

Annual Appeals Report

Appeal decisions received between 01/04/2021 and 31/03/2022

All Appeals

All Appeals	2020/2021		2021/2022	
	No	%	No	%
All Dismissed	57	71%	57	78%
All Allowed	18	23%	13	18%
All Split	5	6%	3	4%
All Total	80	100%	73	100%

- 9% reduction in appeals against Council decisions.

Planning Appeals

Planning Appeals	2020/2021		2021/2022	
	No	%	No	%
Planning Dismissed	45	67%	54	83%
Planning Allowed	17	26%	11	17%
Planning Split	5	7%	0	0%
Planning Total	67	100%	65	100%

- 3% reduction in planning appeals against Council decisions.
- 20% increase in dismissed planning appeals.
- National average is 25% of planning appeals are allowed (compared to 17% in Chelmsford).

Of the 11 allowed appeals in 2021/2022 8 were primarily refused in relation to the impact of the development on the openness of the Green Belt, the impact on the character of the Rural Area and general design matters including amenity. These are all subjective considerations where the Inspectors, in allowing the appeals, found the developments to have an acceptable impact.

One allowed appeal, for Cards Road in Sandon, was for an electricity generation facility. Despite allowing the appeal, the Inspector agreed with the Council that the proposal would be intrusive and incongruous in the field, and that there would be an impact on the nearby non-designated heritage assets. The Inspector allowed the appeal because they found that other considerations, such as the support the proposal would add to the electricity supply network, outweighed these harms.

Whilst technically allowed, the Inspector for an appeal on School Road in Downham agreed with the Council that a condition was needed to restrict the glazing type and opening of some windows in an extension. The appeal was allowed because the Inspector felt it was reasonable to change the wording of the conditions the Council had used. The outcome was that restrictions remained to specific windows in order to safeguard amenity.

In all instances there were no suggestions that the adopted Local Plan policies were inconsistent with the National Planning Policy Framework (NPPF). Officer's will continue to learn from appeal decisions and the approaches Inspectors have towards considerations.

Enforcement Appeals

Enforcement Appeals	2020/2021		2021/2022	
	No	%	No	%
Enf Dismissed	7	88%	2	40%
Enf Allowed	1	13%	0	0%
Enf Split	0	0%	3*	60%
Enf Total	8	100%	5	100%

* Enforcement appeals can have a 'split' decision where the timeframe for compliance with the Enforcement Notice is varied by the Inspector. Where this happens, the Enforcement Notice is upheld with a slight variation.

Tree Appeals

Tree Appeals	2020/2021		2021/2022	
	No	%	No	%
Trees Dismissed	5	100%	1	33%
Trees Allowed	0	0%	2	67%
Trees Split	0	0%	0	0%
Trees Total	5	100%	3	100%

The number of Enforcement and Tree appeals have reduced in comparison to the number of appeals received in 2020/2021. The numbers are small so there is no indication of trends. Officer's will continue to learn from appeal decisions and the approaches Inspectors have towards considerations.

Appeals Report

Appeal Decisions received between 23/03/2022 and 19/04/2022

PLANNING APPEALS

Total Appeal Decisions Received	5	
Dismissed	3	60%
Allowed	2	40%
Split	0	0%

Written Reps

Stockbrook Orchard Stock Road Stock Ingatstone Essex

Reference	21/00018/FUL
Proposal	Construction of new building to accommodate ancillary tearoom
Appeal Decision	Appeal Allowed - 04/04/2022
Key Themes	- Whether the proposal amounts to inappropriate development in the Green Belt.- Whether there are any very special circumstances which would outweigh any harm to the Green Belt.
Agreed with CCC on	- The proposal amounts to inappropriate development in the Green Belt
Disagreed with CCC on	- The improved trading position for the business amounts to very special circumstances which would overcome the harm arising from the inappropriate development.
Costs Decision	None

Buildings At Wakerings Farm Leighs Road Great Leighs Chelmsford Essex

Reference	21/00569/CUPAQ
Proposal	Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from Agricultural Buildings to 5 dwellings (Class C3).
Appeal Decision	Appeal Dismissed - 24/03/2022
Key Themes	Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use.
Agreed with CCC on	Heritage harm and the siting of the building would make it undesirable for the building to change use.
Disagreed with CCC on	
Costs Decision	None

Land North Of Mill Road North End Dunmow Essex CM6 3PE

Reference	21/00200/FUL
Proposal	Conversion of one existing building to a single residential dwelling and the conversion of one other building to an ancillary residential use with associated garden, landscaping and wildlife mitigation area.
Appeal Decision	Appeal Dismissed - 25/03/2022

Key Themes	- whether the site is unsustainable for development- whether there would be a poor standard of living for future occupants.
Agreed with CCC on	- agreed that the site is unsustainable for the development proposed. - agreed that there would be poor standard of living for future occupants.
Disagreed with CCC on	
Costs Decision	Appellant's application for costs: Costs refused

Site At 6 Well Lane Stock Ingatestone Essex

Reference	21/00143/FUL
Proposal	Demolition of existing dwelling and construction of 2 detached dwellings with integral garages. New formation of access.
Appeal Decision	Appeal Allowed - 28/03/2022
Key Themes	Character and Appearance
Agreed with CCC on	
Disagreed with CCC on	Acceptable impact on the character and appearance of the area.
Costs Decision	None

154 Arbour Lane Chelmsford CM1 7SD

Reference	21/00628/FUL
Proposal	Construction of a new dwelling.
Appeal Decision	Appeal Dismissed - 29/03/2022
Key Themes	Character and appearance; living conditions - internal living space & garden size; RAMS
Agreed with CCC on	Harmful to character; No RAMS mitigation
Disagreed with CCC on	Living conditions acceptable re space standards & garden sizes
Costs Decision	None