



Appeal Decision

Site visit made on 22 December 2025

by **M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/A1530/C/24/3338044

84 Coggeshall Road, Marks Tey, Colchester CO6 1LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Anthony Nelson against an enforcement notice issued by Colchester City Council.
- The notice was issued on 10 January 2024.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a outbuilding forward of the principal elevation of the main dwelling-house and the construction of a partly rendered wall and piers over 1m in height adjacent to the highway.
- The requirements of the notice are to:
 - Outbuilding
 - (i) Demolish/dismantle/remove the outbuilding forward of the principal elevation of the main dwellinghouse from the land. (For the avoidance of doubt this is the outbuilding in the photograph attached to this notice)
 - (ii) Remove any demolition materials arising from step (i) above from the land.
 - Wall
 - (iii) Demolish/dismantle/remove the partly rendered wall and piers adjacent to the highway from the Land.
 - “OR:
 - (iv) Reduce the height of the partly rendered wall and piers to a height not exceeding 1 metre above ground level, to make the development comply with the terms of the planning permission granted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) at Article 3, Schedule 2, Part 2, Class A, paragraph A.1(a)(ii), and;
 - (v) Remove any resulting demolition materials arising from step (iv) above from the land.
 - (vi) Leave the land in a clean and tidy condition.
- The period for compliance with the requirements is: Six (6) calendar months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected by:
 - At section 5 of the notice, the deletion of requirement (vi) in its entirety, which for the avoidance of doubt says ‘(vi) Leave the land in a clean and tidy condition.’
2. Subject to the correction above, 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 as amended.

Matters concerning the notice

3. In respect of the wall, the notice is written in the alternative, giving the appellant the option to remove the wall and piers or reduce them in height. Requirement (vi)

requires the appellant to 'leave the land in a clean and tidy condition'. However, this is subjective, and so the appellant is unlikely to be clear what they are required to do to comply with the notice in this regard. An enforcement notice should be sufficiently clear so that the recipient knows what they have done wrong and what they must do to remedy it. In the interests of clarity, I shall delete requirement (vi). Since this would not make the notice more onerous to comply with and the requirement to remove any resulting demolition materials arising from step (iv) would remain, I am satisfied that such a correction would not cause injustice to either party.

Ground (a)

4. An appeal under ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted, or as the case may be, the condition or limitation concerned ought to be discharged.

Main Issues

5. The main issues are the effect of the outbuilding and wall and piers on:
 - The character and appearance of the area; and
 - With respect to the wall and the piers only, highway safety.

Reasons

Character and appearance

6. Coggeshall Road, the A120, forms part of the trunk road network, linking Marks Tey and Coggeshall. Although the layout of properties varies along this part of Coggeshall Road, outbuildings generally appear subservient to their host dwellings, being positioned to the rear or side of dwellings, rather than to the front. Boundary treatments are generally modest in height and are constructed of traditional materials, such as brick or wood, with vegetation giving this part of Coggeshall Road a verdant character and making a positive contribution towards the character and appearance of the area.
7. Policy DM13 of the Colchester Borough Local Plan 2017 – 2033 Section 2 (2022)(the LP2) states that residential alterations, extensions and outbuildings will be permitted where they meet certain criteria, including that they will not result in adverse impact to the appearance of the street scene and character of the area. Policies OV2 and ENV1 of the LP2 seek development that respects the character and appearance of landscapes and policies DM15 of the LP2 and SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021)(the SS1P) both seek development which positively responds to its context.
8. The appeal site comprises a semi-detached dwelling, with a modest front garden, which fronts onto Coggeshall Road. The outbuilding has been constructed to the front of the dwelling and is a substantial, open fronted building with a flat, which contrasts with the hipped and pitched roofs elsewhere along Coggeshall Road and sits forward of the principal building line.
9. In support of their case, the appellant has drawn my attention to No 71 Colchester Road, Coggeshall and 93 Coggeshall Road, Marks Tey. However, I do not have

details of the examples cited or whether they were lawfully constructed. Furthermore, the garage at No. 93 is set further back from the highway than the appeal building and so, does not appear such a prominent feature and is not, therefore, comparable to the appeal scheme before me and the garage at No. 71 is located some distance from the appeal site and so does not influence the character of this part of Coggeshall Road.

