

Appeals Report

Appeal Decisions received between 21/11/2023 and 14/02/2024

PLANNING APPEALS

Total Appeal Decisions Received	13	
Dismissed	8	62%
Allowed	5	38%
Split	0	0%

Informal Hearing

Land Adjacent Sunnyside Cottage Cumming Road Downham Billericay Essex

Reference	22/00965/OUT
Proposal	Outline planning application for the construction of a new dwelling with a detached garage and formation of access. Access being sought, all other matters (appearance, landscaping, layout, scale) reserved.
Appeal Decision	Appeal Allowed - 02/02/2024
Key Themes	Infilling in the Green Belt; Whether the location of site is sustainable.
Agreed with CCC on	
Disagreed with CCC on	Proposal would be limited infilling in the Green Belt; The location of the site is sustainable.
Costs Decision	Appellant's application for costs: Costs refused

Land Adjacent Sunnyside Cottage Cumming Road Downham Billericay Essex

Reference	22/00964/FUL
Proposal	The use of land for the stationing of a caravan for residential purposes. Formation of a new access and hardstanding and proposed day room ancillary to residential use.
Appeal Decision	Appeal Allowed - 02/02/2024
Key Themes	Whether the proposal would be inappropriate development for the purposes of Green Belt policy; the effect of the proposal on the openness of the Green Belt; whether the site would be an appropriate location for residential development; if the harm to the Green Belt is outweighed by other considerations (in this case, the need for G T provision).
Agreed with CCC on	The proposal is innappropriate development in the GB; The proposal would fail to preserve openness.
Disagreed with CCC on	Location of the site is sustainable; Very special circumstances exist to clearly outweigh the harm to the Green Belt.
Costs Decision	Appellant's application for costs: Costs refused

Written Reps

Land West Of Battlesbridge Bypass Rettendon Wickford

Reference	22/00179/FUL
Proposal	Construction of a battery energy storage system and ancillary development.
Appeal Decision	Appeal Allowed - 23/01/2024
Key Themes	Green Belt (inappropriate development, openness); character and appearance; very special circumstances.
Agreed with CCC on	The development constitutes inappropriate development, is harmful to openness, and harmful to the character and appearance of the area.
Disagreed with CCC on	Existence of very special circumstances. The Inspector concluded that the need for the battery energy storage system outweighed the collective harm caused, amounting to very special circumstances. With conditions, the development was deemed acceptable.
Costs Decision	None

Silverwood South Hanningfield Road Rettendon Common Chelmsford Essex CM3 8HE

Reference	22/00851/FUL
Proposal	Retrospective application for the construction of an outbuilding for the housing of plant and machinery for the equestrian facility.
Appeal Decision	Appeal Dismissed - 08/12/2023
Key Themes	GB openness
Agreed with CCC on	Harm to openness
Disagreed with CCC on	
Costs Decision	None

Silverwood South Hanningfield Road Rettendon Common Chelmsford Essex CM3 8HE

Reference	22/00666/FUL
Proposal	Application for the redevelopment of a single dwelling house and demolition of equestrian/storage buildings
Appeal Decision	Appeal Dismissed - 08/12/2023
Key Themes	GB openness; Ecology; Design
Agreed with CCC on	Harm to openness; Insufficient ecology information
Disagreed with CCC on	Design
Costs Decision	None

Awes Farm Ingatestone Road Highwood Chelmsford Essex CM1 3QS

Reference	22/01555/FUL
Proposal	Construction of a stable block for livery yard, outdoor menage and associated access and parking area.
Appeal Decision	Appeal Dismissed - 22/11/2023
Key Themes	- Harm to openness of the Green Belt- Revised plans not accepted, the appeal determined based on plans submitted with the original application- The appeal determined on its own merits
Agreed with CCC on	- The development reduces the openness of the Green Belt - No very special circumstances
Disagreed with CCC on	- None
Costs Decision	None

Site At Livery Yard Lodge Farm Heath Road Ramsden Heath Billericay Essex

Reference	22/01465/FUL
Proposal	Demolition of existing buildings. Construction of 8 dwellings with associated works including parking and landscaping.
Appeal Decision	Appeal Dismissed - 31/01/2024
Key Themes	- inappropriate development in the Green Belt- PDL site but no buildings present (removed a year ago); the site is open land - poor design and layout - not a sustainable development (location, no ecological enhancements)- visual harm to the countryside - fallback position which is formed by extant planning permission does not outweigh the identified harm
Agreed with CCC on	- inappropriate development in the Green Belt- poor design and layout - not a sustainable development (location, no ecological enhancements)- visual harm to the countryside
Disagreed with CCC on	- CCC assessed the development at the time of the application based on the existing development on site which included the livery buildings- appeal was assessed after the buildings were removed from the site
Costs Decision	None

Notes: - CCC assessed the proposal based on the existing circumstances of the site at the time of the application. At the time of the application the existing livery buildings were still present. - appeal was assessed later and after the buildings were removed

Highwood Stud Wydes Road Highwood Chelmsford Essex CM1 3SN

Reference	22/01959/FUL
Proposal	Retrospective application for brick wall and gate. Proposed erection of horse walker
Appeal Decision	Appeal Allowed - 12/12/2023
Key Themes	Main issues:- Whether the wall and gate would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;- The effect of the development on the openness of the Green Belt;- The effect of the development on the character and appearance of the area; and- 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 required to justify the development.
Agreed with CCC on	- Wall and gate would constitute inappropriate development- Would harm the openness of the Green Belt in spatial and visual terms- Permitted development fall back given no weight as the site is subject to a planning condition that prevents any structures or enclosures
Disagreed with CCC on	- Wall and gate would be of high quality design that respects the character and appearance of the area according with Policy DM23 of the Local Plan and paragraph 134 of the NPPF- The security afforded by the wall and gate a benefit to the business- The wall and gate would deter horses from jumping and preventing them escaping onto the public highway is highly beneficial to the safety of the horses- Harm is outweighed by security and safety benefits
Costs Decision	None

Land Rear Of 37A East View Writtle Chelmsford Essex CM1 3NN

Reference	22/02227/FUL
Proposal	Proposed new bungalow with formation of new access
Appeal Decision	Appeal Dismissed - 08/01/2024

Key Themes	- impact on the character of the area- impact on amenities of neighbours- poor private amenity for the new dwelling
Agreed with CCC on	- impact on the character of the area not acceptable due to the position of the new house. the roof will be visible from the road. not facing the road like most properties in the area. cramped back land development- the private amenity space will be overlooked and fragmented. this will create poor quality private amenity space for the new occupiers
Disagreed with CCC on	- noise and disturbance to the neighbours will be minimal, so not harmful
Costs Decision	None

Imphy Hall Back Lane Stock Ingatestone CM4 9RZ

Reference	22/02315/FUL
Proposal	Demolition of existing agricultural barn and the construction of two new dwellings with garages.
Appeal Decision	Appeal Dismissed - 06/02/2024
Key Themes	Whether inappropriate development in the Green Belt and whether the harm is outweighed by 'very special circumstances'; Whether the development would be in a sustainable location.
Agreed with CCC on	New dwellings wouldn't meet any exceptions for development in the Green Belt - increased impact on openness; Unsustainable location for this type of development; Very special circumstances (permitted development fallback) does not clearly outweigh Green Belt harm.
Disagreed with CCC on	Conflict with Local Plan in terms of location of development outweighed by permitted development rights.
Costs Decision	None

Householder

Lenada Ship Road West Hanningfield Chelmsford Essex CM2 8UZ

Reference	22/01613/FUL
Proposal	Demolition of rear conservatory; construction of rear extension, first floor roof extension, dormers to front and single dormer to rear, new entrance to side with canopy and ground floor side window; addition of two first floor windows to the side elevati
Appeal Decision	Appeal Dismissed - 24/11/2023
Key Themes	The main issues are: i) whether or not the proposed extensions, when taken with previous extensions, would amount to inappropriate development in the Green Belt; and ii) the effect of the development on the character and appearance of the area.
Agreed with CCC on	Agreed with the Council that the proposed development would harm the character and appearance of the local area.
Disagreed with CCC on	Disagreed with the Council that the proposed development would amount to disproportionate development within the Green Belt. Inspector was of the view that the development would not be disproportionate additions to the dwelling.
Costs Decision	None

Hicks Farm Lodge Holliday Hill West Hanningfield Chelmsford Essex CM2 8UG

Reference	22/02105/FUL
Proposal	Proposed single-storey side extension, and open porch to front elevation.
Appeal Decision	Appeal Dismissed - 14/12/2023

Key Themes	Green belt harm, bulk, disproportionate addition dm11
Agreed with CCC on	Green belt harm proposal would result in disproportionate additions
Disagreed with CCC on	
Costs Decision	None

Yorkstone Birches Walk Galleywood Chelmsford Essex CM2 8TZ

Reference	23/00625/FUL
Proposal	Construction of gated boundary wall and security railings to front/side elevation of the property.
Appeal Decision	Appeal Allowed - 07/12/2023
Key Themes	The main issue in this case is the effect of the proposed development on the character and appearance of the local area
Agreed with CCC on	None.
Disagreed with CCC on	Disagreed with the council that the proposed development would result in unacceptable harm to the character and appearance of the area. Inspector was of the view that a landscaping condition would be sufficient to mitigate the visual impact of the wall and gate.
Costs Decision	None

ENFORCEMENT APPEALS

Total Appeal Decisions Received	2	
Dismissed	2	100%
Allowed	0	0%
Split	0	0%

Written Reps

Hillview Meadow Lane Runwell Wickford Essex SS11 7DX

Reference	20/00365/ENFB
Proposal	Without planning permission, the construction of a building.
Appeal Decision	Appeal Dismissed - 12/02/2024
Grounds of Appeal	Validity of the Notice and proportionality of its requirements; compliance with permitted development rights; inappropriate development in the Green Belt; harm to openness; very special circumstances.
Agreed with CCC on	The matters as alleged have occurred as a matter of fact; the requirements of the notice are proportionate; the development does not constitute permitted development; the development constitutes inappropriate development in the Green Belt; the development harms openness; there exist no very special circumstances.
Disagreed with CCC on	N/a
Costs Decision	None

Field At Grid Reference 571030 215770 Hyde Hall Lane Great Waltham Chelmsford Essex

Reference	21/00108/ENFB
Proposal	Without planning permission, the construction of a hard surface, wall and fertiliser tank.
Appeal Decision	Appeal Dismissed - 24/11/2023
Grounds of Appeal	Gound (g) -More time should be allowed to comply with the Notice
Agreed with CCC on	An extension to the compliance period is not justified
Disagreed with CCC on	
Costs Decision	None