



Appeal Decision

Site Visit made on 26 July 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2021

Appeal Ref: APP/W1525/W/21/3270250

81 Main Road, Broomfield, Chelmsford, CM1 7BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr J Lipschitz against the decision of Chelmsford City Council.
 - The application Ref 21/00036/CUPAM, dated 24 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is change of use of former rear building to provide 1no self-contained flat. Demolition of link between two buildings and new entrance door and window to flat. Insertion of 1no window in side elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

Main Issues

3. The main issue is whether the appeal proposal amounts to permitted development, accounting for the condition imposed on permission ref 86/0444.

Reasons

4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that it does not permit development contrary to any condition imposed by any planning permission granted.
5. The part of the building the subject of this appeal was constructed following a grant of permission subject to a condition restricting it to a use ancillary to the then-existing butchers' shop. Neither the cessation of the butchers use with conversion of the shop to residential nor the demolition of part of the approved extension results in the removal of that condition. The proposed works cannot therefore amount to permitted development.
6. There is accordingly no need to consider further whether the proposed works would be reasonably necessary to convert the building into a dwelling.

Conclusion

7. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR