

# Appeals Report

Appeal Decisions received between 26/03/2024 and 15/05/2024

## PLANNING APPEALS

Total Appeal Decisions Received	9	
Dismissed	8	89%
Allowed	1	11%
Split	0	0%

### Informal Hearing

#### Jackletts Farm Slough Road Danbury Chelmsford Essex CM3 4LX

<b>Reference</b>	23/00528/FUL
<b>Proposal</b>	Redevelopment of existing commercial site to comprise the erection of new buildings for Class E(g) and Class B8 use following cessation of an existing external storage yard (Class B8 use); conversion of a former agricultural building for Class B8 use; ass
<b>Appeal Decision</b>	Appeal Dismissed - 23/04/2024
<b>Key Themes</b>	- Whether the site is an appropriate location for the development proposed having regard to relevant development plan policies and the Framework;- The effect of the proposed development upon the character and appearance of the area;- Whether it has been adequately demonstrated that the existing barn is no longer required for agricultural purposes; and- Whether the site is an appropriate location for the proposed development with regard to accessibility to and from nearby settlements.
<b>Agreed with CCC on</b>	- the proposed development would not be acceptable having regard to the location of the site and development plan. It would conflict with Part A of LP Policy DM8;- the use of public transport to access the site would not present a reasonable or practical alternative option for employees or customers; the site would be accessible by private vehicle only; this conflicts with Policies S1 and S7 of LP.
<b>Disagreed with CCC on</b>	- there be no harmful impact on the character and intrinsic beauty of the rural area; the proposed landscaping would effectively screen the development;- the likely vehicular traffic arising from the development would not unduly affect the character of the area;- sufficient evidence provided that the ag barn is no longer required for agricultural purposes;- taking in account existing vehicular movements that are already taking place and the relatively short driving distance from nearby settlements and the site, a reliance on vehicles in this instance would not render the location of the proposed development unacceptable in terms of its accessibility to nearby settlements.
<b>Costs Decision</b>	None

## Written Reps

### 19 Church End Avenue Runwell Wickford Essex SS11 7HZ

<b>Reference</b>	22/01400/FUL
<b>Proposal</b>	Construction of a new dwelling with formation of access to Regency Close. Construction of vehicle access bridge.
<b>Appeal Decision</b>	Appeal Dismissed - 01/05/2024
<b>Key Themes</b>	Effect on the character and appearance of the area Effect on living conditions of neighbouring properties
<b>Agreed with CCC on</b>	Harmful effect on the character and appearance of the area and the living conditions of neighbouring properties
<b>Disagreed with CCC on</b>	None
<b>Costs Decision</b>	None

### 7 New Writtle Street Chelmsford CM2 0RR

<b>Reference</b>	22/01762/FUL
<b>Proposal</b>	Single storey rear infill extension. Replacement roof including part first floor extension and addition of 5 roof windows to outbuilding. External materials of weather boarding above the existing brickwork.
<b>Appeal Decision</b>	Appeal Dismissed - 10/04/2024
<b>Key Themes</b>	The Key theme of the appeal was whether the proposed development would have an unacceptable impact on the amenities of the neighbouring No. 8 New Writtle Street.
<b>Agreed with CCC on</b>	The Inspector agreed with the Council that the proposed development would result in an unacceptable level of overbearing on the kitchen and garden of the adjoining neighbour of No. 8 New Writtle Street.
<b>Disagreed with CCC on</b>	The inspector did not disagree with any points raised by the Council in the appeal.
<b>Costs Decision</b>	None

### Land Adjacent Newells Slades Lane Galleywood Chelmsford Essex

<b>Reference</b>	23/00205/OUT
<b>Proposal</b>	Outline planning application (all matters reserved) relating to the proposed erection of 2 to 4 self-build dwellings.
<b>Appeal Decision</b>	Appeal Dismissed - 02/05/2024
<b>Key Themes</b>	whether the proposal is inappropriate development; any very special circumstances exist
<b>Agreed with CCC on</b>	Not an infill plot; harmful to openness; no very special circumstances
<b>Disagreed with CCC on</b>	Would not result in merging of towns in Green Belt
<b>Costs Decision</b>	None

### Land North East Of Church Green Cottage High Street Stock Ingatstone Essex

<b>Reference</b>	22/02311/FUL
<b>Proposal</b>	Proposed new dwelling.
<b>Appeal Decision</b>	Appeal Allowed - 26/03/2024
<b>Key Themes</b>	Impact of development on protected trees.
<b>Agreed with CCC on</b>	
<b>Disagreed with CCC on</b>	The proposal would not unduly compromise the long-term health and viability of protected trees.
<b>Costs Decision</b>	None

**Land Rear Of 21 To 23A Broomhall Road Broomfield Chelmsford Essex CM1 7HB**

<b>Reference</b>	23/00313/FUL
<b>Proposal</b>	Construction of 2 single storey dwellings using the existing access
<b>Appeal Decision</b>	Appeal Dismissed - 09/04/2024
<b>Key Themes</b>	
<b>Agreed with CCC on</b>	- Height and footprint of the proposed houses would be in stark contrast to the existing low, small-scale outbuildings in the surrounding gardens and much higher than boundary fences- Increased activity to the rear of the existing dwelling from cars and people using the access and parking area- Proposed scheme would be at odds with the existing open, dark, rear garden environment- Introducing sizeable built development into a spacious, largely undeveloped area would harm the sense of openness- Significant part of the dwelling on plot 1 would be visible in the gap between 19 and 21 Broomhall Road which, due to its location behind the row of existing houses fronting the street, would appear out of character- Conflicts with Policy DM23 and the Framework which requires development to be sympathetic to the local character- More intensive use of the driveway which due to the proximity to the existing bedroom windows which are higher than the proposed fence vehicles coming and going from the site would cause harmful noise and disturbance - Contrary to Policy DM29 and the Framework as would harm the living conditions of the occupiers of 21 Broomhall Road with particular regard to noise, disturbance and visual intrusion- Harms identified above attract considerable weight. Limited weight to delivery of housing and economic benefits and remaining matters neutral which do not outweigh the harm.
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Land West Of Larkrise Cottage Cock Lane Highwood Chelmsford Essex**

<b>Reference</b>	23/00851/OUT
<b>Proposal</b>	Outline application for the demolition of existing garage and construction of new dwelling with scale and layout to be determined. Appearance, means of access and landscaping reserved matters.
<b>Appeal Decision</b>	Appeal Dismissed - 09/05/2024
<b>Key Themes</b>	Is the proposal inappropriate development; effect on openness; sustainability; any very special circumstances
<b>Agreed with CCC on</b>	Inappropriate development; harmful to openness; unsustainable location; no very special circumstances
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

**Kates Cottage Park Lane Ramsden Heath Billericay Essex CM11 1NN**

<b>Reference</b>	23/00879/FUL
<b>Proposal</b>	Demolition of existing bungalow and outbuildings. Construction of one new dwelling and detached garage.
<b>Appeal Decision</b>	Appeal Dismissed - 09/05/2024

<b>Key Themes</b>	Whether the proposal would be inappropriate development in the Green Belt The effect of the proposal on the openness of the Green Belt If very special circumstances outweigh the harm to the Green Belt
<b>Agreed with CCC on</b>	The proposal would be inappropriate development in the Green Belt Proposed development would be materially larger than the buildings it replaces Proposed development would have a greater impact on the openness of the Green Belt than the existing
<b>Disagreed with CCC on</b>	
<b>Costs Decision</b>	None

### Householder

#### Heathfield Dowsett Lane Stock Ingatestone Essex CM11 1JH

<b>Reference</b>	23/00508/FUL
<b>Proposal</b>	Construction of incidental domestic stable building
<b>Appeal Decision</b>	Appeal Dismissed - 02/05/2024
<b>Key Themes</b>	Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt and the purposes of including land within it; andWould any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
<b>Agreed with CCC on</b>	Inspector agreed that the proposed development would constitute inappropriate development within the Green Belt and would by definition, harm the Green Belt. As a result of its large size and unsympathetic siting, the proposal would conflict with the Green Belt purpose of Paragraph 143(c) of the Framework which is to assist in safeguarding the countryside from encroachment.
<b>Disagreed with CCC on</b>	Inspector disagreed with the Council in regard to the use of the stable for purposes for outdoor sport and recreation. In effect, inspector viewed that the proposal is for a private equestrian building in connection with a residential use, not a use related to outdoor sport or recreation. The stabling of horses within an incidental domestic building would not be sufficient to demonstrate that the site is being used for outdoor sport or recreation. As a result, the inspector did not consider that the proposal falls within the exception of paragraph 154(b).
<b>Costs Decision</b>	None