



## Appeal Decision

Inquiry opened on 16 September 2025

Accompanied site visit made on 6 November 2025

**by Matthew Nunn BA BPI LLB LLM BCL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 July 2026**

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### **Appeal Ref: APP/W1525/W/25/3365696**

#### **Land north and east of Junction 17 of the A12, Chelmsford, Essex**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Greystoke CB Ltd against Chelmsford City Council.
  - The application 23/01930/OUT, is dated 24 November 2023.
  - The development is described as 'commercial development of up to 120,000 sqm of logistics/warehousing development (Use Class B8 with ancillary offices) along with servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works (all matters of detail reserved).
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The planning application is made in outline with all matters reserved for subsequent determination. A series of Parameter Plans comprising development zones, indicative plot boundaries, maximum building heights, and vehicle access and car parking have been submitted for approval. I have assessed the proposal accordingly.
3. The Inquiry sat from 16-18, 23-25, 30 September, 1-2 October, with closing submissions made virtually on 10 November 2025. In addition to my accompanied site visit on 6 November 2025, I made other unaccompanied visits on different dates at various times. Pigeon (Sandon) Ltd was granted 'Rule 6' status at this Inquiry.
4. The Council failed to determine the application within the prescribed period. However, the Council has stated that had it determined the application, it would have refused permission for six putative reasons as set out in the Planning Statement of Common Ground<sup>1</sup>. In short, these relate to the principle of development in this location, the impact on the landscape, trees, heritage assets (both designated and non-designated) and the insufficiency of information on highway matters to conclude the scheme would be acceptable.
5. A Case Management Conference was held on 8 July 2025 by another Inspector to discuss the ongoing management of the Inquiry, the likely main issues,

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<sup>1</sup> CD C13A, Paragraph 5.2

- including the best method for hearing the evidence, to ensure the efficient and effective running of the Inquiry.
6. A scheme has recently been granted at appeal<sup>2</sup> following an Inquiry relating to the non-determination of an application for a development for up to 46,605 sqm metres of mixed employment, logistics, storage and distribution uses on a site close-by at Junction 18 on the A12, on a site identified in the emerging Local Plan as a Strategic Growth site ('the Pigeon appeal'). That outline proposal at Junction 18 was promoted by the Rule 6 party at this appeal.
  7. The putative grounds of refusal for the Pigeon appeal related to the impact on highways, the suitability of the site in terms of employment, sustainable transport and accessibility, and the effect on safeguarded minerals. The Council did not oppose the proposal at that Inquiry on the basis that all the reasons for refusal had been adequately addressed, and there were no outstanding grounds for permission to be withheld. That proposal was discussed and referred to during this Inquiry, although the full evidence base for that appeal is not before me. I have sought the views of the parties in terms of any implications arising from that planning permission and taken them into account.
  8. A consultation on a new revised draft of National Planning Policy Framework ('the Framework') was announced on 16 December 2025 by the Government which closed on 10 March 2026. I have sought the views of the parties on any implications arising. The Appellant made detailed submissions<sup>3</sup>. The draft Framework is not yet finalised nor is adopted Government policy or guidance. It may be subject to change before the final document is published, and so cannot attract any significant weight. I have taken into account the comments received.
  9. A planning obligation dated 3 November 2025 has been completed. I deal with this in the body of my decision.
  10. The Secretary of State has considered the planning application in terms of the Environmental Impact Assessment (EIA) Regulations 2017 and has concluded it does not constitute EIA development by letter dated 1 August 2025<sup>4</sup>.

### **Main Issues**

11. The main issues are:

- (i) planning policy and the spatial strategy;
- (ii) the effect on the character and appearance of the area, including the landscape, and protected trees;
- (iii) the effect on designated and non-designated heritage assets;
- (iv) the effect on highway capacity and safety; and the availability of sustainable transport options;
- (v) the need for the development; and
- (vi) the overall planning balance.

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<sup>2</sup> ID 36 Land south of Junction 18, A12; APP/W1525/W/25/3368272

<sup>3</sup> ID 38

<sup>4</sup> CD C12

## Reasons

### Planning Policy Context and Spatial Strategy

12. The statutory development plan comprises the Chelmsford City Local Plan: 2013-2036 ('the Local Plan'), adopted in 2020. Part of the site also falls within the area of the Sandon Neighbourhood Plan, although the Council does not rely on it in its reasons for refusal. The following policies of the Local Plan are relevant.
13. Policy S1 sets out the spatial principles for development, including, amongst other things: optimising the use of previously developed land, locating development at well connected and sustainable locations, respecting the character and appearance of landscapes and the built environment, and preserving or enhancing the historic environment and biodiversity, and ensuring development is deliverable.
14. Policy S6 sets out the Council's employment requirements and allocates 55,000 sqm of new business space in addition to existing commitments. This policy is out of date because it is not based on more recent employment growth figures. It is notable, however, that this is a minimum requirement and not a cap on development. Whilst the level of employment need is disputed between the parties, it is agreed that the need is greater than identified in the adopted Local Plan.
15. Policy S7 is a spatial policy which focuses new employment growth to the most sustainable locations by making the best use of previously developed land and in Chelmsford Urban Area, sustainable urban extensions around Chelmsford and South Woodham Ferrers; and development around Key Service Settlements outside the Green Belt in accordance with the settlement hierarchy set out in the policy. New development allocations will be focussed on Growth Areas at Central and Urban Chelmsford, North Chelmsford and South and East Chelmsford. The policy is out of date to the extent it is based on figures derived from Policy S6, although it focuses development at sustainable locations which is consistent with the Framework.
16. Policy S8 relates to the delivery of economic growth, and states that the Council will make provision for flexible and market-responsive allocations of employment land. It states, amongst other things, that priority will be given to previously developed land in sustainable locations and focusing new employment development at locations well served by existing or planned public transport provision. Existing identified Employment Areas will be safeguarded for such uses unless there is no reasonable prospect of the areas being used as such. The policy, insofar as it addresses allocations for employment growth, is no longer up to date, although it supports economic growth in sustainable locations which is consistent with the Framework.
17. Policy S11 notes that the countryside outside Urban Areas and Defined Settlements, not within the Green Belt is designated as the Rural Area. It states that the intrinsic character and beauty of the Rural Area will be recognised and development will be permitted where it would not adversely impact on its identified character and beauty. The policy requires, in determining applications, to carefully balance the requirement for new development within the countryside to meet identified needs in accordance with the Spatial Strategy.

