



Appeal Decision

Site visit made on 27 October 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/P1560/W/25/3369845

Land at Admirals Farm, Heckfords Road, Great Bentley, Essex CO7 8RS

- 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 Hills Building Group and Tesco Stores Limited against the decision of Tendring District Council.
 - The application Ref is 24/00486/FUL.
 - The development proposed is construction of a new mixed-use building consisting of medical wellness and polyfunctional facilities (Use Class E(e), retail (Use Class E(a)) and professional services (Use Class E(c)(i)) alongside associated vehicle access, parking, and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a new mixed-use building consisting of medical wellness and polyfunctional facilities (Use Class E(e), retail (Use Class E(a)) and professional services (Use Class E(c)(i)) alongside associated vehicle access, parking, and landscaping on land at Admirals Farm, Heckfords Road, Great Bentley, Essex CO7 8RS in accordance with the terms of the application Ref 24/00486/FUL and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The address in the banner heading above has been taken from the Council's decision notice and represents the most accurate before me. I am content that the appellants have accepted it by its inclusion on their appeal form.
3. The appellants submitted a signed Unilateral Undertaking (UU), dated 22 July 2025, during the appeal process. The Council has had the opportunity to comment on the UU, and I am therefore content that they have not been prejudiced by its submission. The UU seeks to secure the continued operation of the existing convenience retail store within Great Bentley Village Centre (GBVC). I consider the UU later in my decision.
4. A Statement of Common Ground (September 2025) (SoCG) between the main parties has also been submitted during the appeal process. It provides details of matters that have been agreed since the issuing of the decision notice and those matters that remain in dispute.
5. The reason for refusal (RfR) on the Council's decision notice refers to Policy PP4 of the Tendring District Section 2 Local Plan (the LP), which sets the local threshold for the submission of retail impact assessments, the requirements of which are acknowledged in the SoCG to have been met in this case. Therefore, I have not considered Policy PP4 in my appeal deliberations. The RfR also references LP

paragraph 3.3.3.1 which is missing from the LP extracts provided by the Council with their questionnaire. However, the Council has confirmed that any omissions from the LP extracts are not relevant to the determination of this appeal, and I have therefore not considered paragraph 3.3.3.1 in this case.

Main Issues

6. The main issues are:

- whether or not the appeal site is an appropriate location for the proposed development and whether or not the proposal would be an appropriate scale for the settlement of Great Bentley; and
- whether or not there is a requirement for the proposed development to protect or enhance GBVC, and if so, whether or not it would achieve this objective.

Reasons

7. The proposed development seeks the provision of five units that would fall within Class E of the Use Classes Order, including a convenience retail store of 368 sq.m to be occupied by Tesco under their Express format.
8. Policy SP3 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) (the NEP) sets out the overarching spatial strategy, with the existing settlements being the principle focus for additional growth. The policy confirms that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role. Beyond the main settlements, the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.
9. LP Policy SPL1 sets out a settlement hierarchy for the district, which identifies Great Bentley as a Rural Service Centre. LP paragraph 3.3.1.3.1 identifies opportunities for smaller-scale growth within the Rural Service Centres, including developments of a scale that are proportionate, achievable and sustainable for each settlement concerned.
10. LP Policy PP1 seeks to direct retail development to the retail policy areas of the defined town centres, as set out in the retail hierarchy at LP Policy PP2, that is an appropriate scale for the needs of the area the town centre serves.
11. LP Policy PP3 provides support for village and neighbourhood centres, including GBVC. The policy comprises a permissive element, which supports new small-scale retail development within those centres, and a negatively worded element that seeks to resist proposals for the change of use of units from retail within such locations. The policy also places the onus on the Council to work with its partners to protect and enhance the village and neighbourhood centres.
12. Paragraph 88 of the Framework echoes the general theme of LP Policy PP3 by stating that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops.

Location and scale

13. The Council's RfR refers to the element of NEP Policy SP3 that relates to development beyond the main settlements. However, there is a separate part of the policy that deals with development adjoining settlements, as is proposed in this case given that Great Bentley is identified in the settlement hierarchy at LP Policy SPL1. I therefore find that the proposed development would not be beyond a main settlement, and in the absence of any substantive evidence to the contrary, the proposal is in accordance with this element of the policy.
14. LP Policy SPL1 provides a settlement hierarchy that sets the scene for the anticipated spatial distribution of growth over the plan period. The supporting text provides an indication of the level of housing growth anticipated for Great Bentley as a Rural Service Centre, it does not however set an appropriate level of growth for other development types, such as the commercial, business and service uses that are proposed under this appeal.
15. Whilst LP Policy PP1 describes the defined retail policy areas of town centres as being the main focus for new retail development, the policy does not explicitly restrict such development elsewhere, which is acknowledged in the SoCG. Furthermore, it is agreed that any impact on Brightlingsea town centre would be minimal.
16. That said, elements of NEP Policy SP3 are relevant in respect of ensuring that the proposed development is accommodated within or adjoining a settlement and is in accordance with its scale, sustainability and existing role, which I consider below.
17. Planning permission¹ exists for the development of the appeal site, which has been implemented and therefore remains extant. Whilst the permission permits an alternative use to that which is before me under this appeal, it does demonstrate that development of this site is acceptable in principle, despite it being located outside of the settlement boundary. Furthermore, it is noted that the proposal passed the sequential test to site selection, demonstrating that there are no sequentially preferable sites for the proposed development.
18. Great Bentley is a settlement that has been subjected to a large amount of additional housing development since September 2016 (an approximate increase of 45%). Although the required increase in floorspace is not specified, the SoCG acknowledges that there is a need for additional convenience retail provision in the village to cater for the increase in population already experienced, which is likely to become greater with planned future population growth.
19. Furthermore, the appellants advise that the existing Tesco Express store within GBVC is trading in considerable excess of the company's benchmark level, signalling that enhanced facilities are required. The Council confirms that they have no reason to dispute this position. I visited the Tesco Express store during my site visit and observed that it is limited in size, there was a queue at the checkout, and shelves were being re-stocked. Although this was a snapshot in time, these are indications of a store that is trading well and potentially above its means.
20. The proposed development seeks to provide a convenience retail store (approximately 368 sq.m gross internal area (GIA)) that follows a similar trading

¹ Council Ref 20/01054/DETAIL.

format as the existing Tesco Express store in GBVC (approximately 257 sq.m GIA) but with a relatively modest increase in floorspace when considering the small scale of the existing store (approximately 43% larger in terms of GIA). Despite the proposed increase in floorspace, the store would function in a similar way to the existing store by serving the every-day needs of the local population, but with an enhanced product range.

21. For the above reasons, the appeal site is an appropriate location for the proposed development, and the proposal would be an appropriate scale for the settlement of Great Bentley. Thus, it would accord with NEP Policy SP3 and LP Policies SPL1, SP3, PP1 and PP2.

Protection or enhancement of GBVC

22. The only restrictive element of LP Policy PP3 relates to proposals that would specifically result in the direct loss of retail units from village and neighbourhood centres, facilitated by a change of use for example, which is not something that is proposed under this appeal. Furthermore, there is no requirement for the proposal to demonstrate protection or enhancement of GBVC, only a requirement for the Council to work with its partners to achieve such an objective.
23. Furthermore, GBVC is not identified as a town centre and is not therefore protected by the retail impact test, which is a position agreed by the main parties in the SoCG, and Policy PP3 cannot be used as an alternative to the retail impact test. I am therefore not required to consider the anticipated trade diversion of the proposed development from GBVC as a result. That being said, whilst I acknowledge that there would be an impact, that would not necessarily lead to the loss of the retail unit.
24. A UU has been submitted that seeks to ensure the existing retail convenience store within GBVC, that is currently operated as a Tesco Express, remains operational under the name of One Stop. The Council has identified numerous concerns regarding the ability of the UU to be effective. However, I have found that the existing store and GBVC are not protected under planning policy from a retail impact perspective, and the proposal does not seek permission for the direct loss of the existing store. Furthermore, it is not the planning system's remit to stifle commercial competition. I therefore find that there is insufficient justification for the imposition of the UU in this instance and it is therefore unnecessary to make the proposal acceptable in planning terms. I therefore do not need to consider its contents further. That said, the UU exists and cannot be revoked.
25. For the above reasons, the proposed development does not need to protect or enhance GBVC, and it therefore accords with LP Policy PP3.

