

# Appeals Report

Appeal Decisions received between 21/09/2022 and 16/12/2022

## PLANNING APPEALS

|                                 |    |     |
|---------------------------------|----|-----|
| Total Appeal Decisions Received | 13 |     |
| Dismissed                       | 10 | 77% |
| Allowed                         | 3  | 23% |
| Split                           | 0  | 0%  |

### Informal Hearing

#### Land At Junction Ongar Road West And Highwood Road Writtle Chelmsford Essex

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 20/00908/FUL  |
| <b>Proposal</b>              | Demolition of existing stable building. Replacement with 1No. residential mobile home with provision for 2No. parking spaces. |
| <b>Appeal Decision</b>       | Appeal Allowed - 08/12/2022   |
| <b>Key Themes</b>            | Green Belt  |
| <b>Agreed with CCC on</b>    | n/a   |
| <b>Disagreed with CCC on</b> | Development would preserve openness compared to existing development and would not be inappropriate development.              |
| <b>Costs Decision</b>        | None  |

### Written Reps

#### Land Adjacent Daylands Farm Stock Road West Hanningfield Chelmsford Essex

|                              |  |
|------------------------------|--|
| <b>Reference</b>             | 21/00888/FUL   |
| <b>Proposal</b>              | Construction of a new dwelling with car port.  |
| <b>Appeal Decision</b>       | Appeal Dismissed - 11/10/2022  |
| <b>Key Themes</b>            | - whether the proposed development would amount to inappropriate development in the Green Belt. - If the proposal would effect openness- Whether the harm would be clearly outweighed by very special circumstances. |
| <b>Agreed with CCC on</b>    | - That the proposal would amount to inappropriate development which would be harmful to the Green Belt and its openness. - Agreed there would be no very special circumstances which would outweigh the harm.        |
| <b>Disagreed with CCC on</b> |  |
| <b>Costs Decision</b>        | None   |

#### 1 Legg Street Chelmsford Essex CM1 1JS

|                        |   |
|------------------------|---|
| <b>Reference</b>       | 21/01504/CUPAO  |
| <b>Proposal</b>        | Determination as to whether the prior approval of the local planning authority is required for the proposed change of use from offices to 94 dwellings. |
| <b>Appeal Decision</b> | Appeal Allowed - 08/11/2022   |

|                              |   |
|------------------------------|---|
| <b>Key Themes</b>            | Whether or not the proposed development would provide adequate living conditions for future residents, with particular regard to the provision of natural light.  |
| <b>Agreed with CCC on</b>    | -   |
| <b>Disagreed with CCC on</b> | The proposal would provide adequate living conditions for future residents with respect to the provision of natural light in all habitable rooms of the new dwellinghouses at lower ground floor level, in accordance with the requirements of Class O of the GPDO. |
| <b>Costs Decision</b>        | None  |

#### Land At 46 Heath Road Heath Road Ramsden Heath Billericay Essex

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 21/00986/PIP  |
| <b>Proposal</b>              | Permission in principle for the construction of 3no. new dwellings (with retention of existing dwellinghouse on site with amended curtilage).   |
| <b>Appeal Decision</b>       | Appeal Dismissed - 19/10/2022   |
| <b>Key Themes</b>            | Whether the proposed development would be inappropriate development in the Green Belt If the development is inappropriate its effect on the openness of the Green Belt Whether the harm is outweighed by any other considerations or very special circumstances |
| <b>Agreed with CCC on</b>    | The proposed development would be inappropriate development in the Green Belt Harmful to the openness of the Green Belt The harm is not outweighed by any other considerations or very special circumstances  |
| <b>Disagreed with CCC on</b> | N/A   |
| <b>Costs Decision</b>        | None  |

#### Land East Of Mill Lane Great Leighs Chelmsford Essex

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 21/01501/FUL  |
| <b>Proposal</b>              | Construction of new dwelling with detached carport, bin store and associated landscaping.   |
| <b>Appeal Decision</b>       | Appeal Dismissed - 04/10/2022   |
| <b>Key Themes</b>            | New dwelling in Rural Area; Whether the new dwelling meets the requirements of Paragraph 80 of the NPPF (isolated homes in the countryside)           |
| <b>Agreed with CCC on</b>    | The new dwelling would not be of exceptional design (Paragraph 80e NPPF); Development would be harmful to the Rural Area, contrary to S11 and DM8 CLP |
| <b>Disagreed with CCC on</b> | The site is isolated for the purposes of Paragraph 80 NPPF  |
| <b>Costs Decision</b>        | None  |

#### 73 Rainsford Lane Chelmsford Essex CM1 2QS

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 21/01356/FUL  |
| <b>Proposal</b>              | Redevelopment of the rear of premises to provide 2no. one bedroom flat units.     |
| <b>Appeal Decision</b>       | Appeal Dismissed - 17/10/2022   |
| <b>Key Themes</b>            | Development Standards - high quality living environment for future occupiers      |
| <b>Agreed with CCC on</b>    | Development fails to provide high quality living environment for future occupiers |
| <b>Disagreed with CCC on</b> | N/A   |
| <b>Costs Decision</b>        | None  |

#### Land Adjacent 9 Heath Drive Heath Drive Chelmsford Essex

|                        |  |
|------------------------|--|
| <b>Reference</b>       | 21/01985/FUL   |
| <b>Proposal</b>        | Construction of two bedroom house and formation of new access. |
| <b>Appeal Decision</b> | Appeal Dismissed - 18/10/2022                                  |

|                              |  |
|------------------------------|--|
| <b>Key Themes</b>            | - impact on the character of the street scene  |
| <b>Agreed with CCC on</b>    | - agreed that the impact on the development would be harmful to the street scene                             |
| <b>Disagreed with CCC on</b> | - disagreed with CCC that the rear parking area would be harmful to the visual amenities of the street scene |
| <b>Costs Decision</b>        | None   |

### 16 Victoria Road Chelmsford CM1 1NZ

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 22/00139/CLEUD  |
| <b>Proposal</b>              | Confirmation that planning permission 06/01523/FUL has been lawfully commenced in accordance with section 56 of the Town and Country Planning Act 1990. |
| <b>Appeal Decision</b>       | Appeal Dismissed - 28/11/2022   |
| <b>Key Themes</b>            | Whether development had commenced   |
| <b>Agreed with CCC on</b>    | Development not commenced   |
| <b>Disagreed with CCC on</b> |   |
| <b>Costs Decision</b>        | None  |

### Householder

### Newney Cottage Newney Green Writtle Chelmsford CM1 3SE

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 21/01843/FUL  |
| <b>Proposal</b>              | Proposed single storey cartlodge garage.  |
| <b>Appeal Decision</b>       | Appeal Dismissed - 28/09/2022   |
| <b>Key Themes</b>            | Whether inappropriate development in Green Belt   |
| <b>Agreed with CCC on</b>    | New building would be inappropriate development in GB; Limited weight attached to the permitted development fallback option |
| <b>Disagreed with CCC on</b> |   |
| <b>Costs Decision</b>        | None  |

### Ellenridge Rectory Lane Battlesbridge Wickford Essex SS11 7QR

|                              |  |
|------------------------------|--|
| <b>Reference</b>             | 21/01888/FUL   |
| <b>Proposal</b>              | Single storey side extension   |
| <b>Appeal Decision</b>       | Appeal Dismissed - 28/10/2022  |
| <b>Key Themes</b>            | Whether development amounted to disproportionate additions within the Green Belt. Whether development was harmful to purpose and openness of the Green Belt. |
| <b>Agreed with CCC on</b>    | Agreed that development would be disproportionate. Agreed that development would be harmful to openness of the Green Belt.                                   |
| <b>Disagreed with CCC on</b> | None.  |
| <b>Costs Decision</b>        | None   |

### Red House Cooksmill Green Highwood Chelmsford Essex CM1 3SJ

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 21/02531/FUL  |
| <b>Proposal</b>              | Two storey side extension, single storey rear extension. Alterations to fenestration. |
| <b>Appeal Decision</b>       | Appeal Allowed - 13/12/2022   |
| <b>Key Themes</b>            | Impact on the character of the area   |
| <b>Agreed with CCC on</b>    | The proposed design is poor   |
| <b>Disagreed with CCC on</b> | The impact on the character of the area is not significant                            |
| <b>Costs Decision</b>        | None  |

**18 Chalklands Sandon Chelmsford Essex CM2 7TH**

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 22/00088/FUL  |
| <b>Proposal</b>              | Raising of roof to create a second floor. Single storey front extensions and single storey side extension to garage. First floor front extension over existing garage and existing ground floor link. |
| <b>Appeal Decision</b>       | Appeal Dismissed - 10/10/2022   |
| <b>Key Themes</b>            | - The effect on the character and appearance of the host building and the surroundings.   |
| <b>Agreed with CCC on</b>    | - agreed that the proposal would be harmful to the character and appearance of the existing house and its surroundings.   |
| <b>Disagreed with CCC on</b> |   |
| <b>Costs Decision</b>        | None  |

**20 John Eve Avenue Springfield Chelmsford CM1 6DF**

|                              |  |
|------------------------------|--|
| <b>Reference</b>             | 22/00664/FUL   |
| <b>Proposal</b>              | Partial garage conversion.                                 |
| <b>Appeal Decision</b>       | Appeal Dismissed - 29/09/2022                              |
| <b>Key Themes</b>            | - harm to the street scene - insufficient off-road parking |
| <b>Agreed with CCC on</b>    | - harm to the street scene - insufficient off-road parking |
| <b>Disagreed with CCC on</b> | n/a  |
| <b>Costs Decision</b>        | None   |

## ENFORCEMENT APPEALS

|                                 |   |     |
|---------------------------------|---|-----|
| Total Appeal Decisions Received | 2 |     |
| Dismissed                       | 1 | 50% |
| Allowed                         | 1 | 50% |
| Split                           | 0 | 0%  |

### Written Reps

#### Land Rear Of Redwings Woodham Road Battlesbridge Wickford Essex

|                              |  |
|------------------------------|--|
| <b>Reference</b>             | 21/00131/ENFB  |
| <b>Proposal</b>              | Hard surface constructed, vehicles and machinery stored on land  |
| <b>Appeal Decision</b>       | Appeal Dismissed - 25/11/2022  |
| <b>Grounds of Appeal</b>     | Green Belt impact; effect of development on surrounding area; any very special circumstances (VSC); requirements of notice |
| <b>Agreed with CCC on</b>    | Inappropriate; harmful to openness and character and appearance of Green Belt and surrounding countryside; no VSC          |
| <b>Disagreed with CCC on</b> | varied notice to 9 months compliance from 6 month  |
| <b>Costs Decision</b>        | None   |

#### Field North Of Mill Hill Farmhouse East Hanningfield Road Sandon Chelmsford Essex

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 19/00423/ENFB   |
| <b>Proposal</b>              | Without planning permission, the construction of a building   |
| <b>Appeal Decision</b>       | Appeal Allowed - 15/12/2022   |
| <b>Grounds of Appeal</b>     | The construction of a building on rural land beyond the Green Belt.   |
| <b>Agreed with CCC on</b>    | The works amount to the construction of a new building, constituted development requiring planning permission, has the appearance of a dwellinghouse.                       |
| <b>Disagreed with CCC on</b> | No significant harm arising from the development, planning permission granted for the retention of the building, the building is only permitted to be used for agriculture. |
| <b>Costs Decision</b>        | None  |

## TREES APPEALS

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

### Householder

#### 18 Anchor Reach South Woodham Ferrers Chelmsford CM3 5GS

|                              |   |
|------------------------------|---|
| <b>Reference</b>             | 21/05165/TPO  |
| <b>Proposal</b>              | T12 - Oak Tree - Boundary of 18 Anchor Reach and 46 The Spinnaker - Prune by 3m - Reason - Safety problem for children, Falling branches and sharp debris falling from the tree. Tree branches are also becoming very close to the roof of our house. The pigeo |
| <b>Appeal Decision</b>       | Appeal Dismissed - 23/11/2022   |
| <b>Key Themes</b>            | Effect on the character and appearance of the area and whether sufficient justification has been demonstrated for the works.  |
| <b>Agreed with CCC on</b>    | The tree contributes to the character of the area; works would increase growth over the garden and would not reduce shading or bird droppings, could affect long term health.   |
| <b>Disagreed with CCC on</b> | n/a   |
| <b>Costs Decision</b>        | None  |

#### 1 Bickerton Point South Woodham Ferrers Chelmsford CM3 5YG

|                              |  |
|------------------------------|--|
| <b>Reference</b>             | 21/05270/TPO   |
| <b>Proposal</b>              | T5 - Norway maple - front garden - Crown reduction by 1 - 2 metres. Reason: Tree surgeon has recommended works and the tree is dropping branches, concerns for those walking past. |
| <b>Appeal Decision</b>       | Appeal Dismissed - 18/11/2022  |
| <b>Key Themes</b>            | Effect on the character and appearance of the area and whether sufficient justification has been demonstrated for the works.   |
| <b>Agreed with CCC on</b>    | Important contribution to the character of the area; works would detract from natural shape and could affect future health and vigour.   |
| <b>Disagreed with CCC on</b> | n/a  |
| <b>Costs Decision</b>        | None   |