

Appeals Report

Appeal Decisions received between 16/11/2024 and 08/01/2025

PLANNING APPEALS

Total Appeal Decisions Received	21	
Dismissed	13	62%
Allowed	8	38%
Split	0	0%

Public Inquiry

Land South Of Southlands Cottages Runwell Road Runwell Wickford Essex

Reference	23/00532/FUL
Proposal	Installation of a solar farm with battery storage and associated infrastructure
Appeal Decision	Appeal Allowed - 26/11/2024
Key Themes	Green belt landscape flood risk and heritage
Agreed with CCC on	Landscape
Disagreed with CCC on	Green belt, heritage flooding
Costs Decision	None

Field North Of Montpelier Farm Main Road Little Waltham Chelmsford Essex

Reference	23/01787/FUL
Proposal	Erection of an Integrated Retirement Community (Use Class C2) comprising; a Village Care Centre, 58 bedroom care home, 45 care suites (comprising one and two bedrooms), 100 care apartments (comprising one and two bedrooms), wellness spa, open space and ass
Appeal Decision	Appeal Dismissed - 22/11/2024
Key Themes	Heritage - Conservation Area, Designated and Non Designated Heritage Assets, Trees, Countryside, Specialist Housing Supply, Landscape
Agreed with CCC on	Heritage Designated and Non Designated Heritage Assets, Trees, Countryside, Specialist Housing Supply, Landscape
Disagreed with CCC on	Heritage Conservation Area
Costs Decision	None

Written Reps

Bushy Hill Communication Station Edwins Hall Road Woodham Ferrers Chelmsford CM3 8RU

Reference	22/00644/CLEUD
Proposal	Security accommodation which is ancillary to the primary activity of the Class B1 operation.
Appeal Decision	Appeal Dismissed - 25/11/2024
Key Themes	Lawfulness of caravan, impact on the character and beauty of the countryside, unsustainable location
Agreed with CCC on	Lawfulness of caravan, impact on the character and beauty of the countryside, unsustainable location
Disagreed with CCC on	Nothing
Costs Decision	None

Bushy Hill Communication Station Edwins Hall Road Woodham Ferrers Chelmsford CM3 8RU

Reference	22/00022/FUL
Proposal	Retrospective application for the siting of a mobile home to provide accommodation for security guard.
Appeal Decision	Appeal Dismissed - 25/11/2024
Key Themes	The use for which a LDC is sought is described in the application as security accommodation which is ancillary to the primary activity of the Class B1 operations.
Agreed with CCC on	-The stationing of a mobile home on the land does not normally amount to operational development and is a use of land.-The mobile home did not meet the relevant 10 years period to be considered lawful.
Disagreed with CCC on	the mobile home for security accommodation is ancillary to the primary activity of the site, which is the Class B1 operations.
Costs Decision	None

Heathfield Dowsett Lane Ramsden Heath Billericay Essex CM11 1JH

Reference	22/01811/CLOPUD
Proposal	Construction of incidental domestic outbuilding
Appeal Decision	Appeal Allowed - 20/11/2024
Key Themes	Whether the provision of the proposed outbuilding would be required for a purpose incidental to the enjoyment of the dwellinghouse as such is permitted by virtue of Class E to the GPDO.
Agreed with CCC on	Did not agree with the Council.
Disagreed with CCC on	Inspector disagreed with the Council, highlighting that the information on the plans was sufficient to demonstrate that the existing outbuilding containing an office and gym use would be removed following the construction of the new outbuilding and thus the proposed use would not be replicated. The proposal would therefore be genuinely and reasonably required.
Costs Decision	None

Heathfield Dowsett Lane Ramsden Heath Billericay Essex CM11 1JH

Reference	22/02164/CLOPUD
Proposal	Construction of single storey rear and two single storey side extensions.
Appeal Decision	Appeal Dismissed - 20/11/2024

Key Themes	Whether the proposed single storey side extension to the western elevation of the property would conflict with sub-section (e)(ii) of Class A to the GPDO.
Agreed with CCC on	Agreed with the Council that the western side extension would front a highway and would not therefore be permitted development.
Disagreed with CCC on	None
Costs Decision	None

