clear relationship with the existing pattern of development would be awkward, and there would in my assessment be a similar if not greater level of distortion to the legibility of the historic courtyard as the development now proposed.

32. The harm that the appeal proposal would cause to the significance of designated heritage assets attracts considerable importance and weight. Balancing the above factors however, I am satisfied that the appeal proposal would overall be less disruptive and intrusive to the setting and significance of Tadgells with the associated Tadgells Barn and the SM than the Leisure Outbuilding, and significantly less so than the combined Leisure Outbuilding and 2009 Scheme cart lodge. On that basis and subject to the UU to ensure that the Leisure Outbuilding and 2009 Scheme cart lodge could not also be implemented, the proposal would offer a comparative heritage benefit relative to development that could otherwise come forward.
33. I have had special regard to the desirability of preserving listed buildings and their setting, but I find this context offers a public benefit sufficient to outweigh the harm that the proposal would cause to each of the listed building and SM, and I conclude that there is a clear and convincing justification for the proposal such that there would not be unacceptable harm to heritage assets. The proposal would accord with the Framework, as well as with Policy DM7 of the LP which broadly seeks to preserve or enhance heritage assets and their setting, but which also includes a requirement for less than substantial harm to be weighed against the public benefits of a proposal.

Other Matters

34. I have found above that the proposal would only be acceptable on the basis of provisions in the UU providing that the 2009 Scheme cart lodge and the Leisure Outbuilding were not implemented alongside the appeal development. The appellant had suggested that the same outcome could be achieved through the imposition of planning conditions. However, a planning permission can only be revoked following the process (with provisions for compensation) set out under s97 and s100 of the Act. Although a planning obligation may secure agreement not to implement a previously granted permission, planning conditions cannot be imposed to achieve the same end.
35. The obligations within the UU are therefore necessary to make the development acceptable in planning terms. I am also satisfied that they would be directly related to the development, and fairly and reasonably related in scale and kind to the development in accordance with the tests for obligations at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 which are reflected in the Framework. I have therefore taken them into account in my decision, and, for the

avoidance of doubt, I confirm that I have taken the obligations in paragraphs 1-3 of Schedule 1 into account as a material consideration in my decision to grant planning permission.

Conditions

36. I have considered suggested conditions against the tests set out in the Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
37. In addition to the standard time limit, I have attached a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty. Conditions requiring further details of external materials, the removal of excavated material from the site and provision for tree protection and replanting are necessary to safeguard heritage assets and the character and appearance of the area. A condition relating to hours of work is necessary in the interests of neighbouring living conditions.
38. The Council suggested a condition to require that the development is occupied for purposes ancillary to the residential use of the main dwelling and not used for any primary residential accommodation. Control over the use of the development would be necessary in the interests of the character and appearance of the area amongst other matters. However, the development is proposed to accommodate parking which would serve a purpose incidental to the enjoyment of the dwelling. I have therefore amended the wording of the suggested condition to reflect the nature of the development applied for.
39. The Framework sets out that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. No detailed justification has been provided to impose such a restriction in this case and in the absence of any real explanation of the specific circumstances of the site which would warrant control over further development, I am not persuaded that imposing restriction on permitted development rights beyond those that would already apply including through the terms of the legislation would be warranted. I have not therefore imposed this condition.

Conclusion

40. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than the expiration of three years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 427-EX-10, 427-PL-10, 427-PL-11, 427-PL-12, 427-PL-13 and 427-PL-14.

- 3) Prior to their installation, full specification details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to any above ground works, all material excavated from below ground works hereby approved shall have been removed from the site.
- 5) No development shall commence until tree protection measures have been installed as shown on Trevor Heaps Arboricultural Consultancy Ltd 'Tree Protection Plan' drawing number TH/A3/1748D/TPP (dated 24 July 2024), and the development shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement (to BS:5387 2012) by Trevor Heaps Arboricultural Consultancy Ltd (dated 24 July 2024).
- 6) If any tree, shrub or hedge shown to be retained in the Arboricultural Impact Assessment & Method Statement (to BS:5387 2012) by Trevor Heaps Arboricultural Consultancy Ltd (dated 24 July 2024) is removed, uprooted or destroyed, dies or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of 5 years from the date of planting of any replacement tree, shrub or hedge is removed, uprooted or destroyed, dies or becomes severely damaged or defective, another tree, shrub or hedge of the same size and species as that originally planted shall be planted within 3 months at the same place.
- 7) All construction works and ancillary operations, including vehicle movement on site, which are audible at the boundary of the site shall only take place between the hours of 0730 to 1830 Monday to Friday and 0800 to 1300 on Saturday and at no time during Sundays and Public/Bank holidays.
- 8) The development hereby permitted shall not be occupied or used at any time other than for any purposes incidental to the residential use of the dwelling known as Tadgells Barn and shall not be used for any primary residential accommodation.

End of Schedule