18. Policy DM8 allows for new buildings in the Rural Area subject to a limited range of uses where development will not adversely impact on the identified intrinsic character and beauty of the countryside. The proposal for logistics would not fall within any of the categories identified in that policy. In the Pigeon appeal, the Council has accepted that both Policies S11 and DM8 are out of date since they restrict employment development beyond allocated sites and the adopted Local Plan does not meet current employment needs<sup>5</sup>. I accept that, insofar as these policies restrict employment development, they may be considered out of date, but certain aspects of these policies concur with the Framework, including recognising the intrinsic character and beauty of the countryside.
19. The adopted Local Plan was examined against an earlier version of the Framework and so did not specifically define floorspace for logistics within the overall employment figures, and is also out of date in this respect, given that the current Framework requires policies to pay particular regard to facilitate development for, amongst other things, logistics<sup>6</sup>.
20. Whilst the site is well connected to the strategic road network, located at Junction 17 on the A12 route, and does not fall within the Green Belt nor on land subject to any specific landscape designation, it is nonetheless located within the Rural Area on an unallocated greenfield site. The adopted Local Plan does not envisage large scale development at this location. Therefore, it is contrary to the spatial approach to new development in the adopted Local Plan. It is not disputed, however, that out of date employment policies mean that there is currently no plan led solution to meet more up to date assessments of need<sup>7</sup>. It is also accepted that it will be necessary to allow development on unallocated sites to meet employment needs<sup>8</sup>.
21. The Council is currently reviewing the adopted Local Plan. A new draft Local Plan has been subject to recent consultation although it has not yet been examined by a Planning Inspector. There are still significant unresolved objections, and adoption is some way off. As such, the emerging plan can only be afforded very limited weight. It is notable, however, that the appeal site is not proposed for development in the emerging Local Plan, unlike the site promoted by the Rule 6 Party at Junction 18 that now has planning permission.

### **Effect on character and appearance, including landscape**

22. The site comprises an expansive area of open agricultural land, bisected by the A12 route, comprising two irregularly shaped parcels of land. The northern parcel borders the A1114 along its western boundary and the A12 along its south eastern boundary. The eastern parcel borders the A12 along its western side and a small wooded area directly east of Junction 17. To the south, the eastern parcel partly borders Southend Road but mainly adjoins agricultural land. The eastern parcel comprises three arable fields.
23. At a national level, the appeal site falls within National Character Area 111 – The Thames Basin, which encompasses an extensive area from Hertfordshire to the Essex coast. At the County level the site lies mainly within the E1 South Essex Farmland, with a very limited area of the northern parcel within G2 Chelmsford and Environs Landscape Character Area (LCA). Key characteristics

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<sup>5</sup> ID23, Paragraph 6.26, Statement of Common Ground (Pigeon appeal)

<sup>6</sup> Paragraph 86(c)

<sup>7</sup> CD C13A Planning Statement of Common Ground, Paragraph 8.43

<sup>8</sup> Ibid, Paragraph 8.45

of E1 South Essex Farmland include a gently undulating landform, rectilinear field pattern with tall thick hedgerow boundaries, with occasional small woods and copses, a sense of enclosure, with pylons as a frequent presence. At a more detailed local level, the site is identified as mainly within F12 East Hanningfield Wooded Farmland, with a small margin of the northern portion within F5 Little Baddow and Danbury Wooded Farmland<sup>9</sup>. Key characteristics of the former include gently rolling / undulating farmland with predominantly large arable fields, delineated by mature treed field boundaries.

24. The appeal site and its wider surroundings exhibit a number of these characteristics, including woodland areas and gently sloping arable fields, pylons, although some of the vegetated field boundaries and hedgerows are degraded and gappy in places. Although the LCA identifies a 'sense of enclosure', there are also open longer range views. There are a number of public rights of way across the site, including 'Sandon 5' which runs through the northern parcel, crossing the bridge over the A12 and following the northern boundary of the eastern parcel. Footpath 'Sandon 21' runs along the eastern boundary of the eastern parcel. Footpath 'Sandon 22' runs close to the site along the Sandon Hall Bridleway. These give open views across the site, and longer distance views to the countryside beyond. Sandon Brook runs through the site.
25. I consider the appeal site can be regarded as forming part of an attractive landscape, comprising undulating arable fields, punctuated by hedgerows and intermittent trees. However, I acknowledge the site is not subject of any national landscape designations, and it is agreed it does not comprise a 'valued landscape' in terms of Paragraph 187(a) of the Framework. That is not to say it is not valued by local people. Whilst pleasantly rural, the appeal land exhibits fairly ordinary characteristics and contains no rare landscape features or unusual attributes. The landscape is also affected by the presence of pylons and overhead cables that cross both parcels of land, although these are relatively common in rural areas. Road corridors such as the A12 and A1114 (Southend Road) result in some visual intrusion and traffic noise in certain parts of the site, diminishing the sense of tranquillity. Furthermore, activities associated with the adjacent mineral extraction and landfill to the north, including large lorries travelling across an access road also diminishes tranquillity, although I understand that this is only operating for a temporary period.
26. The 'Illustrative Masterplan' shows nine individual warehouses of varying sizes, six on the northern parcel, and three units on the eastern parcel. Accesses to the northern parcel would be from the A1114 and to the eastern parcel from Southend Road. Both Council and Appellant conclude there will be a range of harm to landscape character and visual receptors. There is some agreement between the Council and Appellant regarding landscape and visual impacts. However, there are also some differences, but these are relatively minor, with the Appellant generally concluding a lesser adverse impact than the Council. The assessments are summarised in the Comparative Visual Effects Table<sup>10</sup>.
27. In my judgement, the proposal, given its scale and extensive land coverage, would result in significant effects on the landscape. It would result in the loss of various landscape features, including gently rolling farmland, large arable

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<sup>9</sup> Landscape Character of Chelmsford Borough (2006)

<sup>10</sup> ID21

fields, and mature treed historic field boundaries and ditches. Also, because of the undulating landform, earthworks would be required to facilitate the development of large warehouses and their associated car parking. There would be a foreshortening of longer distance views and a loss of openness. The introduction of a large commercial development cannot be said to be 'characteristic' of this landscape, nor does it reflect other development patterns nearby. Views from the A12 route to the site are relatively limited because of the established belt of vegetation and the road being cut into the landscape at a lower level. However, there are open views across arable farmland, especially from the A1114 (Southend Road) because of the limited boundary vegetation. From here the structures would appear particularly prominent.

28. I acknowledge that the proposals would provide new landscaping, including the planting of native species of trees and additional hedgerows. The landscape and visual effects would clearly be greater in the early years of the development but would reduce over time as the landscaping matures and the built form becomes more assimilated into the local context. The Appellant also mentions that the building materials, the palette of colours and finishes as well as site levels, to be agreed at reserved matters stage, would mitigate visual impacts. However, the scale of the buildings, rising to up to 22 metres in height, means they are likely to be prominent, visually intrusive and appear incongruous in the predominantly countryside landscape. They are unlikely to be fully assimilated into the surroundings even with mitigation. In the winter months when deciduous trees lose their leaves, visibility of the buildings would be greater.
29. The site provides an attractive setting for a number of public footpaths, providing a recreational resource for local walkers. Without doubt, the proposed coverage of a significant part of the existing rural fields with large scale warehouse units, thereby urbanising the landscape, would mean that views of the countryside from these footpaths would be seriously compromised. The construction of urban built form would fundamentally alter users' experiences of the footpaths. Rather than walking along open fields and rural countryside, it would effectively become a walk past a large scale commercial development with significant hardstanding. Most users are likely to find their experience and enjoyment of the footpaths considerably reduced by such changes to the landscape.
30. The site includes a Tree Preservation Order (TPO)<sup>11</sup> which comprises a large number of trees, which are important features within the site. The proposal requires the removal of 10 'Category A' protected trees which are defined as 'trees or groups whose retention should be given particularly high priority within the design process'<sup>12</sup>. Some are classed as 'Category A1' – 'notably fine specimens, rare or unusual specimens, essential component trees within groups'. 'Sandon 5' footpath running along the northern boundary of the eastern parcel and through the northern section of the northern parcel offers open views of the TPO trees<sup>13</sup>. Moreover, the setting of those trees to be retained will be fundamentally altered and harmed. Other 'Category B' trees and hedgerow would also be removed as part of the development, diminishing

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<sup>11</sup> TPO/2024/011

<sup>12</sup> CD A14, Arboricultural Impact Assessment, Section 5

<sup>13</sup> Paragraph 8.7, Proof of Evidence, Mr Dawson

the rural feel of the area. The loss of trees would be harmful to the character and appearance of the countryside.

