



Appeal Decision

Site visit made on 15 July 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/A1530/W/25/3360841

33-35 Long Wyre Street, Colchester, Essex CO1 1LJ

- 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 Zagan Holdings Ltd against the decision of Colchester City Council.
 - The application Ref is 242437.
 - The development proposed is 'change of use of the rear space at 33-35 Long Wyre Street, Colchester to form 1 no. holiday-let unit'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the integrity of European designated sites; and
 - ii) whether or not the accommodation would be of suitable quality for future occupiers having particular regard to light, outlook, privacy and storage for bicycles and waste.

Reasons

European Designated Sites

3. In circumstances where a proposal is likely to have a significant effect on a European Site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment ('AA'). This duty would now fall to me. In accordance with the National Planning Policy Framework ('the Framework'), Ramsar sites should be given the same protection as European Sites.
4. Of relevance to the appeal proposal are the Colne Estuary Special Protection Area ('SPA') and Ramsar site, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Stour and Orwell Estuaries SPA and Ramsar site, and the overlapping Essex Estuaries Special Area of Conservation ('SAC') which are scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy ('the RAMS') Supplementary Planning Document 2020.
5. These sites are designated in recognition of their importance for populations and assemblages of breeding and non-breeding birds and the habitats that they provide. The RAMS advises that they are vulnerable to recreational disturbance. It identifies a Zone of Influence ('Zol') area within which new residents are likely to

travel to the Essex Coast sites for recreation. It also sets out a tariff which new residential development within the ZOI can pay as a contribution towards a suite of strategic measures intended to mitigate adverse effects of recreational disturbance.

6. The appeal site falls within the ZOI identified in the RAMS, but the proposal in this case is for a holiday let unit rather than a permanent residence and would not fall within any of the use classes that Table 3.2 of the RAMS indicates are covered by its provisions.
7. Nevertheless, paragraph 3.11 of the RAMS advises that *'other types of development, for instance tourist accommodation may be likely to have significant effects on protected habitat sites related to recreational pressure and will in such cases need to be subject of an AA as part of the Habitats Regulations.'* The provisions of the RAMS and the tariff that it identifies may not be directly applicable to the proposal, but the development would provide new overnight accommodation within the ZOI within which most visitors to the Essex Coast sites originate. Given that occupiers of holiday accommodation will often visit local attractions, it seems to me that the development could well be likely to result in additional visitors to the Essex Coast sites, increasing recreational pressure. The appellant has provided no compelling evidence to the contrary.
8. A precautionary approach must be taken in considering effects on the Essex Coast sites. From the evidence before me, I cannot be certain that increased recreational activity as a result of the proposal, either alone or in combination with other plans and projects, would not be likely to have significant effects on the integrity of the SPA, SAC and Ramsar sites. In the absence of any proposal or mechanism to secure measures to mitigate such recreational effects of the development, I am unable to determine that there would not be harm to the integrity of the sites.
9. I therefore conclude that there is insufficient information to determine that the proposal would not have an adverse effect on the integrity of the Essex Coast sites. I have no firm reason to find that there are no alternative sites that could accommodate the development with lesser effects on the integrity of the designated sites, nor that there are imperative reasons of overriding public interest that would outweigh the adverse effects. In these circumstances, the operation of the Habitats Regulations would preclude the proposal from proceeding. There would also be conflict with Policy ENV1 of the Local Plan 2017-2033 Section 2 (adopted 2022) ('the S2LP') insofar as it broadly seeks to conserve or enhance biodiversity.

Quality of Accommodation

10. The holiday-let unit is proposed within a single-storey projection to the rear of 33-35 Long Wyre Street with access via a gated path running from Eld Lane. It would have an entry hall, bedroom, shower room and an open plan area providing a kitchen and living/dining room.
11. There would be no windows and only a single rooflight to the kitchen/living/dining room. The living/dining room space was reasonably bright at the time of my visit, but natural light to the far end of the kitchen was more limited and noting that my visit was during good weather, it is likely that occupiers would often need to rely on artificial lighting to the space. There would also be a lack of any meaningful outlook.
12. The bedroom would be served by two rooflights and a window. Based on my observations, these openings would cumulatively be likely to provide a reasonable

level of natural light. However, a wall opposite the window substantially curtails outward views and while there would be some opportunities for sky views through the rooflights, this room would also lack any meaningful outlook.

