

Appeals Report

Appeal Decisions received between 01/09/2024 and 15/11/2024

PLANNING APPEALS

| | | |
|---------------------------------|----|-----|
| Total Appeal Decisions Received | 30 | |
| Dismissed | 23 | 77% |
| Allowed | 7 | 23% |
| Split | 0 | 0% |

Public Inquiry

Land South East Of Roselawn Farm Main Road Broomfield Chelmsford

| | |
|------------------------------|---|
| Reference | 23/01487/FUL |
| Proposal | Retrospective application for change of use of land to Showmen's Permanent Quarters |
| Appeal Decision | Appeal Allowed - 15/11/2024 |
| Key Themes | Green Wedge; landscape harm; Intentional Unauthorised Development; planning balance; supply of Travelling Showpeople plots; personal circumstances; temporary permission. |
| Agreed with CCC on | The proposal represents urban sprawl, settlement coalescence, and harm to the character and appearance of the area. The proposal conflicts with Policies S1, S11, DM3, DM10, DM17, and the development plan read as a whole. The intentional unauthorised development carries significant weight against the proposal. The Neighbourhood Plan carries weight (albeit limited). Permanent planning permission is unacceptable. Even if allowed as a temporary permission, a full suite of mitigation conditions should be imposed relating to drainage, archaeology, contamination, and biodiversity). |
| Disagreed with CCC on | The Council cannot demonstrate an adequate 5-year supply of Travelling Showpeople sites (and therefore significant weight is attached to a temporary grant of planning permission). The proposal does not conflict with relevant policies of the Neighbourhood Plan. There are no other available sites for the Appellants to move to. Material considerations indicate that planning permission should be granted on a personal, temporary basis. |
| Costs Decision | None |

Written Reps

Broadgates Barn The Street Roxwell Chelmsford CM1 4PA

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|------------------------------|---|
| Reference | 21/02394/CLEUD |
| Proposal | The development and residential use for what permission was granted under planning permission 97/06068/FUL and listed building consent 97/06069/LBC dated the 24th november 1997 be certified as lawful and lawful use. |
| Appeal Decision | Appeal Dismissed - 03/10/2024 |
| Key Themes | Implementation of historic permission; capability of conversion; preciseness and clarity of evidence; balance of probability. |
| Agreed with CCC on | Permission not implemented; building not capable of being converted; refusal is well-founded. |
| Disagreed with CCC on | N/a |
| Costs Decision | None |

Land At Lodge Road Bicknacre Chelmsford Essex

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|------------------------------|---|
| Reference | 22/01754/OUT |
| Proposal | Outline application for the construction of 18 affordable dwellings with public childrens play area and habitat creation. Access and layout being sought. Appearance, landscaping and scale reserved matters. |
| Appeal Decision | Appeal Dismissed - 10/09/2024 |
| Key Themes | Local Housing Need, Design, Heritage, Trees and Protected Nature Sites |
| Agreed with CCC on | Local Housing Need not demonstrated, poor design and impact on rural area, heritage impact |
| Disagreed with CCC on | Impact on trees, impact on protected nature sites (UU signed for RAMS signed during appeal) |
| Costs Decision | None |

Land Adjacent Daylands Farm Stock Road West Hanningfield Chelmsford Essex

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|------------------------------|--|
| Reference | 22/02008/FUL |
| Proposal | Construction of a new dwelling with car port. |
| Appeal Decision | Appeal Dismissed - 21/10/2024 |
| Key Themes | Whether inappropriate in GB; Do Very Special Circumstances exist |
| Agreed with CCC on | Not PDL & is inappropriate development; no VSC exist |
| Disagreed with CCC on | |
| Costs Decision | Council's application for costs: Costs refused |

Communication Hub Adjacent 27 Duke Street Chelmsford Essex

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|------------------------|--|
| Reference | 23/01397/FUL |
| Proposal | The installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement. |
| Appeal Decision | Appeal Dismissed - 11/10/2024 |

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|------------------------------|---|
| Key Themes | Effect on character and appearance of the area, highway safety |
| Agreed with CCC on | Blocks pedestrian visibility splays , harmful to highway safety |
| Disagreed with CCC on | |
| Costs Decision | None |
| Key Themes | Effect on character and appearance of the area, highway safety |
| Agreed with CCC on | Harmful impact on street scene |
| Disagreed with CCC on | |
| Costs Decision | None |