31. The Appellant highlights that any landscape harm should be judged in the context of the proposals in the emerging Local Plan which contemplate allocating large areas for development to the east, west and north of the A12<sup>14</sup>. Also, it is argued that the Council has been inconsistent in its approach in supporting the Junction 18 proposals, in terms of assessing landscape (and heritage impact), and has taken a different approach to weighing the public benefits. However, my remit is to assess the impact of these appeal proposals; the emerging Local Plan has yet to be examined, and it is rarely the case that two schemes are exactly the same in terms of scale or design, or share identical locational characteristics.
32. In terms of Agricultural Land Classification, the site comprises partly Grade 3a (7.1 hectares) with the majority being Grade 3b (39.9 hectares). As such the proposal would result in the loss of the 'best and most versatile' agricultural land<sup>15</sup>, which would be contrary to Policy S4 of the Local Plan which seeks to minimise the loss of such land. This matter was not raised as a reason for refusal by the Council, although some harm would arise because of the policy conflict.
33. To sum up, the development would result in harmful landscape impacts, including the loss of protected trees. As such, there would be conflict with Strategic Policy S1 which requires development to respect the character and appearance of landscapes; Policy S11 which requires carefully balancing the requirement for new development in the countryside to meet identified needs in accordance with the spatial strategy, and permitting development where it would not adversely impact on the character and beauty of the Rural Area. A conflict arises with Policy DM8 which allows new buildings in the rural area which will not adversely impact on the character and beauty of the countryside, and where the development is for certain identified uses which do not include logistics development. There would also be a conflict with Policy DM17 which allows for proposals that do not result in harm to the health of a preserved tree, although the Policy allows for the removal of preserved trees in exceptional circumstances where there may be overriding public benefits. Thus, this policy does contemplate that the benefits of a proposal can outweigh harms, in certain circumstances.

## **Effect on Heritage Assets**

### Designated Heritage Assets

34. *Listed Buildings:* There are no designated heritage assets within the site itself, although there are two Grade II listed buildings nearby. These include Sandon Hall and Sandon Hall Barn, located directly to the east of the eastern parcel. Sandon Hall is a farmhouse that dates from the late 17<sup>th</sup> century, with 18<sup>th</sup> century additions. Its construction is a rendered timber frame, with a gault brick south frontage added around 1830. This later frontage, with a strong symmetry, comprises a three-window range with a central projection and an arched internal porch on the ground floor. Other elevations are rendered, with varied fenestration, and the roofs are plain tiles. Many of the windows are 20<sup>th</sup>

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<sup>14</sup> ID15, Draft Proposals Map, showing sites 3, 6, 16a and 16b.

<sup>15</sup> Part of the site comprises Grade 3a with the majority Grade 3b

- century replacements. The Barn is a late 17th century timber framed structure with weatherboarding, and a plain tile roof, but with some corrugated asbestos, and fletton brick 20<sup>th</sup> century additions. Parts of it appear to be in a poor state of repair.
35. The special interest and significance of these statutorily listed buildings derives primarily from their architectural and historic interest, including the survival of historic built fabric and period architectural features. Their significance also derives from their isolated agricultural rural setting and context, and this is important in terms of how the listed buildings are experienced. A pylon located to the immediate west is a negative feature within the setting.
36. Whilst the development would not directly affect the fabric of these listed designated heritage assets, it would fundamentally alter their agricultural setting. Instead of an isolated rural setting, the buildings would be perceived in the context of large-scale industrial warehouse type buildings with service yards and extensive hardstanding, lighting and associated activity. The appeal buildings would be an alien feature in the currently predominantly rural locality and tower above the listed buildings. The relationship between the listed buildings and adjacent agricultural land would be largely lost. I acknowledge that mitigation planting, including trees and hedgerow would lessen the effect somewhat, but the proposed height of the appeal buildings mean they would not be properly screened. As noted above, if native deciduous planting is used, its effectiveness would be reduced in the winter months when trees and hedges lose their leaves.
37. Views exist from various points within the appeal site of the listed farm buildings, as well as from the surrounding locality. The Illustrative Masterplan indicates the new structures would be prominent in views of the listed buildings from Sandon Hall Bridleway ('Sandon 22'), as well as from the east ('Sandon 5'). Similarly, views from the north ('Sandon 7') would be harmed by the proposal, with the new buildings forming a backdrop to the listed buildings. Views from the west (along 'Sandon 5') would be impacted, with the scale of the new buildings appearing intrusive.
38. Overall, although their physical fabric would be unaffected, the proposal would harm the rural setting of the listed buildings and lessen the ability to appreciate and understand their significance. Accordingly, I find the harm to be at the low to middle part of the 'less than substantial' spectrum, because of the significant change to their settings.
39. *Conservation Area:* Sandon Conservation Area lies to the north of the appeal site, and contains a number of listed buildings, including two Grade II\* listed buildings - the Church of St Andrew, and the Old Rectory. The village has a compact historic core based around the village green, with more modern development to the south, lying outside the Conservation Area. The Conservation Area comprises a varied architecture, including the Church with its Norman nave and chancel, and other buildings dating from the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries, including a number of high quality timber framed buildings. The appeal site is not visible from the historic core of the village, although it can be seen in longer range views from the southern boundary of the Conservation Area from the public footpath ('Sandon 3') running parallel alongside the boundary. The appeal site to the south forms part of the wider rural landscape setting to the Conservation Area.

40. The significance of the Conservation Area derives primarily from the concentration of listed buildings, the attractive traditional vernacular scale of the buildings, and its open spaces, including the village green. The age and quality of the architecture, as well as its rural setting, all contribute to its significance. The proposed scale of the new buildings on the northern parcel as indicated on the Illustrative Masterplan means they would be prominent in views from southern edge of the Conservation Area. Landscaping including trees could provide some mitigation but would take time to establish and it is unlikely to be fully effective given the scale of the buildings. Visualisations provided by the Appellant from the southern edge show the likely effect<sup>16</sup>.
41. Although the 'setting' of a Conservation Area is not specifically mentioned in the relevant legislation<sup>17</sup>, it is accepted that Conservation Areas can have settings. Indeed, the Framework notes that 'significance derives not only from a heritage asset's physical presence, but also from its setting'<sup>18</sup>. Therefore, it follows that the harm identified above to the setting can amount to harm to significance. All that said, the effect of the scheme would be limited because of the intervening fields and separating distance, and the fact there would be no direct views from the historic core of the Conservation Area. Furthermore, the setting of the Conservation Area has already been altered by the expansion of the village in the mid and later 20<sup>th</sup> century, the presence of pylons and the construction of the A12. Ultimately, the appeal site makes a limited contribution to the significance of the Conservation Area through setting and the proposal would not erode the special architectural or historic interest of the Conservation Area.
42. Overall, I find the level of harm to the Conservation Area would be less than substantial, and at the lowest end of that category.