10. The appellant states that the outbuilding is intended to be a double garage and that they have a work van that is often filled with materials and tools. They also state that they require storage for play items, a necessity given the risk of accidents¹. However, the appeal building is unlikely to be the only means of securing their works vehicle, or providing storage for items, including play items and so I afford this matter limited weight.
11. Although the building is single storey, given the prominent location of the outbuilding, its design and massing, and its position forward of the principal building line, it appears an incongruous feature which significantly diminishes the character and appearance of the area, contrary to policies DM13 and DM15 of the LP2, policies OV2 and ENV2 of the LP2 and policy SP7 of the SS1P, the requirements of which are set out above.
12. A substantial wall, with piers, finished in render and tiles has been constructed to the front of the dwelling, adjacent to the highway. Although boundary types vary in the area, the materials used in construction of the wall and piers contrast with the more traditional materials used elsewhere along Coggeshall Road and its substantial height is out of keeping with the area.
13. The appellant cites concerns regarding safety for their children and dogs in support of the appeal. However, the appeal scheme is unlikely to be the only means of ensuring the safety of their children or their animals. The appellant is also concerned about the effect of noise from the road on their dogs. While the wall is likely to reduce the noise levels, I consider this is unlikely to be the only means of mitigating noise within the appeal site.
14. Due to the substantial height of the wall and piers, use of materials which are not characteristic of the area and prominent location, they appear a dominant, incongruous feature which harms the character and appearance of the area, contrary to policies DM13 and DM15 of the LP2, policies OV2 and ENV2 of the LP2 and policy SP7 of the SS1P, the requirements of which are set out above.

Highway safety

15. The appeal site is located off the A120, which is a trunk road, subject to a 40mph speed limit. During my site visit, I saw that Coggeshall Road is well used, with vehicles travelling at some speed. Footpaths provide pedestrian access to bus stops in the vicinity of the appeal site. Policy DM15 of the LP2 seeks development which adequately integrates safe vehicle access, amongst other things and policy DM21 of the LP2 seeks safe layouts, which minimise conflicts between traffic, cyclists and pedestrians.
16. The Highway Authority has advised that the access should comply with standards laid out in Design Manual for Roads and Bridges (DMRB) and that an

¹ Reference is made in the appellant's evidence to a member of their family who has a disability.

unobstructed visibility, measured at a driver's height of 1.05m must be available for at least 2m in either direction at the property boundary. It goes on to advise that visibility to the nearside kerb of at least 120m from the centre of the access at a point of a minimum of 2.5m from the kerbed edge of the carriageway should also be available.

17. The appellant has not shown that the visibility splays can be achieved and, from my inspection of the site, I consider the wall and piers which have been erected, by virtue of their substantial height and proximity to the footpath and carriageway, are likely to significantly limit visibility, meaning that drivers of vehicles exiting the premises are unlikely to be able to see pedestrians using the pavement walking towards the appeal property without edging onto the pavement, which is likely to compromise pedestrian safety and may deter individuals from walking along this section of pavement. Drivers of vehicles exiting the premises are also unlikely to have sufficient visibility, which may mean that vehicles exiting the site pose a risk to users of the highway, interrupting the free flow of traffic. As a consequence, the wall and piers are contrary to policies DM15 and DM21 of the LP2, the requirements of which are set out above.

Other Matters

18. Policy DM20 seeks to promote sustainable transport and changing travel behaviour. While I have considered the policy, I do not consider it to be determinative in this case.

Conclusion

19. I have found that the appeal scheme harms the character and appearance of the area and the wall and piers harm highway and pedestrian safety. I attach substantial weight to these findings against the appeal. From the evidence it seems that the appeal scheme would be of benefit to an individual with protected characteristics for the purposes of the PSED². However, as set out above, I consider the outbuilding, wall and piers are not the only means of meeting their needs.
20. I have had due regard to the Public Sector Equality Duty (PSED) as set out under the Equality Act 2010 but the harm caused by the development outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to refuse to grant planning permission.
21. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. Thus, for the reasons set out above, I conclude that the appeal should not succeed.

M Savage

INSPECTOR

² Disability.