



Appeal Decision

Site visit made on 15 December 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/J1535/C/23/3335040

The Mole Trap PH, Tawney Common, Stapleford Tawney Epping, Essex, CM16 7PU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by The Mole trap PH against an enforcement notice issued by Epping Forest District Council.
 - The notice was issued on 15 November 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the formation of hard surfaces, the construction of an extension to the listed building, the erection of three buildings, the erection of close boarded timber fencing, the operation of locating containers, the installation of a kitchen extract fan and associated ventilation ducting.
 - The requirements of the notice are: i. Demolish the extension shown marked in purple and labelled as 'A' at the approximate location on the attached plan. ii. Remove the kitchen extraction fan and associated ventilation ducting, shown marked in purple and labelled 'B' at the approximate location on the attached plan, from the building. iii. Demolish the three buildings shown marked in purple and labelled 'C', 'D' and 'E' at the approximate locations on the attached plan. iv. Remove the containers located within the area shown outlined in blue at the approximate location on the attached plan. v. Demolish the close board timber fence erected around the perimeters of the areas shown marked in blue and orange at the approximate locations on the attached plan. vi- Scrape clear from the ground/break-up and otherwise remove, the hard surfaces formed in those areas shown outlined in blue and orange, and the paved hard surface shown outlined in green, at the approximate locations on the attached plan. vii. Remove from the land all materials resulting from the works carried out at steps (i), (ii), (iii), (iv), (v) and (vi) above. viii. Restore the land effected by the works carried out at step (vi) above by reseeding with grass seed.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by: the substitution of “3 months” with “6 months” in the period for compliance. Subject to that variation, the appeal is allowed insofar as it relates to the construction of an extension to the listed building marked in purple and labelled as 'A' and the hardstanding and timber fencing related to the land outlined in orange on the plan attached to the notice and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for those matters at The Mole Trap PH, Tawney Common, Stapleford Tawney Epping, Essex, CM16 7PU.

The appeal is dismissed and the enforcement notice is upheld as varied insofar as it relates to the erection of three buildings (labelled C, D and E), the hardstanding and erection of close boarded timber fencing around the ‘blue’ land, the operation of locating containers, the installation of a kitchen extract fan and associated

ventilation ducting at The Mole trap PH, Tawney Common, Stapleford Tawney Epping, Essex, CM16 7PU and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Preliminary Matters

2. The notice covers a number of matters and the appellant accepted that the shipping containers needed to be removed from the 'blue' land and this has been carried out. I shall deal with the rest of the matters alleged under ground (a).
3. A second notice was issued alleging a material change of use to a mixed use for pub and storage connected to a building contractor's business. As far as I am aware this has not been appealed and the mass of items allegedly stored in connection with the business would seem to have been removed. I make no further comment on that notice.

The Appeal on Ground (a)

4. The pub, whose name has now changed to 'The Dog House', sits in the corner of a cross-roads in the countryside near Epping Forest. There is a scatter of development around the cross-roads, otherwise it is surrounded by open countryside. The site lies in the green belt and the pub is listed grade II. The question of whether the site is grey belt or not is intrinsically bound up with the question of whether there is harm to the heritage asset so I shall deal with the heritage issues first.
5. The 'blue' and 'orange land' is surrounded by tall close boarded fencing. When looking at the 'blue' land this forms an enclosed yard with a gravelled base. Much of the fencing would appear to be over 2m high and some of it is adjacent to the highway. It all sits within the curtilage of the listed pub and clearly affects its setting. The part of the fence that separates the land from the rear patio is perfectly acceptable and forms an attractive backdrop to the sitting out area, but the rest is excessively tall and dominant and would appear to serve no useful purpose. The fencing as a whole causes less than substantial harm to the setting of the listed building and there are no public benefits to outweigh that harm. The notice requires all the fencing to go, but the appellant should be able to negotiate a solution that retains some sort of screening to the patio that does not look out of place when the rest of the fencing has been removed.
6. The notice also requires the removal of the gravel hardstanding on the 'blue' land. The appellant suggested this had gone, but there was clearly a gravel surface, albeit crushed into the soil and no reason to retain that, without the fencing, has been argued.
7. The fencing around the 'orange' land is a different matter. This would seem to be generally 2m or less in height and surrounds a large area with a gravelled surface, that acts as a car park for the pub. It is entirely usual for a rural pub to have a car park and for this to be screened from the rest of the site by fencing. There did not seem to be any harm to the setting of the listed building caused by the fencing of the 'orange' land. Similarly the gravel surface, which was in a similar state to that in the 'blue' land facilitates the car park use and causes no harm.
8. The rest of the developments at issue directly concern the rear of the pub. A small extension has been created out of wood and UPVC to act as a washing up area

