



Appeal Decision

Site visit made on 23 April 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 JUNE 2025

Appeal Ref: APP/W1525/W/24/3356391

Land north of the Post Office, 103 Main Road, Great Leighs, Chelmsford CM3 1NN

- 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 Kibblewhite, B K & D Limited against the decision of Chelmsford City Council.
 - The application Ref is 24/00501/FUL.
 - The development proposed is the change of use of land and construction of one no. 2 bedroom chalet style dwelling, with garden and off street parking (Use Class C3), construction of an off street parking area for visitors to the post office/store (Sui Generis), complete with dropped kerb access works and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land and construction of one no. 2 bedroom chalet style dwelling, with garden and off street parking (Use Class C3), construction of an off street parking area for visitors to the post office/store (Sui Generis), complete with dropped kerb access works and landscaping, at Land north of the Post Office, 103 Main Road, Great Leighs, Chelmsford CM3 1NN in accordance with the terms of the application, Ref 24/00501/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. An appeal at this site was dismissed on 19 September 2017 (ref APP/W1525/W/17/3175318) for the “erection of 2No 2-bed flats and 1No 2-bed bungalow and associated parking”.
3. The appeal site falls within the Zone of Influence of European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). Although not forming part of the Council’s reasons for refusal, it is incumbent on me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA and Ramsar sites. It is necessary to consider this matter as a main issue.

Main Issues

4. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the appeal site and surrounding area; and,
 - the integrity of the European designated sites.

Reasons

Character and Appearance

5. The appeal site is a long, narrow strip of land which runs along the western side of Main Road. The site is overgrown and unkempt, with extensive brambles and nettles as well as evidence of a hedgerow along the rear of the footway running adjacent to the site. In a garden to the rear of the site is a Horse Chestnut tree subject to a Tree Preservation Order (TPO), the canopy of which partly overhangs the central portion of the appeal site. Despite the overgrown nature of the site, its vegetation and lack of built development contribute to the sense of openness around Main Road in the immediate area.
6. Along Main Road to the north of the appeal site, buildings in this part of the village directly address the street. The building line, particularly to the western side of the road, generally runs close to the highway and is a characteristic feature of the immediate area. The appeal site represents a transitional point from the more ribbon-like form of development to the north, towards a more open character to the southernmost end of the village, where built form is generally set back from Main Road.
7. The proposed house would be located to the northern end of the appeal site, within reasonable proximity of other houses with a building line close to the highway. In views of the appeal proposal looking north, the dwelling would be contiguous with the form of development in the village to the north of Fayrewood Drive. Although the dwelling would be a single detached house, it would visually relate to the pattern of development to the north. The location of the proposed dwelling within the site would therefore be appropriate.
8. The proposal would reduce the sense of openness of the appeal site and the contribution it makes to the character of the area. However, this would not be to a harmful degree and the scheme would maintain a sense of openness to the surrounding area due to the absence of built development in the southern half of the site. The soft landscaping in front of the protected Horse Chestnut would allow sufficient space to accommodate the overhanging canopy of the tree and would allow it to be appreciated in views from the street. The proposed soft landscaping scheme would allow for additional tree planting in addition to the retention of the 3 Ash trees to the south-west corner. Whilst there would be an additional area of hardstanding to accommodate public parking, the presence of vehicles in this location would have a similar effect upon the streetscene to the presence of vehicles parking on-street. The relatively small hardstanding footprint of the car park would not be harmful to the overall character and appearance of the area.
9. The proposed house would be modest in footprint and scale, with its garden and parking area located either side of the house. Whilst the site is narrow, it would nevertheless be of sufficient depth to accommodate the proposed house without it appearing cramped within the site. The chalet-style 1.5 storey form with the use of brick, render and traditional roof tiles would be appropriate to the surrounding area.
10. The scheme before me comprises significantly less built form in terms of bulk, scale and footprint than that contained in the 2017 appeal scheme. There are clear material differences in terms of the effect of the scheme before me on the character and appearance of the surrounding area. I agree with the assessment of the previous Inspector in terms of the contribution the appeal site makes to the

openness and general 'verdant' nature of the area. However, in my judgement, the scheme before me would not result in an unacceptable degree of harm to the openness and verdant nature of the area for the reasons set out above.

