



Appeal Decision

Site visit made on 14 October 2025

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2025

Appeal Ref: APP/A1530/W/25/3369366

Green Gates, Shop Lane, East Mersea, Colchester, Essex, CO5 8TR

- 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 Ms Anne Leggett-Auld against the decision of Colchester City Council.
 - The application Ref is 250831.
 - The development proposed is the change of use of existing domestic outbuilding to a holiday let.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing domestic outbuilding to a holiday let at Green Gates, Colchester, CO5 8TR in accordance with the terms of the application, Ref 250831, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The second reason for refusal refers to the lack of an appropriate financial contribution towards mitigation of the effect of the additional residential tourist accommodation resulting in an increase in recreational pressures on the designated sites (Special Protection Areas and Essex Estuaries Special Area of Conservation). The Council confirms that a payment has now been made by the appellant which accords with the Essex Coast RAMS requirements and this reason is not now being pursued by the Council. I therefore do not need to consider this matter further.

Main Issue

3. The main issue is whether the proposed holiday let use would be in a sustainable location to ensure wider benefits to the local community in the context of Policy DM5 of the Council's Local Plan 2017 – 2033 Section 2.

Reasons

Background

4. The appeal site forms part of a farmstead where the farmhouse Green Gates has a large curtilage with a number of outbuildings. It is proposed to use one of the outbuildings, a single storey timber clad structure, as tourist accommodation. The site lies in an area of scattered development in the countryside where the eastern part of Mersea Island is served off a single cul-de-sac road.
5. The appellant's statement refers to a similar proposal which was allowed by the Council at Reeves Hall also in East Mersea and it is submitted that the Council's decision on the present appeal case is inconsistent with that permission. Likewise

the Council refers to appeal decisions APPA1530/W/22/3295336 & 3353458 which also relate to sites outside settlement boundaries. However, I cannot be sure that the circumstances of all of these cases are similar and I have considered the appeal proposal on its individual merits.

Whether sustainable location

6. From the evidence supplied by the Council it appears that East Mersea has a very limited bus service and there are no other forms of public transport available. It is therefore likely that users of the proposed tourist accommodation would arrive by car. This is also likely as users of self-catering accommodation would generally be car-borne because of carrying heavy luggage and supplies.
7. However, the site seems to be relatively well served by local facilities. The Dog and Pheasant public house and restaurant is a short stroll away along Shop Lane. There are also shops and pubs in East Road. Although these lanes are unlit and without footways they did appear to me to offer a pleasant environment for walking and cycling and I do not share the Council's view that they do not provide an attractive alternative to the use of a private car for most journeys. Also as the appellant suggests it is common for visitors to holiday lets to bring cycles with them to explore the local area.
8. It also appeared to me that there were many other visitor attractions locally. The number of holiday parks situated to the south of East Mersea suggest that the beaches here are popular along with Cudmore Grove Country Park. These attractions are within a short cycle or a reasonable walk from the appeal site.
9. Overall, while I agree that visitors to the holiday accommodation are likely to arrive by car, it appears to me that that the flat topography of local lanes and roads are conducive to walking and cycling and that there are existing facilities within easy reach other than by car. Users of the accommodation are therefore likely to make a positive contribution to local facilities and enjoy the local attractions. On this basis I find that the proposal for a holiday let is in a suitable location as set out in Policy DM5 and there are no other adverse impacts identified with the proposal.
10. This accord with the main relevant local plan policy is not outweighed by any other consideration, therefore the appeal should be allowed.

Conditions

11. The Council recommends that 6 conditions be imposed which I will consider under the same numbering. In addition to the statutory condition on the commencement of development (No.1) it is necessary that the development accords with the submitted plans and I will impose No.2. In the interests of highway safety and to encourage recycling I will impose condition No.3 on the siting of an appropriate store.
12. Recommended condition No. 4 seeks to restrict lighting to control light pollution. However as drafted the condition is too general but I will amend it to relate only to external lighting and where the details only refer to the site being in a rural area. Condition No. 5 is reasonable and necessary to ensure that there is adequate provision for parking and cycle storage off the highway and I will impose it in the interest of highway safety.

13. Finally, as there would be a policy objection to the formation of a separate residential dwelling in this location it is necessary to impose condition No. 6 to ensure that the residential accommodation allowed is used only for short term lets to benefit tourism.

Conclusion

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

David Murray

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 the details shown on the submitted Site Layout Drawing.
- 3) Prior to the occupation of the proposed development the applicant shall provide a refuse/recycling / bin store within 15m of the vehicular access within the site which shall be maintained free from obstruction and retained thereafter.
- 4) Any external lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note (EZ2 rural, small village or dark urban area).
- 5) The development shall not be occupied until such time as details of the provision for parking and storage of bicycles sufficient for all occupants and visitors to the proposed development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.
- 6) The Holiday Accommodation hereby permitted shall not be used continuously by any person(s), family, families or other group(s) for any period exceeding 28 days in any 90 day period.

End