and this links to the toilet block. The enforcement notice plan suggests the toilet block was separate before this lean-to extension was built, but as I saw the pub has long been joined to the toilet block, the extension only fills in a gap in the building line. Next to that a large and rather crudely mounted kitchen extract fan has been situated and behind them three large metal sheds have been installed which act as storage for food, beer and so on. None of these features compliment the listed building. The extension looks temporary. The extractor is a metal box on metal legs and is wholly out of place. The three sheds are large and dominate the back of the building.

9. The appellant's argument is essentially two-fold. That the rear of the building is of less significance than the front so if there is any harm to significance it is minor. Any harm there is, is outweighed by the need for the extra space for washing up and storage that cannot be found in the pub. Any internal works to house these elements would clearly cause more damage to the fabric of the building which simply can't accommodate all this space without taking up so much customer space that it would no longer be viable as a going concern.
10. I agree the rear is of less significance than the front. The rear of commercial premises will always have to accommodate all the modern requirements of the business which will inevitably be less than ideal from a listed building point of view. I also accept the space is not available within the building itself. That does not mean however, that anything goes. The extractor unit (B) is blocky and crude. There is no reason why a more subtle position or housing could not be devised, and by that I mean rather more than simply painting it black. The harm is less than substantial but is not outweighed by the benefit of its necessity.
11. The walls and door of the extension (A) fit in with the design of the rear of the pub and are unremarkable. The flat roof is less than ideal but is a minor irritation. Overall, there is a very small amount of harm that falls at the very lowest end of the less than substantial harm test and this is outweighed by the public benefit of providing a necessary service for the pub to enable it to continue to serve its customers. For the same reason the minor effect on the special architectural or historic interest of the listed building is outweighed.
12. I accept that external storage is required that is currently housed in the three metal sheds (C, D and E), but the 3 sheds stand on ground that is higher than the pub ground level and they dominate the rear of the building. They are made of metal and almost anything else would do less harm to the setting of the listed building. Clearly rather more thought needs to be given to design a suitable storage solution that would not clash with the listed building quite so obviously. It follows that I do not think the public benefits outweigh the less than substantial harm to the setting of the listed building.
13. Looking at the Council's statement they have clearly been influenced by the amount of material that was stored (dumped) around the pub. On my visit the site had been substantially tidied up. Removing the dominant fencing around the 'blue' land and the three sheds reduces significantly the cumulative effect and would return the site to looking much more like a typical rural pub with a car park.
14. The result of this is that I shall grant planning permission for the hardstanding and fencing around the 'orange' land and the small extension to the rear of the pub. Otherwise I shall dismiss the appeal and uphold the notice. Although there is no

ground (g), I shall extend the period for compliance to 6 months, to give the appellant time to consider alternative storage arrangements as I accept that losing the current outdoor storage will have an impact on the running of the pub that ought to be avoided if possible.

15. Turning to the green belt, I do not think it remains an issue. The rear extension is not inappropriate by virtue of paragraph 154 (c) of the NPPF, in that it is an extension that is not disproportionate to the main building. The 'orange' land is bounded by a mix of fencing, hedgerows and buildings. The fences in themselves therefore do not harm openness and so are covered by paragraph 154 (h) (ii), engineering works that preserve openness. Consequently it does not matter whether the site is in the grey belt or not as green belt issues have not formed a part of my considerations.

Simon Hand

INSPECTOR