Communication Hub Adjacent 27 Duke Street Chelmsford Essex

| | |
|------------------------------|--|
| Reference | 23/01398/ADV |
| Proposal | Lead Case: Installation of 1 internally illuminated digital lcd display screen.Linked Case: The installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement. |
| Appeal Decision | Appeal Dismissed - 11/10/2024 |
| Key Themes | |
| Agreed with CCC on | |
| Disagreed with CCC on | |
| Costs Decision | None |

Communication Hub Adjacent 25-27 Exchange Way Chelmsford Essex

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|------------------------------|---|
| Reference | 23/01399/FUL |
| Proposal | Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement |
| Appeal Decision | Appeal Dismissed - 25/10/2024 |
| Key Themes | Effect on Central Conservation Area; setting of nearby listed buildings; highway safety; amenity |
| Agreed with CCC on | Harmful incongruous hub; harmful to charcater of the area including the conservation area; not perseve setting of nearby listed buildings |
| Disagreed with CCC on | Harmful impact on visually impared pedestrians |
| Costs Decision | None |

Communication Hub Adjacent 19-21 Springfield Road Chelmsford

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|------------------------------|---|
| Reference | 23/01403/FUL |
| Proposal | Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement |
| Appeal Decision | Appeal Allowed - 08/10/2024 |
| Key Themes | |
| Agreed with CCC on | |
| Disagreed with CCC on | |
| Costs Decision | None |

Communication Hub Adjacent 19-21 Springfield Road Chelmsford

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|------------------------|---|
| Reference | 23/01404/ADV |
| Proposal | Lead Case: Installation of 1 internally illuminated digital lcd display screen.Linked Case: Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement |
| Appeal Decision | Appeal Allowed - 08/10/2024 |

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|------------------------------|---|
| Key Themes | Impact on street scene, pedestrian safety |
| Agreed with CCC on | |
| Disagreed with CCC on | pedestrian safety |
| Costs Decision | None |
| Key Themes | Impact on street scene, pedestrian safety |
| Agreed with CCC on | |
| Disagreed with CCC on | Impact on street scene |
| Costs Decision | None |

Land South West Of 13 Moulsham Street Chelmsford

| | |
|------------------------------|--|
| Reference | 23/01405/FUL |
| Proposal | The installation of a freestanding hub with integral defibrillator and the display of an advertisement |
| Appeal Decision | Appeal Dismissed - 07/10/2024 |
| Key Themes | |
| Agreed with CCC on | |
| Disagreed with CCC on | |
| Costs Decision | None |

Land South West Of 13 Moulsham Street Chelmsford

| | |
|------------------------------|--|
| Reference | 23/01406/ADV |
| Proposal | Installation of free standing illuminated LCD display screen |
| Appeal Decision | Appeal Dismissed - 07/10/2024 |
| Key Themes | Impact on amenity - heritage assets, pedestrian safety |
| Agreed with CCC on | Impact on amenity - heritage assets |
| Disagreed with CCC on | Impact on pedestrian safety |
| Costs Decision | Council's application for costs: Costs refused |

Communication Hub Adjacent 48 High Street Chelmsford

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|------------------------------|---|
| Reference | 23/01426/FUL |
| Proposal | The installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement |
| Appeal Decision | Appeal Dismissed - 11/10/2024 |
| Key Themes | |
| Agreed with CCC on | |
| Disagreed with CCC on | |
| Costs Decision | None |

Communication Hub Adjacent 48 High Street Chelmsford

| | |
|------------------------------|--|
| Reference | 23/01427/ADV |
| Proposal | Installation of 1 internally illuminated digital lcd display screen. |
| Appeal Decision | Appeal Dismissed - 11/10/2024 |
| Key Themes | Amenity; heritage impact |
| Agreed with CCC on | Amenity harm, heritage harm |
| Disagreed with CCC on | |
| Costs Decision | None |

