
Appeal Decision

Site visit made on 10 November 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Appeal Ref: APP/J1535/W/25/3372642

East End Farm, Harlow Road, Roydon, Harlow CM19 5HE

- 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 AT Bone & Sons Limited against the decision of Epping Forest District Council.
 - The application Ref is EPF/0890/25.
 - The development proposed is erection of 1.8m (6ft) high hit & miss timber fence separating farmyard operations from Grade II listed residential dwelling in third party ownership.
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Decision

1. The appeal is allowed and planning permission granted for erection of 1.8m (6ft) high hit & miss timber fence separating farmyard operations from Grade II listed residential dwelling in third party ownership at East End Farm, Harlow Road, Roydon, Harlow CM19 5HE in accordance with the terms of the application Ref EPF/0890/25 and the following plans submitted with it: BONEEEF_F-1-5-001RevA Site Location Plan; and BONEEEF_F-1-1-001 Existing Block Plan and Typical Fence Details.

Preliminary Matters

2. The word 'retrospective' has been omitted from the description of development in the banner heading above as it does not constitute an act of development.
3. I note that the fence has been constructed and has largely been completed in-line with the submitted plans.

Main Issues

4. The main issues are:
 - whether or not the fence is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and the effect of the proposed development on the openness of the Green Belt;
 - the effect of the fence on the character and appearance of the surrounding area regarding the setting of the grade II listed Eastend Farmhouse (the farmhouse); and
 - if the fence is inappropriate development in the Green Belt, whether or not any harm by reason of inappropriateness, and any other identified harm, is clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development, and openness

5. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that development in the Green Belt is inappropriate unless one of the exceptions applies, as set out in paragraph 154. One such exception, at paragraph 154 a), is buildings for agriculture and forestry.
6. Policies SP5 and DM4 of the Epping Forest District Local Plan (2023) (the LP) conform to the general thrust of national Green Belt policy, confirming that the openness of the Green Belt will be protected from inappropriate development and that permission will not be granted for such development except in very special circumstances. Policy DM4 also sets out exceptions to inappropriate development, which are broadly in-line with those in the Framework and include buildings for the purposes of agriculture and forestry.
7. Whilst the appeal site did not appear to be actively used for agricultural purposes at the time of my site visit, I note that a planning application¹ for the change of use of the redundant agricultural buildings to commercial use was refused in 2024 and the Council does not dispute that the lawful use of the appeal site is agriculture. Furthermore, the appellant suggests that it is their intention to bring the site back into agricultural use following the refusal of planning permission for the alternative use and there is no substantive evidence before me to suggest this would not be the case.
8. Moreover, Section 336(1) of The Town and Country Planning Act 1990 defines a building as including any structure. It therefore follows that a fence falls under the definition of a building for planning purposes. There is no substantive evidence before me to suggest otherwise.
9. For the above reasons, I find that the fence is a building for agriculture and would therefore not be inappropriate development in the Green Belt.
10. Openness is an essential characteristic of the Green Belt that has both visual and spatial aspects. The fence is contained within a tight grouping of existing buildings and fences, and views of it from the road and surrounding countryside are momentary with the fence largely set against a backdrop of existing development. The Council refers to views from a nearby public footpath. However, no substantive details of the footpath's location have been provided, and I was not able to locate it whilst on my site visit. The fence is a long and solid man-made feature in a location where one did not exist previously, such that it has a marginal spatial effect on openness.
11. For the above reasons, the fence has affected the openness of the Green Belt but only to a very limited degree.

¹ Council Ref EPF/2351/24.

Character and appearance, and heritage

12. Eastend Farmhouse is a 17th century, or earlier, timber framed and plastered building with a red plain tiled roof and notable original red brick chimney stack. The property is orientated with its principal elevation, including the entrance porch, towards the appeal site and is perpendicular to the road. The farmhouse, together with two historic red brick outbuildings that sit within its setting, one of which is within the appeal site (Barn 1), form the remains of the original farmstead, which are collectively central to the significance of the listed building.
13. The fence is substantial in height at approximately 1.8m and stretches a considerable distance through the farmstead, providing a large alien structure between most of the collection of outbuildings and barns, and the farmhouse. Whilst one of the historic red brick outbuildings remains within the curtilage of the farmhouse, the fence largely severs the physical connection between Barn 1 and the farmhouse. Although some visual connection between the buildings remains over the fence and given that the fence terminates prior to the gable end of Barn 1, the fence significantly reduces the historic connection between the buildings, diminishing the legibility of the wider site as a farmstead.
14. For the reasons given above and within the terms of the Framework, the fence causes less than substantial harm to the significance of Eastend Farmhouse as a designated heritage asset. The level of harm is within the lower part of this category.
15. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case the farmhouse), this harm should be weighed against the public benefits of the proposal.
16. The appellant has extensive business experience across Hertfordshire, farming a large amount of land. Furthermore, as previously discussed, it is plausible that the barns will be put to agricultural use once more following the refusal of planning permission for an alternative commercial use. Farming is extremely dangerous, particularly when involving livestock and/or heavy machinery, and there are a significantly disproportionate number of fatalities in the sector, which is evidenced by the Health and Safety Executive.
17. The fence provides a physical boundary to a residential dwelling that the appellant asserts is within a separate tenancy agreement to most of the barns, which is not disputed by the Council. It would therefore follow that any residential activities at the property are out of the appellant's control. I observed during my site visit that the dwelling's curtilage contained children's play equipment, and the safety of children is an extremely important consideration. The Council contends that adequate safety could be achieved through other means such as regular health and safety checks, signage and appropriate site management. However, I am not convinced that such measures, without a physical barrier in place, would be effective in a potentially very dangerous situation involving livestock and children, and when staff are not present on site.
18. Overall, these benefits are considerable and outweigh the less than substantial harm the proposal would have on the significance of the farmhouse as a designated heritage asset to which I am required to give great weight. The proposal would therefore comply with the Framework in this regard.

19. Consequently, it would also comply with Policies DM7 and DM9 of the LP, which, amongst other things, seek to protect or enhance heritage assets and their settings, and in cases where less than substantial harm to a designated heritage asset is identified, the harm should be weighed against the public benefits of the proposal.

Very special circumstances

20. I have found that the fence is not inappropriate development in the Green Belt, thus there is no need to demonstrate very special circumstances in this instance.

Other Matters

21. The Epping Forest Special Area of Conservation (the SAC) is a habitats site protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), which is internationally recognised for its Beech forest, Northern Atlantic wet heath and European dry heath habitats, and populations of Stag Beetle. The integrity of the SAC is being negatively affected by recreational pressure and atmospheric pollution. Regardless of the dispute between the main parties regarding the distance between the appeal site and the SAC, and therefore whether it is indeed within the SAC's zone of influence, the appeal is solely for a timber fence and would not result in either an intensification of use of the site or an increase in residential population. I am therefore satisfied that if the appeal site was deemed to be located within the SAC's zone of influence, there would be no likely significant effects on the integrity of the defining features of the habitats site.
22. The Parish Council has expressed concern that there have been numerous retrospective planning proposals relating to the site in a short period of time. Whilst this may be the case, I have determined the appeal on its own planning merits regardless of the site's recent planning history.

Conditions

23. It is not necessary for me to impose any conditions in this case given that the development has already taken place.

Conclusion

24. Based on the above considerations, the proposal accords with the development plan and there are no material considerations that indicate an alternative decision should be made. I therefore conclude that the appeal should be allowed.

L Fern

INSPECTOR