11. The overall effect of the appeal proposal on the character and appearance of the area would be acceptable due to the limited amount of built development and car parking area alongside the landscaping scheme. To conclude on this main issue therefore, the appeal proposal would be in line with the aims of Policy DM23 of the Chelmsford Local Plan adopted 2020 insofar as it seeks to ensure development respects the character and appearance of the area in which it is located and have regard to scale, siting, form, architecture, materials, boundary treatments and landscape.

European Designated Sites

12. The appeal site falls within the Zone of Influence of European designated sites scoped into the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) including the Blackwater Estuary Special Protection Area (SPA) and Ramsar site. The sites are designated due to the internationally important numbers of breeding and non-breeding birds and their coastal habitats.
13. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
14. It would be a reasonable assumption that occupiers of the proposed dwelling would be likely to visit local European protected coastal areas for recreation, as evidenced by the visitor research carried out in support of the Essex Coast RAMS Supplementary Planning Document 2020 (RAMS SPD). Any increase in visitor numbers to these sites would result in recreational pressure requiring mitigation. I therefore consider that the effects of the proposed dwelling, both on its own and in combination with other development projects, is such that they are likely to have significant effects on the integrity of the sites.
15. The Essex Coast RAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling, which increases with indexation each financial year. Since these include a range of habitat-based measures such as education, communication, and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the appeal schemes on the SPA and Ramsar sites.
16. The appellants have provided a receipt from the Council confirming that they have made a contribution of £163.86 to fund the Essex Coast RAMS for the single additional dwelling proposed. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that the funds have been received by Chelmsford City Council, which is the organisation responsible for administering the mitigation strategy. Therefore, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.

17. The contribution would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contribution toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.
18. I am therefore satisfied that with the funding for the proposed mitigation measures in place, the proposal would not have an adverse effect on the SPA and Ramsar sites identified. The proposal would therefore comply with the Habitats Regulations.

Other Matters

19. I have had regard to the concerns of interested parties regarding highway safety including the proposed access arrangements. The Council is satisfied that the proposed means of access from Main Road would be acceptable in highway safety terms. I note that the Highway Authority have not objected to the scheme, and I have no compelling evidence before me which would lead me to disagree with the Council's conclusions in this respect. To maintain the safety of the highway, the off street parking within the site would need to be secured by condition to ensure that it is provided in accordance with the layout shown.
20. The Grade II listed building of the Post Office at 103 Main Road is located immediately to the south of the appeal site. It is an L shaped timber framed building dating from the 18th Century with later additions. The significance of the building is derived from its function as well as its architectural features including its timber frame, shopfront window and first floor windows which rise above the eaves in a distinctive projecting gable form. It is principally experienced in views from Main Road and School Lane.
21. I have had regard to the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with respect to the desirability of preserving the setting of the Post Office building at 103 Main Road. Although there would be intervisibility between the appeal site and the listed building, given the distance of the proposed house from the Post Office and the visual separation between the car parking area and the Post Office, I consider the proposal would preserve the setting of the listed building and the contribution the setting makes to its significance.
22. The proposed chalet style dwelling, at 1.5 storeys, would have a relatively limited height, with the roof sloping away from the dwellings to the rear of the appeal site. Its height and location would be such that it would not result in harm to the living conditions of occupiers of neighbouring properties in terms of outlook, privacy, daylight and sunlight. I am satisfied the retention of the existing fence along the rear boundary of the appeal site would offer sufficient privacy to the gardens and dwellings backing on to the site.
23. The proposed house would comply with the relevant space standards, both internal and external, set out in the development plan. Refuse and bicycle storage would also be provided, which the Council acknowledge would meet their requirements. I see no reason to disagree with the Council's conclusions in this respect.
24. The appeal scheme is supported by an Arboricultural Impact Assessment (AIA). I am satisfied that the retained trees within the site and the protected Horse Chestnut tree

adjacent to the appeal site would be adequately protected during the course of construction and following development, subject to appropriate conditions to require the works to be carried out in accordance with the measures outlined in the AIA.

25. I am satisfied that in relation to its effect upon ecology, carbon reduction, water efficiency, and drainage that the proposal is acceptable subject to appropriate conditions. I have taken account of comments made by interested parties in respect of these matters, however, I do not have substantive evidence to contradict the conclusions of the Council in this respect.
26. I note the concerns of interested parties regarding the timescales for the appeal, but I am satisfied that the appeal was received within the appropriate timescale, 6 months from the date of the Council's refusal of planning permission, in line with the Procedural Guide: Planning Appeals (England) updated in April 2025.
27. I note the Council's view regarding the weight to be given to the public benefit of the car park in the absence of a planning obligation to secure continuous public access. Although it would be necessary to secure public access to the car parking area to realise the benefit of the proposal, I do not consider that a planning obligation would be necessary to secure access. The Planning Practice Guidance is clear that where the same objective can be met using a condition or planning obligation, then a condition should be used (Paragraph 011, Reference ID 21a-011-20140306).