#### Non-designated Heritage Assets

43. *World War II Pillboxes*: Within the northern parcel there are three WWII pillboxes. These are locally rather than statutorily listed and can be considered non-designated heritage assets<sup>19</sup>. They were constructed in response to a possible German invasion in a series of defensive lines across Essex and beyond. They are rectangular in form with gun apertures and are of a utilitarian construction. The northern pillbox (No 1) sits adjacent to the access road to the quarry on the northern edge of the site. To the south, on a similar alignment, are two further pillboxes (Nos 2 and 3), at intervals of around 250-280 metres. In addition, there are the remains of an anti-tank ditch, not currently visible on the ground, although archaeological evidence for it likely remains. The significance of the pillboxes derives from their utilitarian appearance, their historic and architectural interest in the context of WWII, as well as their group value and their landscape setting in open fields along with the remains of the anti-tank ditch.
44. The Council says that intervisibility between each pillbox was a likely feature of their original layout, although this is disputed by the Appellant. In any event, new built form would be constructed in the vicinity of the pillboxes. The Illustrative Masterplan shows that their rural setting would be radically altered

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<sup>16</sup> ID17, pages 24-25

<sup>17</sup> S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>18</sup> Framework Glossary, Page 78

<sup>19</sup> Register of buildings for local interest, Appendix MJH12, Mr Hurst's Proof

by the proposals. It would change from a rural setting to one characterised by large scale warehousing buildings and service areas. It is likely the proposed buildings would obscure the intervisibility between pillboxes Nos 2 and 3, as well as limiting lines of sight. Archaeological evidence for the anti-tank ditch would likely be significantly affected, and this is important in understanding the defensive line in relation to the pillboxes. Although a condition could be imposed requiring recording of archaeological remains, the feature would be extensively disturbed.

45. Some limited mitigation at reserved matters stage may be possible through sensitive design and layout, including setting warehouses back from the pillboxes and attempting to preserve lines of sight, but their setting would inevitably be fundamentally altered. The Appellant has highlighted various benefits that would arise in respect of the pillboxes should the scheme proceed. These include repair of the structures, a management plan to ensure their long term maintenance and conservation, improved access, provision of interpretation boards, and surveillance to reduce the risk from vandalism. It is also proposed that hardstanding and landscaping could be used to mark out and give legibility to the anti-tank ditch. I acknowledge these benefits, but the scheme would nonetheless result in a loss of heritage significance.
46. Overall, weighing the benefits highlighted by the Appellant, I consider a moderate level of harm would result to these non-designated heritage assets in terms of setting.
47. *The Grove*: This property is locally listed and lies to the west of the northern parcel of land on Southend Road. The property is set back from the road and partially enclosed by trees. Historically, the Grove was associated with the northern parcel of land but now is in separate ownership from the farmland.
48. It comprises a mid 19<sup>th</sup> century house, possibly incorporating an earlier core. Its frontage is of a neo-classical design, with a three sided bay, and sash windows. Its significance is both architectural and historic. It has been altered and extended but still retains some of its historic character. Its setting has changed over time through the expansion of the farm complex and the dualling of the Southend Road (A1114). The appeal site, although separated by the busy dual carriageway, nonetheless makes a limited contribution to its agricultural setting. The proposal would further erode that setting, resulting in a minor degree of harm.

#### Summary on heritage assets

49. The relevant legislation requires that when considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting<sup>20</sup>. Having regard to the legislation, the proposal would not preserve the setting of the listed buildings. The relevant legislation requires that, in exercising planning powers in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area<sup>21</sup>. In this case, however, the development falls outside the Conservation Area.

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<sup>20</sup> S66(1) Planning (Listed Building and Conservation Areas) Act 1990

<sup>21</sup> S72(1) Planning (Listed Building and Conservation Areas) Act 1990

50. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation<sup>22</sup>. Overall, the level of harm to designated heritage assets would be less than substantial, but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of heritage assets, the framework advises this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use<sup>23</sup>. In terms of the non-designated heritage assets, the Framework requires that in weighing applications that directly or indirectly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset<sup>24</sup>. These harms need to be considered in the overall assessment of the appeal proposal.

## Highways

51. The highway reason for refusal was based on insufficiency of information to conclude whether there would be an unacceptable effect on the road network, including the A12, and whether the residual cumulative impacts would be severe having regard to the Framework<sup>25</sup>; and also that there were inadequate details relating to sustainable travel infrastructure, including walking, cycling and passenger transport facilities. The County Council appeared at the Inquiry in its role as local highway authority and National Highways in its role as strategic highway authority, with responsibility for the A12, part of the strategic road network.
52. It is important to remember that access is a reserved matter, although both highway authorities consider that the question of whether there are unacceptable highway safety implications or severe impacts should be determined at outline stage and I agree<sup>26</sup>. The scheme proposes accessing the northern parcel of land via a new signalled controlled junction on the A1114 dual carriageway. The eastern parcel would be accessed by a left in / right out access on the northern side of Southend Road.
53. Regrettably, there was a dispute at the Inquiry regarding the data supplied by the Appellant and whether it could be properly read or interrogated by the County Council. The County Council complained that the Appellant's highway consultants were unhelpful and that no base plan had been provided on which the traffic modelling was built, so that it could be verified. Consequently, the County Council has been unable to validate the modelling to support the Appellant's case that there would be no severe impact on the highway. The County Council also says there are errors and omissions in the submitted data, which has been provided in a piecemeal manner, and that it has asked for clarifications and additional information which apparently has not been provided at all or provided late in the day. For example, the Road Safety Audit was not submitted until just before Proofs of Evidence were due, leaving insufficient time to properly consider its contents<sup>27</sup>.

