



Appeal Decision

Site visit made on 15 October 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/W1525/W/25/3370239

52-52A Maldon Road, Great Baddow, Chelmsford, Essex CM2 7DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Parris against the decision of Chelmsford City Council.
 - The application Ref is 25/00288/CUPAMA.
 - The development proposed is described as 'proposed change of use from Salon (Class E) to Residential (Class C3). No exterior changes are proposed. The changes will result in two new dwellinghouses'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for development described as 'proposed change of use from Salon (Class E) to Residential (Class C3). No exterior changes are proposed. The changes will result in two new dwellinghouses.' at 52-52A Maldon Road, Great Baddow, Chelmsford, Essex CM2 7DL in accordance with the application 25/00288/CUPAMA and the details submitted with it, and subject to the conditions in the schedule below.

Preliminary Matters

2. Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order¹ to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
3. Within Class MA, Paragraph MA.2(2) requires that before beginning development the developer must apply to the local planning authority for a determination as to whether prior approval will be required as to a range of issues numbered (a) to (i). The application was made on that basis. The Council refused to grant prior approval for reasons relating to the impact of the proposed change of use on the character or sustainability of Great Baddow Conservation Area, citing paragraph MA.2(2) (e) as being the relevant prior approval matter.
4. Paragraph W(10) of Schedule 2, Part 3 of the GPDO requires that regard is had to any representations and to the National Planning Policy Framework (the

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

Framework), so far as relevant to the subject matter of the prior approval. However, Paragraph W does not require consideration of the development plan and s38(6) of the Planning and Compulsory Purchase Act 2004 is not applicable. I have accordingly had regard to the development plan policies mentioned only in so far as they provide evidence to support the planning judgement to be exercised within the parameters of the relevant prior approval matter. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is, however, applicable and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Main Issue

5. The main issue is the effect of the proposed development on the character or sustainability of Great Baddow Conservation Area (GBCA).

Reasons

6. The appeal site contains a single storey, flat roofed building, most recently used as a hair salon. Although currently vacant, it still bears signage and furnishings related to that use. The building is set back from the pavement, behind a small parking forecourt. It has two display windows to the front, on either side of two front doorways, although the two units are connected internally.
7. The site is within the GBCA and a short walking distance from the Vineyards shopping centre. There is another small commercial unit next door, currently used as a beauty salon. Opposite is the former Kings Head Public House, now used as visitor accommodation. There are more small business premises and local services along Maldon Road, interspersed between dwellings of various types.
8. The GBCA has considerable historic and architectural character, including an abundance of older and historic buildings, as well as some modern infill. Commercial and residential premises mingle together in buildings of different periods, adding interest and variety to the streetscapes. In that context, although the Council acknowledges that the building on the appeal site does not, in historic or architectural terms, make any positive contribution to the character of the GBCA, its Class E use is described as contributing to the area's activity and vitality.
9. While my site visit represents only a snapshot in time, I noted a steady flow of customers arriving and departing from the nearby shopping centre on foot and by car. There was also a modest but steady level of pedestrian activity throughout the surrounding streets, including around the appeal site. That is consistent with the Council's evidence that the mix of residential and commercial uses contributes to the significance of the GBCA, not just in terms of its historic or architectural character, but by generating activity to support its sustainability.
10. The proposal would incrementally erode the number of commercial uses along Maldon Road. The adjacent beauty salon would be more isolated, as it would no longer be within a small continuous commercial frontage. However, there is no specific evidence that would jeopardise the viability of the business which currently occupies that unit. There would still be other commercial uses nearby, including a tailor's shop and small workshop on the opposite side of the road, as well as non-residential uses in the short stretch of Maldon Road towards the shopping centre. There are also residential areas beyond the site, which are likely to generate some

activity as people walk to and from the centre. That being the case, there is limited evidence that the change of use would materially affect overall footfall.