Conditions

28. The Council has provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a consequence, I have amended or omitted some of the suggested wording. I have attached the standard commencement time limit condition and plans condition (1 and 2) as this provides clarity. The requirement for a construction management plan (3) is a pre-commencement condition to which the appellant has agreed. This is necessary in the interests of highway safety and protecting the living conditions of neighbouring residents.
29. Condition 4 regarding external materials is necessary to ensure a satisfactory appearance. Conditions 5, 6, 7, 8, 9 and 10 which concern the provision of parking, crossovers, visibility splays and hard surfacing materials are necessary to ensure highway safety. Condition 11 is necessary to ensure the protection of trees within and near the appeal site during and after construction, in the interests of the character and appearance of the area. Condition 12 is a pre-commencement condition to which the appellant has agreed, requiring details of landscaping and boundary treatments in the interests of ensuring an appropriate character and appearance is maintained.
30. I have not included the Council's suggested condition regarding electric vehicle charging since this is controlled by other legislation.

Conclusion

31. For the reasons given above the appeal should be allowed.

L Francis

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing Nos: GL0010, GL0030, GL0040, GL0050, GL0060, GL0070, GL0080, GL0090.
3. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the local planning authority. The CMP shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. wheel washing facilities;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. delivery, demolition and construction working hours.

The approved CMP shall be adhered to throughout the construction period for the development.

4. No development above ground level shall take place until samples of all external facing materials of the dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
5. The parking area serving the dwelling as shown on plan no. GL0040 shall be provided and made available for use at the site prior to the first occupation of the dwelling hereby approved. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to the new dwelling.
6. The four publicly accessible parking spaces shall be constructed as shown on plan no. GL0040 to a minimum dimension of 2.9m x 5.5m per space and thereafter made available to members of the public for the purposes of vehicle parking. The car parking area shall be operated and managed in accordance with arrangements to be submitted to and agreed in writing by the local planning authority prior to first use and thereafter maintained as such.
7. No unbound material shall be used in the surface treatment of the vehicular accesses within 6m of the highway boundary.
8. Prior to first use of the publicly accessible parking area, the access shown in the plan no. GL0040, a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. The visibility splays shall be retained free of any obstruction in perpetuity.
9. The 2.4m by 43m visibility splays shown on plan no. GL0080 shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.

10. Prior to first occupation of the development, each vehicular access shown in the Proposed Site Plan GL0040, shall be constructed at right angles to the highway boundary and to the existing carriageway:
- i) For the public parking area access, its junction with the highway shall not be less than 6 metres wide and provided with an appropriate dropped kerb vehicular crossing of the footway.
 - ii) For the dwelling access, the 2no. parking vehicular access shall be provided with a dropped vehicular crossing of the footway, aligned centrally to the parking spaces, not exceeding 5 metres wide.
11. The development hereby approved shall only be carried out in accordance with the tree protection measures and method statement set out in the Arboricultural Impact Assessment by Arborterra Ltd dated 28 March 2024. The tree protection measures shall be in place prior to any works commencing and maintained until all construction equipment, machinery and surplus materials have been removed from the site.
12. No development shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- (a) hard surfacing including pathways, driveways, other hard landscape features and materials;
 - (b) existing trees, hedges or other soft landscape features to be retained;
 - (c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - (d) planting or features to be provided to enhance biodiversity;
 - (e) planting of three trees per net new dwelling within the site;
 - (f) treatment of boundaries, including drawings of gates, fences, walls, railings or piers;
 - (g) management of the landscaping scheme including a five-year maintenance plan.

The landscaping, with the exception of new planting, shall be carried out in accordance with the approved details prior to first occupation of the dwelling or use of the car park (whichever is sooner) and maintained for the lifetime of the development.

The new planting shall be provided and completed in accordance with the approved details prior to the end of the first planting season following completion of the development or occupation of the dwelling (whichever is sooner). Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within five years of planting shall be replaced by planting of a similar size and species to that originally planted.

13. The dwelling shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

14. There shall be no discharge of surface water from the development hereby permitted onto the highway.

END OF SCHEDULE