Crowsheath Farm Hawkswood Road Downham Billericay Essex CM11 1JT

Reference	22/01677/FUL
Proposal	Retrospective application for stone wall.
Appeal Decision	Appeal Dismissed - 10/12/2024
Key Themes	- Openness and purposes of the Green Belt;- Character and appearance of the surrounding area;- Ecological value of the site; and- Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.
Agreed with CCC on	- the stone wall adversely impacted on openness of the Green Belt;- it is out of character of the surrounding area;- natural habitats have been lost as a result of the wall;- no very special circumstances exist to outweigh the harm to the Green Belt.
Disagreed with CCC on	- none
Costs Decision	None

Bushy Hill Communication Station Edwins Hall Road Woodham Ferrers Chelmsford CM3 8RU

Reference	22/02252/FUL
Proposal	New footpath link to the pre-existing footpath to the south of the site.
Appeal Decision	Appeal Dismissed - 25/11/2024
Key Themes	- adverse impact on the visual amenities of the area
Agreed with CCC on	- The scale and locating of the proposed public path is not appropriate.- The footpath will be noticeable in views from the surrounding area.- It would be seen as an obtrusive feature on the landscape because of its positioning.- The proposed path would link an office site to a dead-end public right of way route, thus would not improve, or enhance the existing public right of way network in the area. - There would be no public benefit to outweigh the potential visual harm to the character and beauty of the countryside.
Disagreed with CCC on	- nothing
Costs Decision	None

Barn East Of St Marys Church Church Road Little Baddow Chelmsford Essex CM3 4BE

Reference	23/00370/FUL
Proposal	Conversion of existing agricultural building to a single residential dwelling with associated parking, landscaping and improvements to existing access.
Appeal Decision	Appeal Dismissed - 18/11/2024
Key Themes	a) the principle of the development and its effect on the character and appearance of the area,b) its effect on the significance of the nearby Grade I listed church andc) its effect on the living conditions of future residents.
Agreed with CCC on	- The proposal does not comply with Policy DM10, as the conversion will amount to a new build;- Gifting of parking spaces cannot be secured by a condition;- The building form and the associated garden areas will impact and encroach the countryside;
Disagreed with CCC on	- the proposal would not impact the setting of the listed building.
Costs Decision	None

The Orchards Roxwell Road Writtle Chelmsford Essex CM1 3SA

Reference	23/01770/FUL
Proposal	Retrospective application for Cabin and timber deck located on edge of ponds within residential garden
Appeal Decision	Appeal Dismissed - 22/11/2024
Key Themes	- adverse impact on the openness of the Green Belt - inappropriate development - no very special circumstances exist
Agreed with CCC on	- adverse impact on the openness of the Green Belt as it replaced much smaller building - inappropriate development - no very special circumstances exist- no certificate provided to establish that the cabin is within the curtilage of the dwelling
Disagreed with CCC on	- nothing
Costs Decision	None

Land South West Of Warehouse Highwood Road Highwood Chelmsford Essex

Reference	23/01385/OUT
Proposal	Outline Planning Permission for the construction of a new warehouse (Use Class B8) with ancillary office floorspace and including new access, car parking/servicing arrangements. Access being sought, all other matters (appearance, landscaping, layout, sca
Appeal Decision	Appeal Dismissed - 25/11/2024
Key Themes	Whether inappropriate development in Green Belt Whether location suitable for commercial development
Agreed with CCC on	Is inappropriate development in the Green Belt Harm to openness Not a suitable location due to lack of alternative to car borne travel options
Disagreed with CCC on	
Costs Decision	None

Meadowcroft Nursery Woodham Road Rettendon Wickford Essex SS11 7QU

Reference	23/01143/FUL
Proposal	Temporary permission to expand the car park capacity
Appeal Decision	Appeal Allowed - 02/12/2024
Key Themes	Green Belt - whether inappropriate development; sustainable growth and expansion of a rural business; any very special circumstances (VSC)
Agreed with CCC on	Inappropriate development and harmful to the Green Belt
Disagreed with CCC on	Sustainable expansion of rural business; there are VSC to justify the temporary development
Costs Decision	None

Clarity Independent School Bridge Farm Woodhill Road Sandon Chelmsford Essex CM2 7SB

Reference	23/00946/FUL
Proposal	Retrospective erection of 2 outbuildings for use as a Staff Room and Classroom/Meeting Room.
Appeal Decision	Appeal Allowed - 18/11/2024
Key Themes	Whether Suitable location Effect on neighbour Effect on highway safety
Agreed with CCC on	
Disagreed with CCC on	
Costs Decision	None

Buildings At The Orchards Roxwell Road Writtle Chelmsford Essex

Reference	23/01609/FUL
Proposal	Demolition of existing farm shop and storage buildings, replacement with construction of 2 new dwellings
Appeal Decision	Appeal Dismissed - 22/11/2024
Key Themes	Inappropriate development in the green belt - agreed Unsuitable location for housing - disagreed
Agreed with CCC on	Inappropriate development in the green belt
Disagreed with CCC on	Unsuitable location for housing
Costs Decision	None

Leighams Farm Leighams Road Bicknacre Chelmsford Essex CM3 4HF

Reference	23/01859/FUL
Proposal	Appeal to remove Condition 6 to Planning Permission for Conversion of an agricultural building to b8 commercial storage with external alterations.
Appeal Decision	Appeal Allowed - 20/12/2024
Key Themes	Is the condition relevant to the development permitted
Agreed with CCC on	Could be relevant if existing building is agricultural
Disagreed with CCC on	Existing building is not agricultural; condition fails the tests for conditions
Costs Decision	Appellant's application for costs: Costs allowed - partial

27-30 Garage Block Rear Of Lionfield Terrace Chelmsford Essex CM1 7RH

Reference	23/01671/FUL
Proposal	Demolition of existing garage storage area and construction of 2 no new dwellings and associated development
Appeal Decision	Appeal Dismissed - 06/01/2025
Key Themes	Impact on living conditions of neighbouring properties
Agreed with CCC on	Significant harm to living conditions of neighbouring properties
Disagreed with CCC on	Loss of light/overshadowing
Costs Decision	None

116 Maldon Road Danbury Chelmsford CM3 4RA

Reference	24/00358/FUL
Proposal	Demolition of existing residential dwelling. Proposed four dwellings with associated car parking and private amenity space. Widening of existing access (Revised Proposal)
Appeal Decision	Appeal Allowed - 06/01/2025
Key Themes	- the character and appearance of the area.- the living conditions of surrounding residential occupiers, with particular regard to those at Hyde House in respect of privacy.
Agreed with CCC on	- nothing
Disagreed with CCC on	- the impact on the neighbour is not material to justify a refusal.- the character of the area with this nearly identical proposal will be acceptable.
Costs Decision	None

Householder**1 Brookside Cottages Main Road Margaretting Ingatestone Essex CM4 0EG**

Reference	23/02027/FUL
Proposal	Two storey side extension and single storey rear extension with part duo pitched roof and part flat roof. New roof dormers.
Appeal Decision	Appeal Dismissed - 22/11/2024
Key Themes	
Agreed with CCC on	Poor design failing to preserve the character and appearance of the Margaretting Conservation Area
Disagreed with CCC on	
Costs Decision	None
Key Themes	
Agreed with CCC on	Disproportionate extension to house amounting to inappropriate development in the Green Belt Adverse impact on openness of Green Belt
Disagreed with CCC on	
Costs Decision	None

Linden Maldon Road Margaretting Ingatestone Essex CM4 9JW

Reference	24/00343/HHPAA
Proposal	The construction of an additional storey by increasing the building height by 2.95mm
Appeal Decision	Appeal Allowed - 18/11/2024
Key Themes	The main issue in this appeal is whether the development would accord with the provisions of Part 1, Class AA of the GPDO, with particular regard to the external appearance of the building, including the design and architectural features of the principal elevation of the dwellinghouse
Agreed with CCC on	The Inspector did not agree with the Council
Disagreed with CCC on	The inspector disagreed that the raising of the roof of the property to create a first floor would result in the dwelling appearing out of character with its surroundings.
Costs Decision	None

17 Lynmouth Gardens Chelmsford Essex CM2 0UH

Reference	24/00301/FUL
Proposal	Proposed two storey side extension with additional front and rear dormer windows
Appeal Decision	Appeal Allowed - 03/01/2025
Key Themes	impact to neighbours- dm29
Agreed with CCC on	
Disagreed with CCC on	relationship with neighbour - dealt with via condition of obscure glazed
Costs Decision	None

The Briars Castledon Road Downham Billericay Essex CM11 1LH

Reference	24/00182/FUL
Proposal	Retrospective application for fencing
Appeal Decision	Appeal Dismissed - 05/12/2024
Key Themes	Highway safety
Agreed with CCC on	Harmful effect on highway safety
Disagreed with CCC on	
Costs Decision	None

