

Appeals Report

Appeal Decisions received between 21/08/2023 and 20/09/2023

PLANNING APPEALS

Total Appeal Decisions Received	12	
Dismissed	12	100%
Allowed	0	0%
Split	0	0%

Written Reps

Site At Town Farm Main Road Woodham Ferrers Chelmsford

Reference	20/00504/CUPAQ
Proposal	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use of Agricultural Buildings to 2 Dwellings (Class C3).
Appeal Decision	Appeal Dismissed - 06/09/2023
Key Themes	Curtilage area; compliance with Class Q; solely agricultural use
Agreed with CCC on	Curtilage area; cannot create a dwelling from two detached buildings
Disagreed with CCC on	Buildings solely in agricultural use
Costs Decision	None

Land Adjacent 14 Creekview Road South Woodham Ferrers Chelmsford Essex CM3 5GU

Reference	20/02055/FUL
Proposal	Construction of 8 new dwellings with associated infrastructure and parking facilities and two ponds.
Appeal Decision	Appeal Dismissed - 07/09/2023
Key Themes	- the effect of the proposed development on the character and appearance of the area with particular regard to trees - whether the proposed development would provide acceptable living conditions for future occupiers
Agreed with CCC on	- agreed that the proposal would result in the unacceptable loss of trees and would have an adverse impact on the character and appearance of the area.
Disagreed with CCC on	- the Inspector disagreed that the development would not provide adequate private amenity space and considered this matter could be dealt with by condition.
Costs Decision	None

Land East Of Rye Cottage Broads Green Great Waltham Chelmsford Essex

Reference	21/02389/FUL
Proposal	Demolition of existing stables. Construction of two dwellings with associated works and formation of access.
Appeal Decision	Appeal Dismissed - 12/09/2023

Key Themes	Impact on the character and appearance of the area; impact on adjacent listed buildings; sustainability of location.
Agreed with CCC on	Harmful to character and appearance; sustainable location in terms of transport and accessibility.
Disagreed with CCC on	No harm to adjacent listed buildings.
Costs Decision	None

Land Adjacent Badgers Great Gibcracks Chase Sandon Chelmsford Essex

Reference	21/02513/FUL
Proposal	Proposed dwelling and detached garage.
Appeal Decision	Appeal Dismissed - 04/09/2023
Key Themes	Effect on the character and appearance (DM8 and DM23); whether the proposal would be an 'infill' (DM9); whether the location of the site is sustainable
Agreed with CCC on	Proposal would have a harmful impact on the character of the area; the design would not be exceptional for the purposes of Policy DM8(viii); the site is not a small gap in a built-up frontage; proposal would be unsustainable in terms of its locational accessibility and harm to the countryside.
Disagreed with CCC on	None.
Costs Decision	None

Site At The Maisonette Bicknacre Road Danbury Chelmsford

Reference	21/02099/FUL
Proposal	Demolition of the existing dwelling and outbuildings; erection of 4 no. dwellings and alteration to existing access.
Appeal Decision	Appeal Dismissed - 06/09/2023
Key Themes	- impact on the character of the area;- impact on protected species with particular regard to bats;
Agreed with CCC on	- the development will have a significantly harmful effect on the character and appearance of the site and surrounding area;- given significant harmful effects of the proposal on the character and appearance of the area, there would not be an overriding public benefit from the proposal. An EPSL would unlikely be granted for the development which will result in harmful effects on the area. In absence of a licence, the high impact of the loss of the bat roost would not be adequately mitigated;
Disagreed with CCC on	- n/a
Costs Decision	None

Seven Acres Farm Crows Lane Woodham Ferrers Chelmsford Essex CM3 8RS

Reference	22/01042/FUL
Proposal	Retrospective application for the change of use of agricultural land to storage yard and the demolition of an agricultural building replaced with a boat storage building and the laying of hardstanding
Appeal Decision	Appeal Dismissed - 19/09/2023
Key Themes	Effect on character and appearance of the area
Agreed with CCC on	Harm to Rural Area
Disagreed with CCC on	
Costs Decision	Council's application for costs: Costs refused

Land Adjacent 26 Sawkins Avenue Great Baddow Chelmsford Essex

Reference	22/01752/FUL
Proposal	Construction of 3no. flats with associated parking and cycle store. Closure of access. Formation of two accesses.
Appeal Decision	Appeal Dismissed - 06/09/2023
Key Themes	- the character and appearance of the area;- the living conditions of future occupiers with regard to the provision of private amenity space;- impact on the privacy of surrounding occupiers; - highway safety and parking provision.
Agreed with CCC on	- the development will not be in keeping with the character of the area. The proposed building would be bulky and poorly related to the street;- the development will not provide good quality garden space for future occupiers;- the development will impact the privacy of the existing properties to the rear. The neighbours to the back will be overlooked from the first floor windows of the new building;
Disagreed with CCC on	- there is no sufficient evidence provided that the proposed shortfall of one off-road parking will result in inappropriate parking in the area.
Costs Decision	None

14 Chelmer Lea Great Baddow Chelmsford Essex CM2 7QG

Reference	22/01058/CLOPUD
Proposal	Proposed single storey infill side extension.
Appeal Decision	Appeal Dismissed - 21/08/2023
Key Themes	What constitutes commencement; if CCC's evidence demonstrates commencement; if a commenced, but not completed, previous development can, by virtue of the conditions which apply, remove PD rights for an otherwise "PD compliant" development (as proposed by the original refused CLOPUD).
Agreed with CCC on	Agreed with CCC on all the aspects which substantiated the refusal, and the additional information presented to support the argument at appeal.
Disagreed with CCC on	N/A - broadly in agreement with appeal report.
Costs Decision	None

Notes: The Inspector stated that the council's decision.... " was well-founded and that the appeal should fail".

Householder**Aldersbrook Boyton Cross Roxwell Chelmsford Essex CM1 4LS**

Reference	22/01708/FUL
Proposal	Two storey side extension. Single storey rear extension. Alterations to external fenestration.
Appeal Decision	Appeal Dismissed - 15/09/2023
Key Themes	Whether the proposed development would amount to inappropriate development within the Green Belt by virtue of being disproportionate additions. Whether the proposed development would result in a harmful impact on the character and appearance of the local area.
Agreed with CCC on	Inspector agreed that the proposed development would amount to disproportionate additions and thus would be inappropriate development within the Green Belt.
Disagreed with CCC on	Inspector disagreed with the Council that the proposed development would result in unacceptable harm to the character and appearance of the local area. Inspector was of the view that the design of the proposed development was acceptable.
Costs Decision	None

31 Church Lane Springfield Chelmsford Essex CM1 7SQ

Reference	22/01908/FUL
Proposal	Retrospective application for a replacement wooden fence.
Appeal Decision	Appeal Dismissed - 19/09/2023
Key Themes	Whether the proposed development would be harmful to the character and appearance of the local area. Whether the proposed development would be harmful to the setting of designated heritage assets.
Agreed with CCC on	Agreed that proposed development would be harmful to the character and appearance of the local area. Agreed that the proposed development would be harmful to the setting of designated heritage assets.
Disagreed with CCC on	None.
Costs Decision	None

18 Sussex Close Boreham Chelmsford Essex CM3 3ED

Reference	22/01817/FUL
Proposal	Two storey side extension
Appeal Decision	Appeal Dismissed - 06/09/2023
Key Themes	
Agreed with CCC on	Effect on the neighbour amenity of the property to the rear - proximity of side flank wall which would be to the south of the neighbouring garden, and in close proximity to the boundary (1m); although the proposed extension was compliant with the back-to-side-flank-wall dimension of 12.5m in the local plan.
Disagreed with CCC on	The overlooking to the rear of No.16 Sussex Close from the first-floor front windows - which could be obscured to mitigate this harm. Also disagreed with the interpretation of the Local Plan as described in the officer's report in terms of side to rear relationships between buildings (relationship to dwelling to the east).
Costs Decision	None

Caterham Old Wickford Road South Woodham Ferrers Chelmsford Essex CM3 5QS

Reference	23/00067/FUL
Proposal	Proposed front link extension to existing outbuilding creating new entrance and home office and respite/family care room. Addition of windows to side elevation.
Appeal Decision	Appeal Dismissed - 18/09/2023
Key Themes	Whether the proposed development would result in an unacceptable impact on neighbour relationships.
Agreed with CCC on	Inspector agreed that the proposed development would result in unacceptable harm to the amenities of the neighbouring dwelling of Banstead.
Disagreed with CCC on	Disagreed that the development would contradict with the South Woodham Ferrers Neighbourhood Plan.
Costs Decision	None

ENFORCEMENT APPEALS

Total Appeal Decisions Received	1	
Dismissed	1	100%
Allowed	0	0%
Split	0	0%

Written Reps

Barns Springfield Hall Lawn Lane Chelmsford Essex

Reference	19/00472/ENFB
Proposal	Without planning permission, the material change of use of the land for storage
Appeal Decision	Appeal Dismissed - 21/08/2023
Grounds of Appeal	The caravan and the fencing were being stored on the site at the time the notice was issued, and there is no evidence to confirm that the caravan was being used for agricultural storage at the time the notice was issued.
Agreed with CCC on	A breach of planning control was occurring as a matter of fact at the time the enforcement notice was issued.
Disagreed with CCC on	
Costs Decision	None