Other Matters

26. The appellants' Ecological Assessment states that the appeal site is located within the zones of influence of the Colne Estuary Special Protection Area (SPA) and Ramsar, the Essex Estuaries Special Area of Conservation (SAC), and the Hamford Water Ramsar and SPA (the protected sites). The Council confirmed this during the appeal process. These areas form part of the Essex coastline, which is one of international importance for breeding and non-breeding birds and their coastal habitats. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the RAMS) provides a mechanism for local planning authorities

to comply with their responsibilities to protect habitats and species in accordance with the Conservation of Habitats and Species Regulations (2017) and a RAMS Supplementary Planning Document (2020) (the RAMS SPD) has been produced to distil this into a practical document.

27. The RAMS SPD identifies additional recreational disturbance caused by increases in residential dwellings and associated population as an issue across the protected sites, which it seeks to provide mitigation measures against by the imposition of a tariff system. As such, non-residential schemes, such as that which is before me, are exempt from the tariff. The proposed development is for a relatively modest commercial scheme that seeks to cater for the everyday needs of the existing local population.
28. For the above reasons, I am content that there would be no likely significant effects (LSE) on the integrity of the defining features of the protected sites in this case.
29. It is acknowledged that there would likely be an increase in traffic movements in the immediate surroundings of the appeal site, above what is currently experienced. However, the appellants' evidence suggests there would only be a minimal uplift in traffic movements above those of the doctor's surgery that has been implemented and could be built out, which is a position accepted by the Council. There is no substantive evidence before me that would lead me to alternative findings.
30. Furthermore, there is no substantive evidence before me to suggest that the proposed development under this appeal would be materially different in terms of scale, massing and appearance than that of the doctor's surgery under the extant permission. I therefore find no reason to conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area.
31. Whilst I appreciate that there is frustration within the local community that an alternative proposal has been submitted for the site that omits the doctor's surgery use, I am directed to determine the proposed development on its own merits, regardless of what has been proposed previously.
32. I also acknowledge the concerns surrounding light pollution and noise disturbance. Conditions relating to the submission of further surveys and details in relation to these matters have been imposed to ensure the proposed development integrates well with surrounding uses and its semi-rural context. Similarly, a condition requiring the submission and approval of a construction method statement has been imposed to ensure construction activities respect the living conditions of neighbouring residents.
33. Concern has been raised regarding the typology of the existing road network leading to the appeal site and reference has been made to associated delivery vehicle restrictions in the Essex Design Guide, which has been provided by hyperlink. However, the Planning Inspectorate cannot accept evidence by such means, and I am therefore unable to determine whether this concern is valid. Furthermore, I note that there is no objection from the highways authority.
34. Whilst I appreciate concerns regarding the safety of children using the adjacent play area, I observed on my site visit that it is contained by perimeter fencing and I am content that the proposed development would not give rise to any greater

material level of risk to life or injury than that of the implemented doctor's surgery proposal.

Conditions

35. I have had regard to the planning conditions suggested and agreed between the main parties in the SoCG, and those suggested by statutory consultees, and I have considered them against the tests in the Framework and the advice contained in the Planning Practice Guidance. Some of the suggested conditions include excessive prescriptive requirements, which are unnecessary and have therefore been omitted accordingly.
36. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides clarity. References to supporting documentation have been removed given that any relevant information should be conditioned separately. Furthermore, unnecessary references to potential future amendments to the scheme have been removed, as well as phasing given that no relevant information is before me. Also, a condition requiring details of the materials to be used has been included in the interests of the character and appearance of the area.
37. Two pre-commencement conditions have been included in relation to the submission and approval of a construction method statement and a detailed surface water drainage scheme, which have been accepted in writing by the appellants. These conditions have been imposed in the interests of the living conditions of residential neighbours and in minimising flood risk.
38. I have imposed a condition relating to soft and hard landscaping to safeguard the character and appearance of the area. I have imposed a condition requiring the submission of a biodiversity enhancement strategy in the interests of protected species. A condition has been included relating to the provision of water, energy and resource efficiency measures to enhance the sustainability of the development. A condition has been imposed requiring the submission of a plan showing areas to be retained for loading, unloading, the storage of goods and produce and for manoeuvring purposes in the interests of highway safety and given that a clear plan is not before me. I have imposed conditions requiring details of powered two-wheeler / cycle parking facilities in the interests of ensuring appropriate provision is made.
39. Conditions are included relating to vehicle parking spaces and visibility splays for vehicles and pedestrians in the interests of highway and pedestrian safety. I have imposed a condition relating to machinery and equipment sound insulation and mountings in the interests of the living conditions of neighbours. Finally, a condition is included to restrict the opening hours of the units to customers and the times between which deliveries can be made or despatched from the site, again in the interests of the living conditions of neighbouring residents.

Conclusion

40. Based on the above considerations, I conclude that the proposal accords with the development plan, and the appeal should be allowed.

L Fern INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No HBG/SK/101/00-C – Site Location Plan; Drawing No HBG/SK/101/01-J – Site Plan Proposed; Drawing No HBG/SK/101/02-C – Ground Floor Shell Plan; Drawing No HBG/SK/101/03-B – First Floor Shell Plan; Drawing No HBG/SK/101/04-D – Front and Site Elevations; Drawing No HBG/SK/101/05-C – Rear and Side Elevations; Drawing No 702_009; Drawing No (68) 200 Rev F; Drawing No (90) 200 Rev H.
- 3) No development shall take place above ground level until details of the materials to be used in the construction of the external surfaces of the building 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.
- 4) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved construction method statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 6) No development shall take place above ground level until a scheme of both hard and soft landscape works, and an associated implementation and management programme have been submitted to and approved by the local planning authority. These details shall include, but are not limited to:

- i) changes in ground levels;
- ii) boundary treatments;
- iii) planting;
- iv) lighting and floodlighting; and
- v) an implementation and management programme.

The landscape works shall be carried out and retained thereafter in accordance with the approved details and implementation and management programme.

- 7) No development shall take place above ground level until a biodiversity enhancement strategy has been submitted to and approved by the local planning authority. The enhancement measures shall be carried out in accordance with the biodiversity enhancement strategy and retained thereafter.
- 8) No development shall take place above ground level until a scheme for the provision and implementation of water, energy and resource efficiency measures shall be submitted to and approved by the local planning authority. The measures shall be carried out in accordance with the approved details and implementation programme and retained thereafter.
- 9) The development hereby permitted shall not be occupied until a plan showing the areas within the site to be used for the purposes of loading, unloading, the storage of goods and produce and required for delivery vehicle manoeuvring shall be submitted to and approved by the local planning authority. The areas identified shall be retained only for such uses and purposes thereafter.
- 10) The development hereby permitted shall not be occupied until details of the powered two-wheeler / cycle parking facilities have been submitted to and approved by the local planning authority. The facilities shall be completed in accordance with the approved details prior to first occupation and retained thereafter.
- 11) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with Drawing No HBG/SK/101/01-J, and hard surfaced and sealed. Thereafter those spaces shall be retained for the parking of vehicles only.
- 12) The development hereby permitted shall not be occupied until details of sound insulation measures to machinery and plant equipment and details of their mountings have been submitted to and approved in writing by the local planning authority. The measures shall be carried out in accordance with the approved details prior to any machinery and plant equipment being used and shall be retained thereafter.
- 13) The 2.4m by 33m vehicular visibility splays shown on Drawing No 2150/02 Revision C within the Transport Assessment shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter. 1.5m x 1.5m

pedestrian visibility splays, both sides of the vehicular access, shall be free from any obstruction and shall be retained as such thereafter.

- 14) The premises shall only be open for customers between the hours of 0600 – 2300 Mondays – Sundays, including Bank Holidays. Deliveries shall be taken at or despatched from the site only between those same hours.

*****End of Conditions*****