



Appeal Decision

Site visit made on 21 October 2025

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/W1525/W/25/3367901

Land at Fairbanks, School Lane, Great Leighs, Chelmsford, Essex CM3 1NL

- 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 D Bailey, PNT Land Ltd against the decision of Chelmsford City Council.
 - The application Ref is 24/01787/FUL.
 - The development proposed is the demolition of outbuildings and proposed construction of one new detached dwelling (Use Class C3), with retention of access, provision of driveway and parking, a shed, landscaping and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of outbuildings and proposed construction of one new detached dwelling (Use Class C3), with retention of access, provision of driveway and parking, a shed, landscaping and associated works at Land at Fairbanks, School Lane, Great Leighs, Chelmsford, Essex CM3 1NL, in accordance with the terms of the application, Ref 24/01787/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. 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 European designated sites. It is necessary to consider this matter as a main issue.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the appeal proposal having regard to the Council's strategy for the location of development;
 - the effect of the appeal proposal on the character and appearance of the area; and,
 - the effect of the appeal proposal on the integrity of the European designated sites.

Reasons

Location

4. The appeal site falls within the 'Rural Area' as defined by the Chelmsford Local Plan adopted 2020 (Local Plan) and is within a loose group of dwellings lining either side of School Lane. Strategic Policy S1 of the Local Plan sets out 'Spatial Principles' which include, amongst other things, locating development at well-connected and sustainable locations as well as respecting the character and appearance of landscapes and the built environment.
5. Great Leighs is designated as a 'Key Service Settlement' in the second tier of the settlement hierarchy set out in the Local Plan. In applying the spatial strategy, Policy S7 seeks to focus new housing growth within the most sustainable locations which, amongst other things, include development around Key Service Settlements in accordance with the settlement hierarchy. The policy recognises the contribution of windfall sites to housing supply. The appeal site is however located outside the settlement boundary of Great Leighs.
6. Great Leighs contains a variety of every-day services and facilities including a post office/convenience shop, Public House (PH), village hall, primary school and play areas. Whilst there is not a supermarket, I do not consider that this would necessarily indicate the location would be unsustainable regarding access to services and facilities. I note there are regular bus services to Chelmsford and Braintree from the bus stop on Main Road, within a similar distance from the appeal site as the convenience shop and PH.
7. The services within Great Leighs would be within a short walk of the appeal site. However, the first part of the walk would not be served by a footway and pedestrians would have to rely on the use of grassed verges and the road for a relatively short distance before reaching the footway just before the bridge over the A131.
8. Whilst I acknowledge this would not be an ideal arrangement, it would be for a fairly short stretch of this relatively quiet road. The village services of Great Leighs would also be accessible by a short cycle ride from the appeal site. The surrounding land is flat and School Lane is subject to a 30mph limit along the route into the village centre, all of which would assist in making cycling a practical option.
9. I note there is not yet an extant permission for development on the Strategic Growth Site 7a, and I have no scheme before me which indicates the delivery of shops/services within that site. I have been referred to a masterplan which the Council has resolved to approve, subject to the completion of a S106 legal agreement (reference 23/01583/FUL). The masterplan shows pedestrian and cycle access onto School Lane. Although there is not an extant permission before me, the location of the Strategic Growth Site with pedestrian and cycle access opposite the appeal site, weighs in favour of the appeal site as being within a sustainable location.
10. Despite my findings regarding the sustainability of the location and access to alternative means of transport than the private car, the appeal site is nevertheless located outside the settlement boundary of Great Leighs. As such, there would be a conflict with the aims of Local Plan Policy S7 insofar as it seeks to focus development to the locations set out in the settlement hierarchy.

Character and Appearance

11. The appeal site comprises the side garden of the host property. It is located within a loose group of dwellings lining both sides of School Lane. The age and style of the dwellings is varied; some are substantially set back from the street and others immediately abut the carriageway. The dwellings are interspersed with rural commercial uses. There are fields immediately to the north of the host property.
12. The field opposite the site is part of a housing allocation in the Local Plan designated as Strategic Growth Site 7a which has an allocation for 750 homes. It would be reasonable to conclude therefore that the immediate context of the surrounding area will change. Nevertheless, the area surrounding the appeal site is fairly open, and because of the pattern of development, the side garden of the host property allows views from School Lane to the countryside beyond.
13. Policy DM8 of the Local Plan states that within the Rural Area, new buildings and structures will be granted permission where development will not adversely impact on the identified intrinsic character and beauty of the countryside. The policy applies to identified categories of development including limited infilling in accordance with Policy DM9.
14. In the Rural Area, DM9 allows infilling where the site is a small gap in an otherwise built-up frontage, the development does not detract from the existing character or appearance of the area, and would not unacceptably impact on the function and objectives of the designation. The supporting text to the policy clarifies that each case will be assessed on a case-by-case basis.
15. The 'gap' in this case would be provided by the large side garden of the host property. The space would allow for a dwelling of a similar size to the host property. As the proposal would be contained within the side garden and would abut the garden of an adjacent dwelling, it would not result in the extension of the existing loose cluster of built form any further into the Rural Area and would not compromise the wider rural landscape. It would be in keeping with the existing pattern of development. Whilst there would be a reduction in the sense of openness around the host property, the garden and space between the proposed dwellings would retain glimpse views to the surrounding countryside.
16. The proposed scale, mass and detailed design of the dwelling would be contextually appropriate, being of a similar vernacular and scale to the host property. Whilst there would be a significant increase in built form compared to the outbuildings which currently occupy the site, as set out above, the proposed dwelling would not appear incongruous within its setting. Although there would be an increase in the amount of hardstanding as a result of the parking area, this would not be uncharacteristic of the area along a stretch of road where there are already several dwellings. Given the small scale of the proposal, the increase in activity associated with the provision of a single dwelling would not unacceptably harm the rural character of the surroundings.
17. In conclusion therefore, the proposal would not be harmful to the character and appearance of the surrounding countryside. The proposal would accord with the overall aims of Local Plan Policies S1 and S11(c). Taken together, they do not preclude development within the Rural Area, allowing development where it would not adversely impact on the Rural Area's identified character and beauty. The proposal would also be in line with the aims of Local Plan Policies DM8 and DM9

insofar as they allow infill development which does not detract from the existing character or appearance of the area. It follows therefore that the proposal would conform with the aim of the Framework for development to be sympathetic to local landscape and built environment settings.

European Designated Sites

18. 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 and the Essex Estuaries Special Area of Conservation (SAC). The SPA and Ramsar sites are designated due to the internationally important numbers of breeding and non-breeding birds. The qualifying features of the SAC include sandbanks, mudflats and sandflats exposed at low tide, *Salicornia* and other annuals colonising mud and sand, *Spartina* swards and Atlantic salt meadows. The conservation objectives explain how the sites should be restored and maintained.
19. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require 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.
20. 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 it would be likely to have significant effects on the integrity of the sites.
21. 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 SAC, SPA and Ramsar sites.
22. 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.
23. 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.

24. 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

25. The proposed dwelling would use one of the existing vehicular accesses serving the appeal site. The Highway Authority have not objected to the access arrangements, and the Council are satisfied with the provision off street parking spaces. There is no evidence before me which would lead me to disagree with this assessment.
26. 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.
27. The windows serving habitable rooms would overlook the front and rear gardens and would not unacceptably overlook any neighbouring residential property. The location and scale of the proposal would not cause any loss of outlook, daylight or sunlight to surrounding residents.
28. 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.
29. The site would be subject to the provisions of Biodiversity Net Gain (BNG) pursuant to Schedule 7A of the Town and Country Planning Act 1990 (the Act), which was inserted by the Environment Act 2021. The appeal proposal is required to demonstrate 10% BNG in mitigation. The statutory BNG condition applies to the permission and is a matter the appellant would need to address directly with the Council. As such, there is no requirement to duplicate it in my decision.

Planning Balance

30. Whilst the proposal would only deliver a single dwelling, this would nonetheless be valuable in boosting the housing stock. Whilst I note that the Council has an identified supply of deliverable housing sites for the next 5 years, this does not provide a ceiling for housing development. Socio-economic benefits would also stem from employment associated with the construction phase and future occupants would bring some trade to nearby shops and services. The scheme would also deliver biodiversity benefits and the dwelling would be energy and water efficient.
31. I have however identified a conflict with the aims of Local Plan Policy S7 insofar as it seeks to focus development to the locations set out in the settlement hierarchy. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this context I consider that the appeal proposal, despite its location outside the settlement boundary of Great Leighs, would be reasonably well placed in terms of proximity to local services and access to a choice of transport modes as an alternative to the private car. Given my

conclusions regarding the sustainability of the location of the appeal site, I consider there would be limited harm arising from the conflict with Policy S7.

32. In conclusion therefore, the benefits of the scheme set out above would outweigh the conflict with Policy S7 in terms of the location of the appeal site outside the settlement boundary of Great Leighs.

Conditions

33. The Council has provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance. Consequently, 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. Condition 3 regarding drawings showing finished levels is necessary in the interests of ensuring a suitable relationship between the appeal scheme and surrounding housing. This is a pre-commencement condition to which the appellant has agreed.
34. Condition 4 regarding external materials is necessary to ensure a satisfactory appearance. Condition 5 requiring details of landscaping is necessary in the interests of ensuring that biodiversity is maintained and in the interests of ensuring a satisfactory appearance. Condition 6 ensures the development would be carried out in accordance with the Preliminary Ecological Assessment and is necessary in the interests of protecting biodiversity. Condition 7 in relation to the details of lighting is necessary in the interests of protecting the area from unacceptable light pollution. Conditions 8, 9 and 10 are necessary in the interests of highway safety. Condition 11 is necessary to ensure water efficiency and in the interests of sustainability.
35. I have not included the Council's suggested condition regarding electric vehicle charging since this is controlled by Building Regulations.

Conclusion

36. 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: 516 052; 516 054; 516 150/Rev 6; 516 152/Rev 3; 516 153; 516 154; 516 300/Rev 3.
3. No development shall take place until detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No development above ground level shall take place until details 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 details.
5. Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation (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. The landscaping details to be submitted shall include:
 - a) hard surfacing including pathways and driveways, other hard landscape features and materials;
 - b) existing trees, hedges or other soft features to be retained;
 - c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - d) Details of native planting and features to be provided to enhance the value of the development for biodiversity and wildlife including bird and bat boxes;
 - e) Details of the planting of 3 trees within the site;
 - f) Management details and a 5-year maintenance plan
6. The development hereby permitted shall only be carried out in accordance with the details contained in the approved Preliminary Ecological Assessment by Hybrid Ecology Ltd dated August 2024.
7. Prior to first occupation of the dwelling, details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed and maintained in accordance with the approved details.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
9. The car parking spaces shall be provided prior to first occupation of the dwelling and shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
10. Prior to first occupation of the dwelling, the private driveway for the new dwelling shall be constructed as shown in the Proposed Masterplan, drawing no. 516/152.
11. The development hereby permitted 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.