11. Currently, the appeal site is vacant and looks somewhat dated. It is unclear how long it has been vacant, or whether any attempts have been made to market it for an alternative Class E use. In contrast, the Council indicates that the change of use of the former Kings Head was supported by more specific evidence as to the sustainability of a public house use. Nevertheless, the proposal would bring the building back into use. Since occupiers are likely to frequent the shops and services which are within easy walking distance, that could in itself make a minor contribution to the sustainability of the GBCA.
12. The front rooms would be set back from the pavement and are not proposed as sleeping accommodation. It is not uncommon for dwellings to include living rooms with an outlook towards the street and there is no indication that any unusual privacy measures are intended or necessary in the front windows. In any case, not all Class E uses include display windows or an active frontage and in fact there are currently continuous blinds across the window of one of the units. Therefore, there is no substantive evidence that the proposal would result in a less active frontage than an ongoing Class E use.
13. There is some common ground between the prior approval matter and Policy DM5 of the Chelmsford Local Plan 2020 (CLP), which relates to changes of use in the Neighbourhood Centre. However, the GPDO does not explicitly require consideration of the development plan, and the focus of this decision should be on the effect on the GBCA rather than on economic growth or reinforcing the function of the Neighbourhood Centre in more general terms.
14. In the circumstances of this particular case, I conclude that the proposed development would not have any adverse effect on the sustainability of the GBCA and that the character of the GBCA as a whole would be preserved. Since no harm would arise, there is no conflict with Policy SPS3 of the CLP, to the extent that it is relevant to the prior approval matters. Nor is there any need to consider any public benefits, as described in CLP Policy DM13 or paragraph 215 of the Framework. Therefore, prior approval should be granted.

Other Matters

15. There is a trio of Grade II listed cottages near the site, at 43-47 Maldon Road, and the former Kings Head PH is identified by the Council as a non-designated heritage asset. The significance of the listed cottages derives from their age and intact architectural features characteristic of 18th Century domestic architecture. The Council did not allege any harm to the setting of the listed building, or the former public house, which in both cases derives from their position within the varied residential and commercial frontage described above. Based on the evidence before me and having observed the relationship between the proposed development and these nearby heritage assets, I concur that their settings would be preserved.

Conditions

16. The Council recommended that conditions be imposed in the event that the appeal is allowed. I have considered these in the context of Paragraph W(13) of Schedule 2, Part 3 of the GPDO, which provides that prior approval may be granted

unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

17. I have imposed a condition requiring compliance with the approved plans, in the interests of certainty and because they confirm the proposed arrangements for access, car parking and provision of natural light, all of which are relevant prior approval matters. Provision of off-street parking is relevant to the transport impacts of the development, and the Council had regard to the proposed parking layout when considering that matter. Therefore, a condition to secure the retention of those spaces is justified. However, provision of cycle storage to support travel by means other than the car is not directly relevant to the prior approval matter as defined in the GPDO, so I have not imposed a condition to secure it.
18. The prior approval matters include impacts of noise from commercial premises on the intended occupiers and there are commercial premises nearby. While there is no specific evidence that these are intrusively noisy, the building was not designed for residential use, so improved sound insulation may be required to achieve a suitable living environment. I have therefore imposed a condition to require that an appropriate standard of sound insulation is implemented prior to occupation, in the interests of providing suitable living conditions for future occupiers.
19. In Schedule 2, Part 3 of the GPDO, Paragraph MA.2(5) requires that the development must be completed within a period of three years starting with the prior approval date, so a separate condition to that effect is not necessary. There is also no need to repeat the condition in Paragraph MA.2(6) which requires that a building permitted to be used as a dwellinghouse by virtue of Class MA remains in use within the meaning of Use Class C3 and for no other purpose.

Conclusion

20. For the reasons given above the appeal should be allowed and prior approval should be granted.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: 25007-EX-050, 25007-EX-060, 25007-EX-100, 25007-EX-150, 25007-EX-200, 25007-EX-210, 25007-EX-220, 25007-EX-230, 25007-EX-301, 25007-EX-302, 25007-PL-002, 25007-PL-100, 25007-PL-150, 25007-PL-200, 25007-PL-210, 25007-PL-220, 25007-PL-230, 25007-PL-301, 25007-PL-302 & 25007-PL-303.
- 2) The 4no. car parking spaces shown on the submitted drawings shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

- 3) Prior to first occupation, the building shall be adapted (if required) so as to provide sound insulation against externally generated noise, ensuring the internal noise levels in bedrooms at night (2300-0700) with windows closed should not exceed 30dB(A) LAeq. The internal noise levels in habitable rooms during the day (0700-2300) with windows closed should not exceed 35dB(A) LAeq. The sound insulation works shall be completed before the use of either dwelling begins and retained thereafter.

END of conditions