
Appeal Decision

Site visit made on 4 November 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/X1545/W/25/3370022

15 Pump Mead Close, Southminster, Essex CM0 7AE

- 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 A Cook against the decision of Maldon District Council.
- The application Ref is 25/00122/FUL.
- The development proposed is a proposed dwellinghouse with associated private amenity space and parking on land associated with 15 Pump Mead Close. Revised parking arrangement for donor dwelling.

Decision

1. The appeal is allowed and planning permission is granted for a dwellinghouse with associated private amenity space and parking and a revised parking arrangement for the donor dwelling at 15 Pump Mead Close, Southminster, Essex CM0 7AE in accordance with the terms of the application, Ref 25/00122/FUL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I have simplified the description of development in my formal decision, omitting elements that do not relate to an act of development.
3. The appeal was accompanied by a unilateral undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) which sought to secure a financial contribution towards the Council's Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in relation to the European Sites on the Essex Coast. However, during the appeal the appellant made a direct payment of the RAMS tariff to the Council. I shall return to this matter later in the decision.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site relates to part of the garden area to the side of 15 Pump Mead Close and land to the west, which provides access to the block of garages located to the rear of the site and the allotment gardens beyond. Pump Mead Close is characterised mainly by two-storey semi-detached dwellings of a similar design and appearance which provides consistency in the street scene.
6. Properties follow a generally uniform building line, set back from the highway behind front garden areas with limited gaps between blocks of development. At the end of the cul-de-sac, properties are arranged around an oval area of green space which results

in an increased separation between properties across the highway. This provides a sense of spaciousness and visual relief to what is otherwise a fairly densely developed residential area. There are also some examples of greater separation distances between the blocks of development on the eastern and southern sides of this area of green space. However, as dwellings on the western side of this area are arranged in a similar manner to those further north, the overall pattern of development in the vicinity of the appeal site is varied.

7. The appeal scheme proposes the construction of a detached dwelling to the side of No 15 of a similar design, appearance and scale to surrounding properties. On approach towards the appeal site, the dwelling would partially infill one of the larger spaces that exists between blocks of development around the area of green space. However, the development would respect the prevailing building line, and space would be retained between the proposed dwelling and the closest properties either side (Nos 14 and 15), which would not be dissimilar to the relationships between dwellings in the immediate vicinity. The appeal scheme would therefore respect the pattern of development in the surrounding area.
8. Despite partially infilling one of the larger gaps between developments that exists in the street scene, the overall sense of spaciousness around this part of the cul-de-sac would be preserved by the existing green space. Moreover, as the development has been designed to respect the design and appearance of surrounding properties it would assimilate well within the street scene and preserve the area's prevailing character and appearance. Consequently, the development would make an effective use of under-utilised land within a settlement for housing, without resulting in harm to the local area, which accords with the aims and objectives of Section 5 and paragraph 129 of the National Planning Policy Framework (the Framework).
9. For the above reasons, I therefore conclude that the development would not harm the character or appearance of the area. It would therefore accord with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029, which together and amongst other things support development that respects and enhances the character and local context of an area and the effective use of land, having regard to local circumstances, site context and the character and density of the area.

Other Matters

Appropriate Assessment

10. The appeal site falls within the zone of influence of the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar, the Foulness Estuary SPA and Ramsar, Dengie Estuary SPA and Ramsar, and the Blackwater Estuary SPA and Ramsar (the European Sites) which are European Sites as defined by the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
11. These European Sites are designated in recognition of their importance for populations and assemblages of breeding, non-breeding and wintering waterbirds birds and the habitats that they provide. The sites' conservation objectives include ensuring their integrity, including the extent, distribution, structure, function and supporting processes of the habitats, and ensuring the population and distribution within the sites of each of the qualifying features, is maintained or restored.
12. The principal pathways of impact on the European Sites from developments relate to additional visitor and recreational disturbance. The proposal would result in one new

dwelling and given the susceptibility and vulnerability of the qualifying features of the European Sites to such uses, particularly when considered in combination with other local development, the proposal would have a likely significant effect on these Sites due to increased disturbance through recreational activity. I must therefore undertake an Appropriate Assessment in accordance with my duty under the Habitats Regulations and consider whether measures could be put in place to avoid or mitigate these impacts.

13. The Essex Coast RAMS Draft Supplementary Planning Document (SPD) (2020) 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. 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 proposal on the European Sites.
14. The appellant has provided a receipt to confirm they have made a financial contribution of £169.45, in accordance with the tariff for 2025/26, to fund the Essex Coast RAMS. The Council has confirmed receipt of this payment. As the payment is specifically intended for the purpose of mitigating the harm to the European Sites that I have identified and has been specifically calculated within the Essex Coast RAMS SPD with this intent, the payment is necessary, directly related and fairly and reasonably related in scale and kind to the development. This therefore accords with Regulation 122 of the Community Infrastructure Levy Regulations.
15. Notwithstanding its original comments, the Council has confirmed that receipt of this payment negates the need for a UU to be entered into. Whilst this means there is no planning obligation to require the monies are spent on the RAMS or within a particular timeframe, the direct payment approach has been embedded within the SPD as an acceptable one and I am satisfied that the Council, as a trusted, responsible public body, will ensure the funds are used for the purposes intended, irrespective of the lack of an updated UU. Indeed, I note they have confirmed that the payment of the RAMS tariff would mitigate the impact of the development on the designated sites.
16. Natural England has been consulted as part of this Appropriate Assessment and is content that the measures secured by the RAMS tariff, which aligns with the Council's adopted strategy, would mitigate the adverse effects associated with the proposed development and thereby relieve pressure on the European Sites. As the competent authority, I am satisfied that the financial contribution would secure and ensure the delivery of mitigation sufficient to address the harm likely to be caused by the development.
17. For the above reasons, I therefore conclude that the proposal would not have an adverse effect on the integrity of the European Sites. It follows that the proposal would comply with the Habitats Regulations and the Essex Coast RAMS SPD which seek to protect habitats and species.

Conditions

18. The Council has suggested several conditions which I have considered in light of the advice in the Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.

19. In addition to the standard three-year time limit condition for implementation, a condition that defines the approved plans is imposed in the interests of certainty. To preserve the character and appearance of the area conditions are also imposed relating to submission of material details. However, I have adjusted the suggested timescale trigger as it is not necessary to prevent the commencement of development prior to submission of these details. Conditions are also imposed to require the submission and implementation of a hard and soft landscaping scheme, which I have amended to include boundary treatments in the interests of the character and appearance of the area and living conditions. However, I have adjusted the suggested timescale trigger for the same reason above.
20. In the interest of highway safety, conditions are also imposed requiring the installation and appropriate surfacing of the proposed accesses to serve both the new dwelling and No 15 and provision of the respective parking areas. However, I have required details of the accesses to be submitted to and agreed in writing with the Council in the interest of precision, having regard to the condition suggested by the Highway Authority. I have also included reference to the potential relocation of the telegraph pole to the front of the site in accordance with the Highway Authority's request, for clarity. A condition is also imposed relating to submission of details for on-site cycle parking, as suggested by the Highway Authority, in the interest of promoting sustainable travel. However, I have not imposed the condition requiring submission of a residential travel information pack for future occupiers as I have not been presented with any substantive evidence that this condition would be necessary to make the development acceptable given in light of the site's accessibility to services and facilities.
21. The Council has suggested conditions requiring compliance with ecological mitigation measures, a Biodiversity Enhancement Strategy for protected, priority and threatened species and a lighting design strategy for biodiversity. However, I have not imposed these conditions given the findings of the Ecological Assessment Letter Report was that the site contained negligible ecological value with no features suitable for supporting protected species and no evidence of protected species being recorded. Given these conclusions and the scale of the proposed development, such conditions have not been shown to be necessary. The Council have suggested an informative note relating to Biodiversity Net Gain, however as the general biodiversity gain condition is deemed to apply to every planning permission granted, unless specifically exempt, it should not be duplicated by planning conditions. As such I have not imposed a condition to this effect.
22. A condition to restrict permitted development rights under Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 has also been suggested by the Council. The Framework advises that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. I have not been presented with any compelling evidence that the site circumstances are such to justify the removal of these permitted development rights or that harm would arise to the living conditions of future or neighbouring occupiers or the character and appearance of the area in the absence of this condition. As such, I have not imposed it.

Conclusion

23. For the reasons given above, I conclude the appeal should be allowed.

H Whitfield 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:
 - Location Plan Ref. 24.8051/M002 Rev A
 - Proposed Site Plan Ref. 24.8051/P101 Rev A
 - Proposed Floor and Roof Plans Ref. 24.8051/P102
 - Proposed Elevations Ref. 24.8051/P103
 - Proposed Street Scene Ref. 24.8051/P104
- 3) No development above ground level shall take place until details (and samples upon request) of the materials to be used in the construction of the external surfaces of the extension hereby permitted 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/samples.
- 4) No development above ground level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme;
 - the layout of all hard landscaped areas with the materials and finishes to be used; and
 - details of the siting, height, design and materials of all boundary treatments.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping works and boundary treatments shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 5) The development hereby permitted shall not be occupied until the vehicular accesses for the dwelling hereby approved and 15 Pump Mead Close have been laid out and constructed in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority. The submitted details shall make provision for the relocation of the telegraph pole to the front of the site where this is shown to be necessary in consultation with the apparatus operator and the surfacing of the accesses in a hard bound material for the first 6 metres back from the boundary of the public highway.
- 6) The development hereby permitted shall not be occupied until the vehicle parking spaces for the dwelling hereby approved and 15 Pump Mead Close have been provided in accordance with drawing no 24.8051/P101 Rev. A. Thereafter those spaces shall be retained for the parking of vehicles only.

- 7) The development hereby permitted shall not be occupied until a scheme for secure bicycle storage for the dwelling hereby approved has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be carried out as approved prior to first occupation and retained thereafter.

*** END OF SCHEDULE ***