The Oaks Wantz Road Margaretting Ingatestone Essex CM4 0EP

| | |
|------------------------------|--|
| Reference | 23/01528/FUL |
| Proposal | Retrospective application for existing wall and entrance gate |
| Appeal Decision | Appeal Allowed - 08/10/2024 |
| Key Themes | Whether the development in each appeal constitutes inappropriate development inside the Green Belt, effect upon openness and character and appearance of the surrounding area. |
| Agreed with CCC on | The replacement boundary treatment has a greater impact on openness of the Green Belt than the existing development. Development is at odds with DM6 and SP11 of the local plan. |
| Disagreed with CCC on | The boundary treatments would not have a materially harmful effect on the character and appearance of the surroundings including natural and local environment. LP Policies DM17 would be met. Inspector disagreed that there would not be very special circumstances to overcome the harm of the boundary treatments on the Green Belt. |
| Costs Decision | None |

Site At 116 Maldon Road Danbury Chelmsford

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|------------------------------|--|
| Reference | 23/00682/FUL |
| Proposal | Demolition of existing residential dwelling. Proposed four dwellings with associated car parking and private amenity space. Widening of existing access. |
| Appeal Decision | Appeal Dismissed - 06/09/2024 |
| Key Themes | - the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to privacy, overshadowing and outlook for the occupiers of Hyde House;- whether the proposal would provide satisfactory provision for the storage and collection of waste;- the effect of the proposal on biodiversity net gain and protected species, with particular regard to badgers and great crested newts; and- the effect of the proposal on the character and appearance of the area. |
| Agreed with CCC on | - Plot 2 house will result in overlooking of Hyde House;- The refuse collection vehicle would be unable to safely enter, turn and exit the site in a forward gear; |
| Disagreed with CCC on | - the proposal would ensure that the ecological value of the site would be preserved and that satisfactory on-site BNG would be achieved. No conflict therefore arises with Policy DM16;- the proposal would not cause harm to the character and appearance of the area. |
| Costs Decision | Council's application for costs: Costs refused Appellant's application for costs: Costs refused |

19 Broomhall Road Broomfield Chelmsford Essex CM1 7HB

| | |
|------------------------|--|
| Reference | 23/01352/FUL |
| Proposal | Retrospective application for the use of garden outbuilding as a beauty salon. |
| Appeal Decision | Appeal Dismissed - 15/10/2024 |

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|------------------------------|---|
| Key Themes | |
| Agreed with CCC on | - Residential character of the area means that any non-residential use has the potential to disproportionately affect the living conditions of nearby occupiers, particularly though activity associated with vehicle movements and general comings and goings.- Increasing hours on Saturday would significantly reduce the period of respite- Reduced hours at weekdays would not mitigate the adverse effects of increased hours during quieter periods.- Potential benefits presented by the appellant would not outweigh the identified harm- Fail to safeguard nearby occupiers from noise and disturbance associated with business use, resulting in harm to their living conditions |
| Disagreed with CCC on | |
| Costs Decision | None |

The Oaks Wantz Road Margaretting Ingatestone CM4 0EP

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|------------------------------|--|
| Reference | 23/01839/CLOPUD |
| Proposal | Certificate of Lawfulness for the positioning of 3 no. containers (domestic storage) on land at The Oaks, Wantz Road, Margaretting, CM4 0EP |
| Appeal Decision | Appeal Allowed - 08/10/2024 |
| Key Themes | Whether the containers subject of the certificate constitute a building with regards to Class E Part 1 of the Town and Country Planning (General Permitted Development) Order 2015Whether the containers are located within the residential curtilage of The Oaks.Whether the containers are reasonable are genuinely and reasonably required or necessary for a purpose incidental to the enjoyment of the dwellinghouse. |
| Agreed with CCC on | Did not agree with the Council on any matters. |
| Disagreed with CCC on | Disagreed with the Council that the development would constitute a change in use of the land. Disagreed with the Council that the development would be outside the Curtilage. Disagreed with the Council that Planning Permission would be required. |
| Costs Decision | None |

1 Joseph Clibbon Drive Chelmsford Garden Community Chelmsford CM1 6AS

| | |
|------------------------------|---|
| Reference | 20/01519/DOC/1 |
| Proposal | Condition 5 - Privacy Screens |
| Appeal Decision | Appeal Dismissed - 09/10/2024 |
| Key Themes | The main issue is whether the submitted details address the requirements of condition No 5. |
| Agreed with CCC on | No sufficient details provided to satisfy the requirements of condition 5. |
| Disagreed with CCC on | none |
| Costs Decision | None |

