



Appeal Decision

Site visit made on 30 August 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 8th September 2025

Appeal Ref: APP/W1525/C/22/3313798

Land at The House, East Hanningfield Road, Chelmsford CM2 7TQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
- The appeal is made by Mr Hany Bassaid against an enforcement notice issued by the Chelmsford City Council.
- The enforcement notice was issued on 23 November 2022.
- The breach of planning control as alleged is the construction of two buildings.
- The requirements of the enforcement notice are to: (1) Demolish the two buildings and hard standing shown outlined in blue at the approximate location on the attached plan. (2) Remove from the land all waste materials resulting from action, and restore the land affected by the works carried out at steps (i) and (ii) to its former condition, by seeding with grass.
- The period for compliance with requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (c), (a) and (g) of the 1990 Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Preliminary matter

2. The appellant argues that the alleged matters do not constitute a breach of planning controls, but ground (c) had not been selected in the appeal form. Nevertheless, I consider both appeal parties have provided sufficient information for me to consider the merits of this ground of challenge without causing any injustice. I will proceed on this basis.

Implied ground (c)

3. There is much debate about the status of the land on which the two outbuildings are located. The appellant maintains the area falls within the residential curtilage to The House, but the Council disagree and refused a certificate seeking confirmation that the land on which the outbuildings are located is domestic curtilage. It considers that the land edged in red on drawing number F920/08 has not been used as a domestic garden since at least 2010¹.
4. Based on the information available, there seems to be an unresolved dispute as to the status of the land on which the two buildings are located. This is because The House was granted planning permission on appeal on 4 October 2007² but the extent of the residential curtilage was not formally determined by the Inspector. However, it appears to me that the

¹ Council ref 22/00924/CLEUD refused 3rd August 2022.

² Council ref 07/01236/FUL, appeal ref 2058264/NWF for the demolition of the existing dwelling and construction of a new dwelling, swimming pool and garages.

Council's refusal of the LDC application is a formal determination. I am not aware of any appeal against that decision. That said, there is an issue both parties have overlooked.

5. Even if the land upon which the two buildings are located falls within the residential curtilage to The House, the planning permission granted for that replacement dwelling is subject to condition 6). The latter clearly and unambiguously removes permitted development rights³ for several classes of development granted planning permission via article 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015. The condition satisfies the relevant legal and policy tests and is effective.
6. Contrary to the appellant's arguments, express planning permission is required for the operational development comprised in the erection of two buildings and it has not been obtained. Had ground (c) been pleaded, it would have failed.

Ground (a)

7. The terms of the deemed application are directly derived from the allegation and planning permission is sought for the construction of two buildings. The **main issue** is the effect of the two buildings on the character and appearance of the surrounding area.
8. The House is a detached dwelling situated in a substantial plot and it is located within a ribbon development. The area surrounding the site is mainly rural in character. The buildings provide shelter for the appellant's security dogs and they cannot be kept in the main dwellinghouse. Be that as it may, the development appears out-of-keeping with the area given the siting of the two buildings. The juxtaposition with the surrounding rural area makes the two buildings appear as unsympathetic additions. Each building appears domestic in scale. However, given their rearward setting at some distance from the main dwelling, I agree with the Council's assessment that the development has an incongruous visual effect, especially when seen against the backdrop of the rolling countryside.
9. Conditions could be imposed to regulate the use of the two buildings. Nonetheless, the buildings are perceived as unacceptable visual intrusion, and their design and location does not blend in with the landscape. The development fails to accord with Policies S11 and DM8 of the Chelmsford Local Plan (2020), which reflect the aims and objectives of national planning policy relevant to such locations.

Ground (g)

10. The appellant argues that the period of compliance is too short, but the steps simply require the two buildings to be demolished and resulting materials to be removed from the land. Given the nature and scale of the work required, 6 months would be excessive, and the period of compliance specified is reasonable. Ground (g) fails.

Overall conclusions

11. I conclude the implied appeal on ground (c), and the appeal on ground (g), fail. The deemed application should also fail.

A U Ghafoor

INSPECTOR

³ Classes A to E.