



Appeal Decision

Site visit made on 1 April 2025

by **Zoe Raygen DipURP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th April 2025

Appeal Ref: APP/A1530/W/24/3354391

The Maypole Messing Road, Tiptree, Essex CO5 0ES

- 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 K Suen against the decision of Colchester City Council.
 - The application Ref is 241462.
 - The development proposed is demolition of existing outbuildings, two of which are residentially incidental to the restaurant pursuant to LDC 232838 as approved on 12th June 2024 together with a storage container serving the restaurant, and the subsequent erection of 1x three-bedroom house ancillary to the maypole together with amenity space and car parking: application submitted on a self-build basis.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the setting of The Maypole a grade II listed building;
 - Whether the proposal is in an accessible location;
 - The effect of the development on the Essex Coast RAMS; and
 - Whether the proposal makes acceptable provision for community facilities and sport and recreation.

Reasons

Character and appearance and setting of listed building

3. The settlement boundary of Tiptree, a large village, bisects the appeal site. The appeal property is located on a crossroads and is set back from the road behind a large car park. It presents an end gable to New Road to the east which is relatively narrow and characterised by hedgerows and trees creating a rural approach to the building and the village. To the south and west is the built up area of Tiptree. The property has a rear long rear garden which is mainly laid to grass and bound by a timber boarded fence and hedging towards New Road. To the north is open countryside.

4. The building is a Grade II listed building constructed in the late seventeenth century, and altered in the nineteenth century, from brick and timber framing which is plastered. It is two storey with a grey slate hipped roof. Its significance, for the purposes of this appeal, relates primarily to the remaining historic and architectural structure together with its use as a public house demonstrating the social history of the village. The appellant submits a copy of the 1885-1900 which shows very little development around the building, and certainly to the rear, with the garden land associated with the listed building. While there has been more development to the south, it is still within an open setting with the closest building being single storey only, thereby contributing to its significance by allowing a good appreciation of the listed building as originally experienced in the landscape especially to the rear.
5. Consequently, the building contributes positively to the transition zone between the built up area of Tiptree and the open countryside. It provides interest to the built form and the lengthy garden provides a relatively open and well treed space which integrates into the open countryside beyond. There are two portable buildings used for ancillary residential purposes in association with the public house and a storage container all confirmed by a Lawful Development Certificate¹ sited in the garden. However, these are single storey and are hardly seen over the boundary fence and vegetation. They do not therefore significantly harm the character and appearance of the area.
6. The proposal is for the removal of the container and portable buildings and their replacement with a large chalet bungalow. The building would be significantly higher and bulkier than the existing structures on site and consequently would be visible within the garden of the appeal site from New Road. This would harmfully erode the rural character and appearance of the approach into Tiptree, particularly given the proximity of the house to the road, the removal of hedgerow and the surfacing of an access and parking space at the far northern edge of the appeal site creating a contrived and cramped form of development at odds with the settlement pattern of large plots. I appreciate that the parking area is already in use and landscaping could be introduced. However, it is the effect of the proposals as a whole, which irrespective of the design of the house, would be overly obtrusive within the rural approach to Tiptree. Furthermore, the proposed house, given its size and massing would harmfully compete with the listed building reducing the ability to appreciate it and its legibility in its current open and spacious setting to the detriment of its significance.
7. I appreciate that land associated with Elms Farm to the north is allocated for development within the Tiptree Neighbourhood Plan 2023 (the Neighbourhood Plan) and there is also an outline proposal for development at this site. However, the Council confirms that the associated masterplan shows a green buffer to the southern boundary near to the appeal site recognising the importance of preserving the existing open and rural character of the area as well as the historic setting of the listed building. In addition, there is no certainty that the housing will come forward at this point and I must assess the proposal based on the existing circumstances. I can give this matter only minor weight.
8. I accept that the existing structures on the appeal site as well as the existing rear extension to the listed building, all detract from the significance of the building as well as the character and appearance of the area. However, notwithstanding how

¹ 232838

long the structures have already been onsite, they are of a temporary form and nature. As well as being single storey and low massing. The proposal would be a permanent structure which would be significantly taller and have a much larger massing which I have found would be harmful. Furthermore, while the proposed house would be constructed in the locality of the existing structures, due to their temporary nature there would be nothing to stop the appellant moving them elsewhere on the site. There would need to be some form of legal obligation which ensures that they are removed entirely from the site and there is none before me.

9. For the reasons above, the proposal would be harmful to the character and appearance of the area and to the significance of the listed building contrary to policies SP7, DM15 and DM16 of the of the Colchester Borough Local Plan 2017-2033 adopted 2022 (the Local Plan), Policy TIP02 of the Neighbourhood Plan and the Backland and Infill Development Supplementary Planning Document 2009. Together, these require that development protects, conserves or enhances townscape, and the significance of heritage assets as well as all development responding positively to local character and context.

Accessibility

10. The access for the proposed house is shown on the submitted plans from New Road. This is a narrow road with no footway or lighting. While there is no dispute that Tiptree can accommodate growth due to the ample services and facilities in the village, the garden is outside of the settlement boundary and prospective residents would need to walk along New Road to access the village centre.
11. The appellant has stated that as the dwelling would be ancillary to the public house and occupied by family of the owner, then residents would be able to take access through the building. Even if I were to consider this as ancillary accommodation it would need to meet the requirements of Policy DM13 of the Local Plan regarding residential annexes. The Policy is supportive when the need for space cannot be met within the existing accommodation, provided it is physically attached or closely related to the main dwelling so that it cannot be subdivided from the main dwelling and the proposal retains some form of demonstrable dependence on the main dwelling, such as shared access (including both vehicular access and doorways) and communal amenity spaces. Finally the proposal should respect and enhance both the character of the original dwelling and the context of the surrounding area through high quality design. I have already found that the proposal would harm the character and appearance of the area. Moreover, the plans show the proposal as a separate dwelling with no demonstrable dependence on the main dwelling and therefore does not meet these requirements and as a result would not be supported as an ancillary dwelling under Policy DM13.
12. Even if a condition was imposed to ensure that the proposed house was ancillary to the public house. It would be very difficult to enforce and ensure that residents only accessed Tiptree through the public house.
13. I am also aware that the masterplan for the Elms Farm currently undetermined outline planning application proposes that New Road be altered to provide a shared surface for pedestrians and cyclists to access the village which would incorporate access to the appeal site. However, there is no certainty of if or when this would come forward.

14. Consequently, I conclude that due to the poor access to the village by foot or cycle the proposed a house would be not be in an accessible location contrary to policies SG1, DM20 and DM21 of the Local Plan and Policy TIP02 of the Neighbourhood Plan. Together these require that growth is accommodated at the most accessible and sustainable locations and that accessibility of development is improved through the promotion of walking and cycling as an integral part of development and give priority to safe routes for the movement of people walking and cycling.

East Coast RAMS and Infrastructure

15. The Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC) form the suite of protected sites in the East Coast RAMS. They are wetlands of international importance which are prone to damage from recreational disturbance.
16. Any proposal to increase the local population through the development of housing within the Zone of Influence, which includes the appeal site, will have a likely significant effect on the integrity of the East Coast Rams due to an increase in recreational use of the protected sites.
17. Similarly, the Council considers that as the proposal will result in a new permanent residential dwelling and therefore an increase in the population, then in accordance with its Provision of Community Facilities Supplementary Planning Document adopted in July 2013 and the Provision of Open Space, Sport and Recreation Supplementary Planning Document adopted in July 2006 contributions should be made to the provision of relevant facilities. The council has identified local projects to which such contributions should be directed to ensure that they are directly related to the development and fairly and reasonably related in scale and kind.
18. In this instance though the appeal site already includes residential accommodation. Even though this is through the provision of temporary buildings, the residents are there and could remain there for the foreseeable future. Hence the proposal would result in a net reduction of occupants. In my view therefore there would be no increase in population that would mean increased pressure on the East Coast RAMS. Therefore, there would be no likely significant effect on the integrity of the protected sites. Similarly contributions are not necessary to make the development acceptable or to make the development acceptable in planning terms.
19. For the reasons above, I conclude that the proposal would not have a likely significant effect on the integrity of the Essex Coast RAMS and would make acceptable provision for community facilities and sport and recreation. There would therefore be no conflict with Policies SP2 and SP6 of the Colchester Borough Local Plan 2013-2033 Part 1 adopted 2012 (Local Plan Part 1). Policies ENV1 and DM2 of the Local Plan Part 2 and Policy TP14 of the Neighbourhood Plan. Together these require that all development must be supported by the provision of infrastructure, services and facilities that are identified to serve the needs arising from the development and mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy will be sought.

Planning Balance and Conclusion

20. I have found that the proposal would be harmful to the character and appearance of the area, would harm the significance of a Grade II listed building and would not be in an accessible location contrary to the development plan as a whole.
21. Although the proposal would be for one dwelling, given that there would be a net loss of residential accommodation on the appeal site this would not bring associated social and economic benefits. There would be some minor economic benefits from the construction phase. The removal of the existing structures on site would also benefit the character and appearance of the area and the significance of the listed building although given their relative unobtrusiveness, only in a minor way.
22. The appellant states that the proposal would also be for self-build. I haven't been supplied with details of the Councils supply of self-build permissions. However, even if I could give this significant weight and its provision as such be appropriately secured, collectively the public benefits would still not be sufficient to outweigh the great weight I give to the harm to the heritage asset which in itself would be a strong reason to dismiss the appeal.
23. The proposal is contrary to the development plan and the considerations I outline above are not sufficient to outweigh the conflict. For that reason the appeal is dismissed.

Zoe Raygen

INSPECTOR