Hippodrome Barn Goatsmoor Lane Stock Ingatestone Essex CM4 9RS

| | |
|------------------------------|--|
| Reference | 23/00721/FUL |
| Proposal | Retrospective application for the change of use and conversion of an agricultural storage building to a home office. |
| Appeal Decision | Appeal Dismissed - 31/10/2024 |
| Key Themes | Openness of the Green Belt; Any Very Special Circumstances (VSC) |
| Agreed with CCC on | Inappropriate Development; No VSC |
| Disagreed with CCC on | |
| Costs Decision | None |

The Oaks Wantz Road Margaretting Ingatestone CM4 OEP

| | |
|------------------------------|---|
| Reference | 23/01844/FUL |
| Proposal | Change of use from a stable building to a residential dwelling falling within class C3. Alterations to the driveway and parking area |
| Appeal Decision | Appeal Dismissed - 08/10/2024 |
| Key Themes | main issues are as follows: Whether the development constitutes inappropriate development inside the Green Belt, The effect upon openness and character and appearance of the surrounding area. The effect on living conditions of future occupiers. |
| Agreed with CCC on | Inspector agreed with the Council that the proposed conversion of the stable to a dwelling would be harmful to the openness of the Green Belt. The inspector viewed that The proposal would erode the open aspect of this part of the Green Belt and represent encroachment, which is a serious planning objection. |
| Disagreed with CCC on | Disagreed with the Council that the development would be harmful to the character and appearance of the area. Also disagreed with the Council that the development would harm the living amenities of future occupiers. |
| Costs Decision | None |

Land East Of Riddens Croft West Hanningfield Road Great Baddow Chelmsford

| | |
|------------------------------|---|
| Reference | 23/01169/FUL |
| Proposal | Demolition of existing dwelling and livery buildings and erection of 3x three bedroom bungalows with amenity space. |
| Appeal Decision | Appeal Dismissed - 01/11/2024 |
| Key Themes | - whether the proposed development would be inappropriate development in the Green Belt;- whether the proposed development would result in an unacceptable loss of an existing community facility;- whether the proposed development would provide a suitable site for housing, having regard to local policy and the proximity of services and sustainable modes of transport;- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. |
| Agreed with CCC on | - the proposed development would constitute inappropriate development in the Green Belt - no very special circumstances exist to outweigh the harm to the Green Belt- the loss of the community facility was not justified - the proposed new housing would be in unsustainable location, contrary to the Local Plan objectives |
| Disagreed with CCC on | - nothing |
| Costs Decision | None |

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

| | |
|------------------------|--|
| Reference | 23/01254/FUL |
| Proposal | Demolition of Nissen hut. Proposed New Dwelling. |
| Appeal Decision | Appeal Dismissed - 15/10/2024 |

| | |
|------------------------------|---|
| Key Themes | |
| Agreed with CCC on | Activity resulting from development harmful to amenity of neighbouring occupiers of HMO |
| Disagreed with CCC on | |
| Costs Decision | None |
| Key Themes | |
| Agreed with CCC on | Backland development is out of character with the area |
| Disagreed with CCC on | |
| Costs Decision | None |

Land North Of Hilltops Southend Road Sandon Chelmsford Essex

| | |
|------------------------------|--|
| Reference | 23/01680/OUT |
| Proposal | Outline application for the construction of two detached dwellings. Access and layout being sought. All other matters reserved. |
| Appeal Decision | Appeal Dismissed - 28/10/2024 |
| Key Themes | Whether infill in a village in the Green Belt |
| Agreed with CCC on | Site is within a village but site is not a small gap in a built up frontage. Development is inappropriate development and is harmful to opennessNo very special circumstances exist to justify the development |
| Disagreed with CCC on | The site being an accessible location |
| Costs Decision | None |

210 Baddow Road Great Baddow Chelmsford CM2 9QR

| | |
|------------------------------|--|
| Reference | 23/01975/FUL |
| Proposal | Demolition of garage and construction of detached dwelling with changes to access |
| Appeal Decision | Appeal Dismissed - 24/10/2024 |
| Key Themes | |
| Agreed with CCC on | - Mansard and undercroft would be visible from Baddow Road. The undercroft would appear contrived and not befit the otherwise traditional design of the existing and proposed dwellings. The mansard roof would relate poorly to and be visually incoherent with the roof of the main part of the dwelling, which would feature a front facing hipped roof with a gabled double storey projection.- No comparable mansard roofs with front dormers on the existing housing fronting the highway. Side projection would include features that are not reflective of the prevailing character and appearance of the area as perceived from the highway.- Harm the character and appearance of the site and the surrounding area conflicting with Policy DM23 and Section 12 of the Framework |
| Disagreed with CCC on | |
| Costs Decision | None |

Householder

Communication Hub Adjacent 25-27 Exchange Way Chelmsford Essex

| | |
|------------------------------|---|
| Reference | 23/01400/ADV |
| Proposal | Installation of 1 internally illuminated digital lcd display screen |
| Appeal Decision | Appeal Dismissed - 25/10/2024 |
| Key Themes | |
| Agreed with CCC on | |
| Disagreed with CCC on | |
| Costs Decision | None |

2 Brick Cottages Runwell Road Runwell Wickford Essex SS11 7QF

| | |
|------------------------------|---|
| Reference | 23/01865/FUL |
| Proposal | First floor side and rear extension over existing projection and alterations to fenestration |
| Appeal Decision | Appeal Allowed - 24/10/2024 |
| Key Themes | Whether inappropriate development in the green belt |
| Agreed with CCC on | |
| Disagreed with CCC on | The level of additional visual bulk created by the extension and the harm that would have on the openness of the Green Belt |
| Costs Decision | None |

16 Linge Avenue Chelmsford Garden Community Chelmsford CM1 6BY

| | |
|------------------------------|---|
| Reference | 24/00072/FUL |
| Proposal | Retrospective application for the conversion of the garage and approval of the internal layout changes and new window |
| Appeal Decision | Appeal Allowed - 07/10/2024 |
| Key Themes | Chelmsford Garden Community off street parking, Essex Parking Standards |
| Agreed with CCC on | |
| Disagreed with CCC on | Amount of useable parking spaces to the front of the dwelling |
| Costs Decision | None |

14 Ongar Road Writtle Chelmsford CM1 3NU

| | |
|------------------------------|--|
| Reference | 24/00450/FUL |
| Proposal | Retrospective application for the retention of fence to northeastern boundary and formation of new access. |
| Appeal Decision | Appeal Dismissed - 08/10/2024 |
| Key Themes | Impact on non designated heritage asset, impact on preserved tree, highway safety |
| Agreed with CCC on | Impact on heritage asset |
| Disagreed with CCC on | Impact on preserved tree |
| Costs Decision | None |
| Key Themes | Impact on non designated heritage asset, impact on preserved tree, highway safety |
| Agreed with CCC on | Impact on highway safety |
| Disagreed with CCC on | Impact on preserved tree |
| Costs Decision | None |

1 Joseph Clibbon Drive Chelmsford Garden Community Chelmsford CM1 6AS

| | |
|------------------------------|---|
| Reference | 24/00352/FUL |
| Proposal | Proposed soft landscaping and proposed parking space with hard standing and fence. |
| Appeal Decision | Appeal Dismissed - 13/09/2024 |
| Key Themes | The effect of the proposal on the character and appearance of the area |
| Agreed with CCC on | Agreed with the Council that the development would harm the character and appearance of the area. |
| Disagreed with CCC on | Did not disagree with the Council on any particular points. |
| Costs Decision | None |

| | |
|------------------------------|---|
| Reference | 24/00583/FUL |
| Proposal | Proposed Garage Conversion and Relocated Front Car Parking Space |
| Appeal Decision | Appeal Dismissed - 04/10/2024 |
| Key Themes | Harm to the character and appearance of the street scene, lead to on-street parking |
| Agreed with CCC on | Harm to the character and appearance of the street scene |
| Disagreed with CCC on | Potential increase in on street parking |
| Costs Decision | None |