13. That said, a small courtyard area would provide a degree of separation between the bedroom window and the neighbouring wall. I acknowledge the lack of visual connection to the surrounding area, but I did not find the proximity of the wall to be so close as to be unduly oppressive. Given also that the adjacent courtyard is not public and that access to the space would be limited, I am satisfied that there would be adequate privacy for occupiers.
14. I have not been directed to any relevant standards for the area of internal accommodation that would be breached. Based on my observations, both the bedroom and kitchen/living/dining room are of reasonable size and did not feel unduly constrained overall. No specific storage for waste and recycling is shown, but the appellant advises that this will be stored beneath the kitchen counters and collected in the same way as existing arrangements for business waste on Long Wyre Street and Eld Lane and the Council has offered no compelling evidence indicating that this would be inappropriate. The accommodation would be modest, but in my view would nonetheless offer sufficient space for holiday occupiers to stay comfortably for short periods. I would also expect ventilation to be covered by Building Regulations.
15. The submitted plans do not show any provision for cycle parking within the boundaries of the appeal site. However, the Council has not disputed the appellant's evidence suggesting that the closest standard for cycle parking applicable to the development would be the requirement for hotels outlined in the Essex Parking Standards Design and Good practice 2009 and I agree that this would appear a reasonable approach. This standard requires a minimum of 1 cycle space per 5 staff plus 1 space per 10 bedrooms. Given that the proposal would provide a single bedroom and that there would be no on-site staff, this would indicate a requirement for 1 space at worst, but suggests that the need would in reality be negligible. In addition, I note provision for cycle parking available close to the site, both on-street stands and secure indoor parking which could be available to any occupiers who did bring cycles. In view of the particular circumstances and merits of the proposal and the evidence before me, I consider that the lack of dedicated provision would be acceptable in this specific case.
16. The lack of outlook to habitable rooms, limited natural light to the kitchen/living/dining room and lack of dedicated cycle storage is certainly not desirable. To my mind however, those occupying the unit temporarily for holiday stays would not require or expect the same level of provision as a permanent residence. At the same time, occupiers would benefit from a town centre location with excellent access to local attractions, facilities and amenities. In my judgement, this would be of sufficient value to offset the shortcomings in provision of light, outlook and cycle storage for stays of relatively short duration. In this respect, I have no firm reason to find that planning conditions would be ineffective or otherwise inappropriate to ensure that the unit was used as holiday accommodation for stays of defined maximum duration.
17. Accordingly and subject to conditions, I conclude that the proposal would on balance provide accommodation of suitable quality for future occupiers. I am satisfied that it would not amount to unacceptable overdevelopment of the site and

that it would be acceptable in accordance with requirements of Policy SP 7 of the North Essex Authorities' Shared Strategic Section 1 Plan 2021 and Policy DM15 of the S2LP broadly seeking good standards of design and amenity and development that incorporates necessary infrastructure and services. It would also accord with the Framework insofar as it seeks good design and high standards of amenity.

18. The Council's reason for refusal additionally cites conflict with Policy DM12 of the S2LP. However, this policy stipulates housing standards for residential development. Similarly, Policy DM19 of the S2LP which is referenced in the Council's report concerns requirements for private amenity space for new residential development, setting out standards for flats and houses of different size. Given that the proposal is for holiday-let accommodation rather than residential development, I am not persuaded that the requirements of Policies DM12 or DM19 are directly applicable here, and breach of their standards does not therefore weigh against the proposal.

Other Matters

19. The appeal site is located within the Colchester Conservation Area ('the CA') and is part of a Grade II listed building '33-37 Long Wyre Street'. I have therefore considered the proposal in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Broadly, these sections require special regard to the desirability of preserving listed buildings and their setting and special attention to the desirability of preserving or enhancing the character or appearance of the CA.
20. Buildings within the CA vary in age, scale and architectural style but many are historic and the typically tight-knit arrangement of development provides a strong sense of enclosure to views along streets near to the site. Insofar as it relates to this appeal, I consider the pattern of development together with the quality of the buildings to contribute positively to the character and appearance of the CA and thus its significance.
21. From the information before me, the special interest and significance of the host listed building derives in large part from its intrinsic architectural and historic interest as a timber-framed building which the listing description indicates is probably early 16th century. However, the appeal relates to a modern single storey extension to the rear of the historic core which makes no meaningful contribution to the special interest or significance of the building.
22. The conclusion section of the Council's report suggests that there would be harm to the host listed building and CA, but that this could be outweighed by the benefits of the proposal. However, the 'Design and Impact upon Heritage' section of the report records that the proposal includes no internal or external alterations to the building, and I agree with Historic Buildings and Areas Officer's position that the use as a holiday let would be acceptable in heritage terms. On that basis, I am satisfied that the character and appearance of the CA as a whole and the special interest and significance of the host listed building would be preserved.

Conclusion

23. Policy TC1 of the S2LP encourages development in Colchester Town Centre which would enhance the Borough's role as a shopping, leisure and tourist destination. Policy DM5 of the S2LP also offers general support to visitor accommodation in

suitable locations. However, the small scale of the proposal means that the benefits of new visitor accommodation on the site would be limited and would not in my judgement outweigh the adverse effect on the integrity of the Essex Coast SPA, SAC and Ramsar sites which is an overriding concern.

24. I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR