



Appeal Decision

Site visit made on 24 November 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/P1560/W/25/3370961

Land north side of Oliver's Road, Clacton on Sea, Essex CO15 3QH

- 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 Gerard Lecain against the decision of Tendring District Council.
 - The application Ref is 25/00557/FUL.
 - The development proposed is the construction of a four space electric vehicle (EV) charging car park on an unkempt bare land site in Clacton-On-Sea town centre including landscaping and beautification to offer local residents and visitors of Clacton town centre convenient EV charging facilities.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal scheme proposes a new access from Olivers Road to serve the proposed car park on land north of Olivers Road. This car park would provide electric vehicle charging provision for up to four vehicles. To the east of the proposed car park is vacant land not under the appellant's control (third-party land).
4. Olivers Road is subject to a 30mph speed limit, is a one-way road and classified as a strategic route within the Essex County Council's Route Hierarchy. Since the road is one-way, clear visibility towards the east, where other road users will be approaching from, is particularly important for vehicle users exiting the proposed carpark. Based on Manual for Streets, a 43-metre visibility splay is required, measured from a setback position of 2.4 metres from the centre of the access point.
5. The submitted splay diagram shows the required 43-metre visibility splay towards the east (marked left-hand visibility splay on the diagram) within land owned by the appellant and the Highways Authority. However, this splay has been measured to the far-side kerb edge, when it should be measured to the near-side kerb edge. When measured correctly to the near-side kerb edge, the required 43 metres can only be achieved by crossing land outside both the appellant's and the Highway Authority's control. Although the land is currently grassed, it could be enclosed or built on in the future. As such, there is no certainty that the required splay could be provided and retained free from obstruction in perpetuity. If the visibility were to be

obscured, drivers egressing the appeal site would have to edge out into the highway with approaching highway users having limited warning. This would significantly increase the potential for conflict between vehicles exiting the site and other highway users, to the detriment of highway safety.

6. Furthermore, I am concerned that the parking provision itself could obstruct the required visibility. Whilst the intention is for the electric charging spaces to be used by domestic vehicles, these vehicles vary in width and height. As the left-hand visibility splay would cut across one of the four vehicle charging spaces, a tall and/or wide vehicle parked here could also obstruct the required visibility, which would also be to the detriment of highway safety.
7. In conclusion, the proposal would result in an unacceptable impact on highway safety by reason of failing to demonstrate that sufficient visibility could be achieved. It would therefore be contrary to Policy SPL 3 Part B a) and Policy CP2 of the Tendring District Local Plan Section 2 (2022) which seek proposals to not have an unacceptable impact on highway safety.

Other Matters

8. The scheme would not appear out of character given the urban location, nor would it adversely affect neighbouring living conditions or drainage, and it would provide sufficient vehicle turning space. However, an absence of harm is of neutral weight.
9. The proposal would support renewable energy generation and the provision of electric charging points aligns with the vision and objectives of the Essex Highways Electric Vehicle Charge Point Strategy assisting with the transition to low-emission transport. There would also be some economic and social benefits during construction and through the provision of additional parking for visitors to the town centre. However, given the scale of the proposal such benefits would be limited and do not outweigh the identified harm.

Conclusion

10. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR