



Appeal Decision

Site visit made on 14 October 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 30 October 2026

Appeal Ref: APP/W1525/C/25/3369738

Land at Roselawn Farm, Main Road, Broomfield, Chelmsford, CM1 7AG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Roka Nixy Ltd against an enforcement notice issued by Chelmsford City Council.
 - The notice was issued on 18 June 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a wall, gate and hard surface.
 - The requirements of the notice are: i) Demolish the wall on the western boundary shown marked in blue at the approximate location on the attached plan. ii) Demolish the gate on the western boundary shown marked in purple at the approximate location on the attached plan. iii). Demolish and otherwise scrape clear from the land the hard surfaces within the areas outlined in green at the approximate location on the attached plan. iv). Restore the land affected by the works carried out at step (iii) to its former condition, by seeding with grass seed. v). Remove from the land all debris and other waste material resulting from the works carried out at steps (i) to (iv).
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (c), (f), (g), (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.
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Decision

1. It is directed that the enforcement notice is varied by: deleting the words “3 months” from the ‘Period for Compliance’ and replacing them with the words “3 months for requirements (i) to (iii) and (v) and 6 months for requirement (iv)” and by deleting the words “steps (i) to (iv)” from requirement (v) and replacing them with “steps (i) to (iii)”. Subject to this variation 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.

Preliminary Matters

2. The site occupies a large rectangle of land to the rear of Main Road in Broomfield. It forms part of a larger area of development separated from the houses to the east of Main Road by a couple of large fields. To the north is Roselawn Farm, which appears to be given over mainly to various businesses, some of which are lawful and others in the process of seeking LDCs. To the south is a Travelling Showpersons’ site which has a temporary planning condition which is due to expire on the 15 February 2028. The appeal site joins these two larger developments. Within the appeal site is a smaller rectangle of land which benefits from an LDC, but the majority of the site is currently unlawful.

The Appeal on Ground (b)

3. This ground relates only to the wall, which the appellant says is actually a fence. I saw on site it is large and solid structure, made of steel posts with concrete panels slid in between. In various documents the Council have referred to it as a fence, but in the notice they call it a wall. I am not sure that it is possible to strictly delineate between a fence and a wall. There are bound to be some structures that fall in between. To me it looked like a wall, but I can see why the appellant calls it a fence. Nevertheless, everyone knows what is referred to by the wall in the notice and as it could be a wall I am not sure why this issue has even been raised. I do not need to vary the notice and the appeal on ground (b) fails.

The Appeal on Ground (c)

4. This ground relates to the wall and gates. The appellant says they replaced an existing means of enclosure and gate that had been in place for years. The means of enclosure was a bund. There is a photograph of the old gate, which seemed to be effectively derelict, but there is no real evidence for the bund, except an inconclusive lidar photograph which might show a bund along part of the line of the current wall.
5. All of this is of course irrelevant. The construction of a means of enclosure and gate over 2m requires planning permission. It does not matter what was there before. The appellant does introduce the idea that the new wall and gates were merely the result of maintenance or improvement, which is allowed by the GPDO. However, it is difficult to see how the complete removal of an earth bund (which incidentally is likely to have been a separate engineering function rather than a structure covered by Class A Part 2), and its replacement with a more extensive and brand new wall (or fence) can be considered either maintenance or improvement that fall within the ambit of the GPDO. The appeal on ground (c) fails.

The Appeal on Ground (a)

6. The appellant argues that planning permission should be granted temporarily for the hardstanding which would tie in with the cessation of the temporary planning permission for the showpersons' site. Both sites could then be cleared and the hardstanding removed in one go. The wall and gate need to be retained for security purposes and they are happy to paint them any colour the Council like.
7. The site lies in an area of countryside identified as a Rural Area and a Green Wedge in the local plan. The Council's policies for these areas are fairly straightforward. DM7 says new structures will be allowed where they do not conflict with the purpose of the Green Wedge, while DM10 says similar things about engineering works and DM8 similar things about the Rural Area. DM23 requires new development to respect the character of its surroundings and BDF10 of the Neighbourhood Plan identifies the land adjacent to the site for community open space.
8. The hardstanding clearly does conflict with the Green Wedge and the Rural Area as it concretes over what was an open field and links up two otherwise disparate areas of development, the farm and the showpersons' site. It clearly does impact on the intrinsic beauty of the area and contributes to the erosion of the countryside by the encroachment and linking up of hardstandings. The hardstanding itself

supports a variety of automotive businesses, which themselves add to the harm. The fact that it is not readily visible from any public vantage points does not diminish the harm to the character of the area.

9. Having established that, the question remains whether a temporary planning permission is acceptable. The travelling showpersons' site was allowed temporarily because although it was harmful to the countryside and contrary to the development plan there were no alternative sites and the personal circumstances of the occupants were compelling. It was hoped the Council would plan for the showpersons' needs through the emerging local plan, hence a temporary planning permission. None of these circumstances relate to the appeal before me and of course there is a very realistic chance that the local plan will be delayed. There is no link between the two sites other than the appellant's convenience and an opportunity to continue with an unlawful development for several more years, therefore I can see no reason to grant a temporary planning permission.
10. If the hardstanding is to be removed then the wall and gates serve no function. There is no need for such a level of security of an open field. Given their extent, solidity and height they are harmful in their own right to the character of the countryside and contrary to the policies mentioned above. Painting them green, or another colour would not mitigate the harm. The much smaller area of lawful hardstanding can of course be secured by fencing that falls within the permitted development limits.
11. I have had regard to the recently issued NPPF, but none of the policy changes made therein affect this decision which is clear cut. Planning permission should not be granted for the hardstanding or the wall or gate.

The Appeal on Ground (f)

12. The appellant argues that it would be excessive to require the removal of the wall when it can just be replaced by a 2m tall one which would be permitted development. While that is true, I do not consider it is a realistic fallback position as there would be no need to replace such a large length of walling once the hardstanding was removed. The need for security is intrinsically linked to the continuation of the businesses on the hardstanding and once that is gone so will the businesses.

The Appeal on Ground (g)

13. I think 3 months is a perfectly reasonable time to remove the hardstanding and walls. The appellant points out that reseedling would be best in the spring and I shall extend the compliance period for requirement (iv) to 6 months.

Simon Hand

INSPECTOR