



Appeal Decision

Site visit made on 18 November 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/P1560/D/25/3373136

57 Craigfield Avenue, Clacton-on-Sea, CO15 4HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Jarrard against the decision of Tendring District Council.
 - The application Ref is 25/00742/FULHH.
 - The development proposed is the retention of a workshop building to rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a workshop building to rear of property at 57 Craigfield Avenue, Clacton-on-Sea, CO15 4HR in accordance with the terms of the application, Ref 25/00742/FULHH, and the plans submitted with it, subject to the following conditions:
 - 1) The building hereby permitted shall not be used for any purpose other than incidental to the dwelling at 57 Craigfield Road, Clacton-on-Sea, CO15 4HR and by Mr S Jarrard in person.
 - 2) The building and its use hereby permitted shall be for a limited period of 3 years from the date of this decision and thereafter the building shall be removed and the land restored to its former condition on or before a date 6 months after the expiry of the 3 year period just mentioned, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
 - 3) If the premises at 57 Craigfield Road, Clacton-on-Sea, CO15 4HR ceases to be occupied by Mr S Jarrard within the period of 3 years referred to in condition 2 above, the use of the building hereby permitted shall cease and the building and all materials and equipment brought onto the premises in connection with the use of the building shall be removed from the land within 6 months of Mr S Jarrard ceasing to occupy the premises.
 - 4) The building shall only be used between the hours of 9am to 5pm from Monday to Saturday and not at all on Sundays or Bank Holidays.
 - 5) Mr S Jarrard shall not use the building hereby permitted for any form of incidental trade or business.

Main Issues

2. The main issues in this case are the effect of the building on the residential curtilage and the urban character of the surrounding area and the effect of the use of the building on neighbouring uses in terms of noise and, in relation to its size, in respect of loss of outlook and amenity.

Reasons

3. The appeal site is a two-storey detached house located on the north side of Craigfield Avenue, having an open frontage laid to grass on which, at the time of my visit, a number of vehicles were parked. There is a large, attached garage on the south-eastern side of the house, beyond which in the rear garden area is a workshop building, the subject of this appeal. This building measures between 4.2 metres and 4.4 metres in height, 13.3 metres depth and is 5.9 metres wide, and is finished in green profile steel sheeting.
4. Burrsville Primary School/Great Clacton Junior School adjoins the northwest boundary of the appeal site, and an area of public open space, known as Burrsville Park, is on the northern and north-eastern boundaries of the site. This is seen beyond the workshop as a treed landscape. The remainder of the surrounding area is residential, mainly in the form of detached bungalows on relatively narrow plots.
5. The appellant's appeal statement explains his personal circumstances, which I need not detail here, that has led to building the workshop. The workshop is used entirely for a private hobby, and has no commercial purpose. His hobby is American trucks, and a car lift has been installed to raise vehicles above the floor to facilitate working underneath them. This lift leads to the need for a high building. The appellant also explains that the workshop is not in constant use, and submits a log of time of entry/time of exit that shows that it was only entered and exited once a day during the period of the log. Five out of the 14 days logged showed no use at all and entrance to the workshop took place no earlier than 9am and exiting was no later than 5pm.
6. The agricultural appearance and colour of the workshop, dark green, against the trees in the background, together with the large garage at the side of the house, might be expected to minimise the impact of the building in the streetscene. In fact, it does stand out quite clearly, particularly when looking across the open side frontage of the next-door bungalow at No.55 Craigfield Avenue. It is also clearly evident from within the grounds at the front of the adjacent school. On my arrival at the site visit I was immediately aware of the existence of the workshop as an incongruous feature in the back garden of the house. Its presence, with the real possibility that the council would have to expend resources seeking to control a later and more harmful use, would not be acceptable.
7. Apart from the extent of visual harm to the streetscene, the second refusal reason states that the use has the potential to generate harmful noise, pollution and fumes. These are matters that are dealt with in Policy SP7 of Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021) which makes specific reference to safeguarding amenities. In this regard there is an objection which relates to the pre-school element of the adjacent school which raises concerns over the noise created by the vehicles when they are in the shed, the rancid smell of burning items, possibly rubber, and the increase of vehicle movement throughout the day. On the other hand, a petition has been submitted in response to the appeal that supports allowing the appeal and the grant of planning permission. The signatures represent residents in the immediate vicinity, including the next-door neighbour at No.55 Craigfield Avenue and those immediately across the road from the site.

8. Drawing these issues together, I have to weigh a number of matters: the building is large and can be clearly seen as an incongruous intrusion in the immediate vicinity even though it is seen against the backdrop of substantial mature trees in the open space just beyond the boundary of the site; the use is for a hobby personal to the appellant and does not involve commercial activity (which could be controlled by condition); the use is said to only take place between the hours of 9am and 5pm (again controllable by condition); there is an objection from the neighbouring school, but a supporting petition in favour of the grant of planning permission has been submitted, signed by immediate residential neighbours.
9. My conclusions are that the visual impact of the building is confined to a small area, but it is incongruous in relation to the domestic curtilage and surroundings; the evidence that there is serious environmental harm in terms of noise, smells and significant comings and goings of vehicles to the host dwelling is not convincing; it is an incidental use to the host dwelling arising from the appellant's particular hobby, but that would not normally justify a permanent building of this scale within a residential curtilage; any permission should be for a limited period and personal to the appellant, tightly controlled by conditions, during which Mr Jarrard could make other arrangements for the continuation of his hobby.
10. The conditions that I consider would allow permission to be granted for the retention of the building would be: i) making it personal to the appellant; ii) making it for a limited period of time; iii) requiring the removal of the building at the end of the limited period; iv) limiting the hours of use; and v) prohibiting any form of trade by the appellant. These conditions include the restriction in the condition that the council suggested in the event of the appeal being allowed.
11. A temporary permission for a building would not normally be reasonable, but the situation of a building erected without permission that could be subject to enforcement action to have it removed, justifies it in this case. Without the conditions that I have referred to, the retention of the development would not be acceptable for reasons of protecting the local character and environment of the area and the living conditions of neighbouring occupiers.
12. In the light of my conclusions and the considerations set out above, the appeal will be allowed.

Terrence Kemmann-Lane

INSPECTOR