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<sup>22</sup> Paragraph 212

<sup>23</sup> Paragraph 215

<sup>24</sup> Paragraph 216

<sup>25</sup> Paragraph 116

<sup>26</sup> Highway Statement of Common Ground, Paragraph 55

<sup>27</sup> Proof of Emma Featherstone, Paragraph 5.11

54. In response, the Appellant argued that all relevant highway data was supplied in good time using 'LINSIG' – a type of software used for highway modelling, widely used as an industry standard and data files in this format are 'bread and butter tools' and the 'first port of call' for modelling junctions<sup>28</sup>. Furthermore, the Appellant says it should have been made clear if there were difficulties interrogating the data files; this was never communicated clearly which has delayed resolution. The Appellant also highlighted that AECOM (for National Highways) received and successfully assessed the same data.
55. Much time could be spent debating these matters. Whatever the exact situation in terms of what should have been provided to whom and in what format, it is very unfortunate, to say the least, that these important matters could not have been properly resolved between the parties well in advance of the Inquiry. As a result, the regrettable situation is that neither highway authority has been able to properly validate the Appellant's claim that the highway network can accommodate extra traffic and that there would be no severe impact. This is very unsatisfactory.
56. This section of the A12 between junctions 17 and 19 is already significantly congested and operating close to capacity, giving rise to operational stress, especially at peak times. This causes significant queuing and delays. There are no publicly funded works proposed to improve matters, and funding for the A12 carriageway widening between junction 19 and 25 was recently cancelled by the Government<sup>29</sup>. There is also a significant accident history at Junction 17 and on the A130 approach<sup>30</sup>. One of the main causes of accidents is lane change collisions. The dumbbell gyratory mainly consists of 3 narrow lanes which are regularly overrun by larger vehicles. Major new logistics development at Junction 17 clearly has the potential to exacerbate the current conditions.
57. National Highways raised various objections about the effect on the strategic network but during the Inquiry it was conceded during cross examination that a number of the identified issues were not critical, nor necessarily objections in principle and could probably be resolved through detailed design at the reserved matters stage. In particular, although a number of items following discussions between the Appellant and National Highways were listed in AECOM's Technical Note 05<sup>31</sup> dated 2<sup>nd</sup> September 2025 as critical, National Highways accepted at the Inquiry that they were not substantive reasons for the scheme to fail.
58. For example, it was suggested that the use of an existing microsimulation model to assess the impacts at Junction 17 would be helpful but this was not available to the Appellant, nor had it been provided to the Inquiry. Although listed as critical by AECOM, it was conceded by National Highways at the Inquiry that this was not essential for determining the appeal. Differences also arose as to whether TEMPro 8 or TEMPro 7.2 should be used to analyse and forecast traffic growth and trip rates. The County Council was of the view that TEMPro 8 underestimates future housing growth projections. However, the Appellant demonstrated that it makes little practical difference which version is

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<sup>28</sup> Mr McCulloch, in Cross Examination

<sup>29</sup> CD J15

<sup>30</sup> Proof of Emma Featherstone, Paragraph 4.18 & Appendix 6 and Summary Proof, Paragraph 4.6

<sup>31</sup> ID 19

- used<sup>32</sup>. Again, this appears not to be critical in the overall highway assessment.
59. However, there are unresolved queries in relation to the distribution assignment of predicted traffic. The modelling includes a distribution for HGV trips which, in terms of south bound journeys, allocates 45% of vehicles to the A12 southbound route (linking with the M25) and only 20% of vehicles to the A130 southbound route (linking to the A13). The County Council has questioned the significant differential in distribution given that the two routes are broadly similar in terms of distance and journey time, and because of the unreliability of the M25 in terms of congestion, leading to many goods drivers using the A130/A13 route<sup>33</sup>. The evidence is still not clear why the Appellant has adopted this distribution. The Transport Assessment offers no more than a narrative description without analysis and the distribution has not been agreed with the County Council which is unsatisfactory<sup>34</sup>.
60. A fundamental concern at issue is the proposed change to the southbound exit slip road at Junction 17. The appeal scheme proposes essentially reversing a safety measure completed in December 2022, namely changing the southbound A12 slip road exit from two lanes back to three. A two lane arrangement was introduced following concerns about the accident record and was intended to reduce the number of collisions resulting from vehicle lane changes approaching and merging on to the roundabout. The proposed change is to increase capacity at Junction 17 necessary for the appeal proposal's additional traffic.
61. Importantly, the National Highways Stage 4 Road Safety Audit notes that there has been a decrease in the number of collisions and casualties following the completion of the works<sup>35</sup>. It must be said though that the Audit also records that 'as limited post-opening collision data is currently available for analysis, it is not possible to confirm this hypothesis with clear supporting information'<sup>36</sup>. The Appellant highlights the data sample is small and the first year post scheme completion does not show a significant variation from the previous years in terms of collision data<sup>37</sup>. Nonetheless, on the limited data available, it seems that the two lane scheme has been a tentative success.
62. The Appellant emphasised at the Inquiry that it is not proposed to reinstate the three lanes as they existed previously, but rather to widen the road within highway land or land within the Appellant's control to create greater space for a dedicated left turn. It is suggested that the left turn could be segregated, using a deflection island to act as a physical barrier, to avoid use of the wrong lane, thereby avoiding the earlier problem. In this way, two lanes could access the gyratory (as currently) and a left lane would channel traffic to Southend Road towards Howe Green. With the deflection island separating traffic to Southend Road, it is argued there would be greater clarity, and less scope for weaving between lanes potentially resulting in lane change or side-to-side type collisions.

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<sup>32</sup> CD A38(A) Addendum Transport Assessment, Paragraph 7.1

<sup>33</sup> CD B3-C ECC Highways, dated 29 April 2025

<sup>34</sup> CD A 26-A, Paragraph 5.2.6

<sup>35</sup> Tables 2.1 & 2.2, ID13

<sup>36</sup> ID13

<sup>37</sup> Table 2.1, ID 13

63. However, National Highways remains firmly against reverting to three lanes, even on a widened basis, on the grounds it would be unsafe and potentially increase collision incidences. I must take these concerns very seriously and they cannot simply be dismissed. There is no safety improvement in this proposed change – it is simply to gain more capacity, and it would add complexity to the road layout. I acknowledge that the Appellant remains confident that with more data and detailed designs, agreement could be reached on an acceptable solution; alternatively, it is argued that if a three lane approach is not acceptable, there are other safe design solutions that could be adopted, although these are not specified. Nonetheless, it seems to me that this is a very important matter that should be properly resolved between the parties in advance of any scheme being allowed. Importantly, if a solution for the southbound exit slip cannot be agreed, there is no modelling to show that without that change, highway capacity would be acceptable were a scheme to proceed.
64. Other concerns remain outstanding. For example, the County Council has raised concerns regarding the potential speed reductions, the installation of traffic lights (potentially causing delays) on the A1114, and bus stop positioning. Although the latter was accepted as capable of resolution, there remain questions over the speed reduction measures that would be necessary on the road from which the northern site takes access, to accommodate the proposed signal controlled junction, and the Appellant's modelling does not appear to have taken this into account. The County Council's speed counter records two-way 85<sup>th</sup> percentile speeds as being 69.6mph around 400m north of the proposed access<sup>38</sup>. The Appellant's data indicates a lower figure and is recorded at a different location.
65. The County Council draws attention to the relevant guidance that indicates signalled controlled junctions should not be used in these circumstances where 85<sup>th</sup> percentile speeds exceed 65mph<sup>39</sup>. The County Council is concerned that it has not been demonstrated what the speed would be reduced to, or what measures would be introduced to ensure compliance with any reduced speed limit. The Appellant counters this saying the Council's recorded traffic data was not in the immediate vicinity of the proposed access (being 400m away), although the Council notes that it is the speed on approach that is important. It seems to me that there is still ambiguity on these matters, and so a lack of clarity on consequent potential impacts. If these are matters that could have been easily resolved, it is unclear why they have not been.
66. In terms of traffic lights, the Council remains concerned about potential vehicle delays, whereas the Appellant considers any delays would be minimal, with the majority of 'green time' allocated to ahead movements, with a number of movements to the access running at the same time as the ahead movements; furthermore, that the 'green time' for the site would be limited compared with the ahead movements. The Appellant also highlights that there is a signalised junction further south on the road on the approach to the roundabout, and that there is a general safety benefit in slowing speeds in any event. The Appellant's case is that there is no constraint to achieving a safe and satisfactory design. This may be so, but again, there is a lack of clarity in terms of the impacts of the proposed arrangements, and their acceptability.

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<sup>38</sup> Proof of Emma Featherstone, Paragraph 5.3

<sup>39</sup> Design Manual for Roads and Bridges CD J03

67. In terms of the sustainability of the location, the site is accessible to HGVs and vehicles being adjacent to the A12, part of the Strategic Road Network. It would minimise commercial traffic on less sustainable local routes<sup>40</sup>. However, a question arises as to whether sustainable non car options can be delivered. The agreed Highways Statement of Common Ground notes that improvements to the footway along the northern side of the A1114 are required, including provision for cyclists<sup>41</sup>. It also notes that any improved path should be segregated from the carriageway and separated by a margin in accordance with LTN 1/20<sup>42</sup>. However, the proposed new pedestrian and cycleway to encourage non car access does not comply with the relevant guidance. The upgraded footway/cycleway linking the site to The Bringey to the north is not completely segregated but runs alongside the carriageway with no margin for a significant stretch. LTN 1/20 requires a separation of ideally 2.5 metres (or an absolute minimum of 2 metres where the speed limit is 60 mph<sup>43</sup>).
68. Although the Appellant says that it is not 'defined guidance' and 'non-compliance does not represent a failure to comply with standards'<sup>44</sup>, the agreed Highways Statement of Common Ground specifically refers to the need for improvements to accord with LTN 1/20. The requirement for a margin was also made clear in the Highways Pre-application Advice in 2023<sup>45</sup>. It seems to me that this deviation from the standard would make the route less attractive to potential users, meaning they will less likely use it. In reality, it may be that the cycle route is unlikely to be intensively used, but LTN 1/20 notes that 'a scheme is only as good as its weakest point' and 'strenuous efforts should be made to avoid inconsistent provision' although it does allow for departures from the principles 'in rare cases where it is absolutely unavoidable'<sup>46</sup>. I accept some compromises in meeting the necessary standards are sometimes unavoidable but the non-compliance with the guidance is a harm that weighs against the proposal.
69. The County Council has consistently raised concerns regarding the propensity to reach the scheme using public transport. However, during the Inquiry, the Appellant stated that discussions had recently taken place regarding opportunities for bus travel provision to the development. According to a letter submitted by the Appellant<sup>47</sup> from First Bus, a meeting took place on 18<sup>th</sup> September 2025 after the start of the Inquiry. That letter confirms that it would be feasible to service both parcels of land with buses, although details of the provision and exact service patterns would be determined at a later date. Although rather late, this is clearly a positive development and would enhance accessibility by public transport and is a benefit of the proposal<sup>48</sup>.
70. The Appellant has argued that the Council has been inconsistent in how it has dealt with this appeal compared with the Junction 18 proposal. Whether or not this is the case, I must assess this appeal on the evidence before me. Nonetheless, there appear to be clear differences between the two schemes

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<sup>40</sup> Highway Statement of Common Ground, Paragraph 11

<sup>41</sup> CD C13E, Paragraph 23

<sup>42</sup> CD J07, Cycle Infrastructure Design, Local Transport Note 1/20, Department for Transport, July 2020

<sup>43</sup> Ibid, Table 6.1, Page 54

<sup>44</sup> Appellant's Closing Submissions, Page 27

<sup>45</sup> CD J11, dated June 2023

<sup>46</sup> Ibid, Paragraph 22

<sup>47</sup> ID20

<sup>48</sup> This matter was raised in AECOM's Technical Note 2, Paragraph 9.10 in May 2024 (Proof of Mark Norman, Appendix 2)

and locations, not least the quantum of development proposed, and that the Junction 18 proposal is within easy walking distance of the Sandon Park and Ride, which itself is well served by public transport. Other existing bus routes pass that site with bus stops on both sides. There are clear practical opportunities for sustainable transport for employees. The proposed allocation of the Junction 18 site within the emerging Local Plan reinforces that the site is in a sustainable location for growth.

71. Overall, in summary, I acknowledge certain concessions were made by the highway witnesses at the Inquiry. I am also aware that Paragraph 116 of the Framework sets a high bar for the refusal of planning permission on highway grounds. Nonetheless, I am concerned that there are important highway issues that remain ambiguous and still lack clarity. As noted, the highway authorities have not been able to properly validate the modelling work undertaken. As such, there is still uncertainty about the precise impact on the highway network, and whether it can adequately accommodate the extra traffic. The proposal would add a quantum of traffic comprising a high proportion of goods vehicles in an already significantly congested location with an established accident record. Crucially, National Highways has serious safety concerns in respect of the proposed changes to the southbound exit slip road which I share. This important matter cannot be overlooked.
72. On the evidence currently before me, I cannot safely conclude that the proposals, after mitigation, would not have an unacceptable effect on the operation, capacity or safety of the strategic or local highway network, nor that the cumulative effects would not be severe taking into account all reasonable future scenarios. These unresolved highway issues are harms that weigh very substantially against the scheme.

### **Need for the development.**

73. The logistics sector has become increasingly important in recent years, and this is recognised by the Framework. The Framework requires significant weight to be placed on the need for economic growth, including identifying suitable locations for uses such as freight and logistics, and making provision for storage and distribution operations at a variety of scales and in suitably accessible locations<sup>49</sup>. The Planning Practice Guidance (PPG)<sup>50</sup> also recognises that 'the logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities'. It also recognises that the logistics industry has distinct locational requirements that planning policies must address. The PPG also notes that such development is likely to require significant amounts of land, with good access to strategic transport networks.
74. It is the case that to date large scale logistics have not played a significant role in the economy of Chelmsford. Chelmsford is not historically known for being a logistics or industrial hub<sup>51</sup>. The Appellant acknowledges that 'the historic evidence does not appear to point to indigenous demand for larger scale logistics development in Chelmsford'<sup>52</sup>. According to the Appellant, since 2015, the number employed in the transport and logistics sector has remained

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<sup>49</sup> Framework Paragraphs 85, 86 & 87

<sup>50</sup> PPG Paragraph 031 Ref ID: 2a-031-20190722

<sup>51</sup> ID 6, Lichfields Meeting Note 28 February 2023, Paragraph 2.6

<sup>52</sup> Mr Nicol's Proof, Paragraph 5.35 (7)

roughly constant at around 3000. Its share is around 3% of total employees in the area, which is lower than Essex (6%) or England (5%)<sup>53</sup>. The share is higher if the wider 'travel to work' area centred on Chelmsford is considered at around 7-8% of employees. The travel to work area includes much of the A12 corridor, Brentwood as far as the M25, Braintree and Maldon, but excludes south Essex – Thurrock, Southend, Basildon and Southend<sup>54</sup>. The Appellant notes that the logistics sector's economic contribution in Chelmsford is relatively modest at present compared to the rest of Essex and has barely grown over the last eight years. As such, I accept that the Appellant is right to say there is 'scope for it to grow relative to other parts of the economy'<sup>55</sup>.

75. It is common ground that the adopted Local Plan does not contain sufficient allocations to meet existing or future needs for logistics development in the area, and more is needed. The Local Plan is out-of-date in terms of employment and housing requirements and is based on an out-of-date evidence base<sup>56</sup>. The emerging Local Plan proposes increasing the land allocated for such uses. As part of its work on the emerging Local Plan, the Council commissioned Lichfields to undertake an assessment of future needs arising in the area to inform its approach<sup>57</sup>.
76. That produced three scenarios of future need based on different approaches to modelling set out in the PPG. Clearly different assumptions adopted during calculations can make substantial differences to the forecasts. These three scenarios only assessed local or indigenous demand for employment land. Scenario 1 comprised 'Labour demand' - forecasts of job growth derived from economic forecasts; Scenario 2 'Past trends' - using past trends of completions of employment space; and Scenario 3 'Labour supply' - using demographic projections linked to housing.
77. Using this approach, the need for employment space varies with a reduction in needs under Scenario 2, but with rises in need under Scenario 1 and 3. Updated figures before the Inquiry showed a future supply of 115,279 sqm for logistics<sup>58</sup> (the relevant subset of total employment land) against a potential 140,845 sqm need under Scenario 3, the highest prediction of demand to 2041. Therefore, according to the Council, there would be a shortfall of land for logistics of around 25,500 sqm<sup>59</sup> which would be far below the 120,000 sqm proposed by the Appellant in this scheme. In other words, any predicted shortfall is small and nowhere near what is proposed in this appeal scheme, and the emerging Local Plan's provision is appropriate.
78. The Council's approach is contested by the Appellant for various reasons, including that, importantly, it focusses on only indigenous or local need, ignoring wider strategic needs. It is also said that the emerging Local Plan fails to properly assess logistics need. The Appellant says Chelmsford can only provide around a 2.0 to 2.6 year supply, or only 0.3 years if restricted to the core A12 corridor<sup>60</sup>. It is noted that if both the appeal proposal and the

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<sup>53</sup> Ibid, Paragraph 4.6

<sup>54</sup> CD A17, Nicol Economics, Needs and Benefits Report, Figure 4.2, Page 16

<sup>55</sup> Mr Nicol's Proof, Paragraph 4.11 (3)

<sup>56</sup> CD 13B Statement of Common Ground on Employment Need and Supply, Paragraph 2.8

<sup>57</sup> CD E03 Lichfields: Chelmsford City Council Employment Land Review, December 2023 & CD E04 Lichfields: Chelmsford City Council Employment Land Review, Focussed Update, December 2024

<sup>58</sup> Comprising new allocations and extant permissions

<sup>59</sup> Council's Closing Submissions, Paragraph 67-69

<sup>60</sup> Appellant's Closing Submissions, Paragraph 21(5)

Junction 18 scheme were to be permitted, this would increase supply to around 4.8 to 5.3 years, the Appellant arguing this only provides a short to medium term supply. It is also stated, amongst other things, that past take up trends underestimate real demands because of historic supply constraints.

79. In turn, the Council is strongly critical of the Appellant's evidence, both in terms of indigenous need<sup>61</sup> and the wider regional need<sup>62</sup>, arguing it is based on inflated assumptions and methodological errors; and it is not clear how the wider regional need relates to the indigenous need, whether it is in the alternative, additional or overlapping, and if so, by how much. Further, it is argued that the Appellant has conflated commercial developer interest with actual demonstrated need.
80. With regards to the methodology for calculating the wider regional need, the Council questions, amongst other things: the calculation of 'historic' need which is not based on a proper long term trend but rather three strong years after a sharp fall in 2019 and therefore does not reflect longer term economic cycles<sup>63</sup>; that 'agent interest' is inflated with only 65,300 sqm specifically relating to the A12 corridor<sup>64</sup>; that there is a lack of explanation on how demand should be distributed across six other districts covered by the A12 corridor; that there is an inconsistent area of search which does not match the area for calculating need; that even accepting the Appellant's supply figure, there is enough land in the A12 corridor to meet 2.6 years of the identified demand<sup>65</sup>, which does not support a claim of acute need; and that certain major sites have been excluded meaning the supply assessment is seriously defective<sup>66</sup>. In sum, the Council states that neither the indigenous or regional need justifies a development of 120,000 sqm, nor demonstrates a claim of urgent need.
81. The Rule 6 Party is also similarly critical of the Appellant, highlighting that the existence of demand for development is not enough to establish a basis for need. It is argued that the Appellant has not in fact put any figure on unmet need, nor a time period in which it is to be met, nor whether the scale of unmet need is greater or less than the scale of the appeal proposal. What is provided is rather a 'snapshot' of demand and a disputed account of supply, and the 'snapshot' cannot be projected forward over the plan period<sup>67</sup>. Although the Savills Report<sup>68</sup> in support of the Junction 18 scheme shows that there is a need for logistics development across an area including Chelmsford (albeit a different area from that examined by the Appellant), there is no attempt to identify how that need should be disaggregated across that area, or what need arises relative to the emerging Local Plan period.
82. A large volume of often conflicting data and complex evidence on the need for logistics has been presented to the Inquiry, relating to both indigenous need and the wider region. The exercise of predicting future needs is inherently uncertain, volatile and sensitive to different assumptions made and is far from an exact science. This makes it very difficult to ascertain a reliable figure,

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<sup>61</sup> Mr Nicol's evidence

<sup>62</sup> Mr Neale's evidence

<sup>63</sup> Mr Neale Proof, Paragraph 4.16

<sup>64</sup> Council's Closing Submissions, Paragraph 112

<sup>65</sup> Mr Neale Proof, Paragraph 5.20

<sup>66</sup> For example, Brentwood Enterprise Park (112,000 sqm), Council's Closing Submissions, Paragraphs 124-127

<sup>67</sup> A proposition accepted at the Inquiry by Mr Hutchison in Cross Examination

<sup>68</sup> CD I10 Land at Junction 18 of the A12, Industrial and Logistics Needs Assessment, December 2024

especially without an agreed methodology. Much time could be spent debating need using different approaches, assumptions and techniques. However, stepping back and looking at the broader picture, I accept that the A12 is a nationally significant movement and freight corridor, linking the east coast ports of Harwich with London and the M25, and that Chelmsford is well located to meet any logistics need. There is ready access to a pool of potential workers and an ability to link with major freight handling infrastructure. In this context, there is clearly scope for logistics development in the locality, a fact born out by the recent planning permission granted for the Pigeon scheme at Junction 18.

83. There appears to be strong evidence that the limited existing logistics stock is generally dated and there is a lack of modern, high quality large scale units in Chelmsford and the A12 corridor. Low vacancy rates together with strong rental growth appear to indicate an undersupply. This is confirmed by the findings of the Savills Report submitted in support of Pigeon's Junction 18 planning application but it is also relevant here<sup>69</sup>. It is also the case that demand for logistics floorspace is rapidly increasing because of the growth of E-commerce, namely buying and selling goods and services using the internet. It seems that there is strong and immediate interest in logistics proposals from major developers, including for the appeal site. Indeed, Panattoni, a well-known and established logistics developer, has indicated that if granted permission, it would speculatively build the scheme with the intention of renting the buildings out on long term leases<sup>70</sup>.
84. In terms of the Council's emerging Local Plan, it does apparently focus on indigenous demand rather than wider strategic needs. The Council says that during 'Duty to Co-operate' conversations with neighbouring authorities, the issue of latent regional need, either existing or emerging, simply did not arise, and if it had been a pressing matter, it would have been discussed. The Council confirmed it had not instructed its consultants Lichfields to specifically examine the issue. However, the PPG does advise strategic policy making authorities to collaborate with other authorities to identify the scale of need across relevant market areas. This may be informed by engagement with logistics developers and occupiers to understand the changing nature of requirements in terms of the type, size and location of facilities<sup>71</sup>. The approach taken to logistics in the emerging Local Plan can be tested in the upcoming Local Plan Examination and it is not for me to pre-empt that process.
85. Ultimately, although it can be debated whether the need is acute and urgent, looking at the broader picture, I am satisfied there is an unmet need for logistics development. Indeed, the Council has accepted there is an unmet need within Chelmsford, as well as an unmet demand for industrial and logistics development in the wider area in respect of the Junction 18 scheme<sup>72</sup>. This was subsequently confirmed by the Inspector in that appeal<sup>73</sup>. The fact that it is difficult to put a precise figure on need does not mean it does not exist. Nor should any figure necessarily represent a cap on logistics development. The appeal proposal could make a strong contribution to improving provision of logistics floorspace and jobs. It is agreed between the

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<sup>69</sup> CD I10, Land at Junction 18 of the A12, Industrial and Logistics Needs Assessment, December 2024

<sup>70</sup> ID 9, Letter from Panattoni dated 15 August 2025

<sup>71</sup> PPG Paragraph 031

<sup>72</sup> ID 31, Paragraph 5.7, Planning Statement of Common Ground Addendum, October 2025

<sup>73</sup> ID 36, APP/W1525/W/3365696, Paragraph 45

Council and Appellant that there are clear economic benefits associated with the proposal<sup>74</sup> and I agree. I consider these economic benefits attract significant weight in favour of the proposal, notwithstanding any conflict with Policies S1, S7, S8, S11 and DM8.

### **Planning Obligation**

86. A planning obligation has been completed in counterpart between Greystoke CB Ltd, the County Council, and the first and second owners, dated 3<sup>rd</sup> November 2025<sup>75</sup>. This secures £7,269 to be paid prior to occupation of the development towards the monitoring of the implementation of the Workplace Travel Plan (WTP) by the County Council's Workplace Travel Plan Co-ordinator. The WTP's overarching aims are to secure a modal shift from the private car and increase the numbers using sustainable modes of travel. The WTP is to include: free one month bus ticket provision for services passing the sites (including additional bus services) for all employees at the site; cycling incentives; car sharing measures. The obligation requires that the WTP must be submitted for approval prior to first occupation of the development, and contains provisions regarding the period of employment for the Workplace Travel Plan Co-ordinator. It also requires a staff travel survey to be undertaken, in a form approved by the County Council, to identify the main travel modes used by employees.
87. The obligation also contains provisions relating to additional bus services, including a minimum of one service between the two sites and Chelmsford City Centre, to accommodate 3 shift changes per day, seven days a week and for a period of five years from the first occupation of the development. The obligation requires details of the additional service to be submitted to and approved in writing prior to the first occupation of the development. It also includes an additional bus subsidy of £250,000 per annum plus indexation for a period of five years from the date of first occupation of the development towards operating the additional bus services. The obligation also includes a County Council monitoring fee totalling £1,400 towards monitoring the performance of the planning obligation.
88. I have no reason to believe that the formulas and charges used by the Council and County Council to calculate the provisions of the planning obligation are other than soundly based. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework<sup>76</sup> and CIL Regulations<sup>77</sup>. I have taken the planning obligation into account in my deliberations.

### **Planning Balance and Overall Conclusion**

89. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise<sup>78</sup>. Paragraph 11 of the Framework states that where the most

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<sup>74</sup> C13 A Planning Statement of Common Ground, Paragraph 8.82

<sup>75</sup> ID 32

<sup>76</sup> Paragraph 58

<sup>77</sup> Regulation 122

<sup>78</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

important policies for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework that protect areas or assets of importance may provide a strong reason for refusing the development, and the so called 'tilted balance' in favour of granting permission does not apply. Policies relating to designated heritage assets fall within that category<sup>79</sup>.

90. The appeal proposal would conflict with the development plan's spatial strategy because it would involve a large scale logistics proposal on a greenfield site within the countryside outside the defined limits of development. The site is not allocated for development in the adopted plan, is not identified for employment or logistics, nor is it previously developed land. As such, the proposal would conflict with Policies S1, S7, S8, S11, and DM8. However, the employment provisions of the adopted Local Plan do not meet current needs. Nor does the Local Plan make specific provision for logistics. It is accepted that a strictly policy-led solution to employment needs cannot be achieved, and that the new logistic facilities cannot all be accommodated within the confines of the settlement boundaries. For these reasons, I consider aspects of these policies are out of date. Any conflict with these policies is therefore a matter of diminished weight. That said, and importantly, the Framework does not change the statutory basis of the development plan for decision making, and the fact policies are out of date does not mean they should carry no weight or be ignored.
91. In terms of benefits, the scheme would secure a logistics development for which there is an unmet need. The fact that a precise figure cannot be put on need does not mean it does not exist. Nor should any figure necessarily represent a cap on logistics development. The scheme would generate clear economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality, as well as training and employment opportunities. The Framework advises that significant weight should be placed on the need to support economic growth and productivity<sup>80</sup>. Such clear benefits should not be downplayed, and in accordance with the Framework, they attract significant weight in favour of the proposals.
92. The scheme has other advantages, including that the site is accessible to HGVs and vehicles being adjacent to the A12, part of the Strategic Road Network. It would minimise commercial traffic on less sustainable local routes<sup>81</sup>. The proposed provision of a bus service would make the site more sustainable and attracts positive weight. The scheme would also deliver certain environmental benefits, including green infrastructure and biodiversity net gains, around 22%, exceeding the 10% target. It would incorporate landscaping, native tree and hedgerow planting. The scheme includes new ponds and SUDS basins creating new habitats. The scheme would also utilise sustainable construction methods and incorporate energy efficiency measures. All these benefits attract moderate weight.

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<sup>79</sup> Footnote 7, Paragraph 11, NPPF

<sup>80</sup> Paragraph 85

<sup>81</sup> Highway Statement of Common Ground, Paragraph 11

93. Set against the benefits of the scheme is the significant harm that would arise to the landscape. The development would encroach on to attractive rural countryside. Whilst some harmful effects would diminish over time as the landscaping becomes more established, the sheer scale, size and extensive coverage of the units means that any landscaping would not fully mitigate harmful landscape effects. There would also be a loss of 'Category A' protected trees. The setting of a number of public footpaths would be harmed making them much less attractive for users. The harms in respect of landscape and the loss of protected trees attract substantial weight. In addition, there would be also a small loss of the best and most versatile agricultural land, a harm which attracts limited weight.
94. There would be less than substantial heritage harm to the setting (and thus significance) of two listed buildings – Sandon Hall and Sandon Hall Barn. I find this to be at the low to middle part of that category. There would also be less than substantial harm to the setting of Sandon Conservation Area, albeit at the lowest level. The Framework directs that great weight should be given to designated heritage assets' conservation. This harm must be weighed against the public benefits of the scheme. However, given the significant public benefits of the proposal outlined above, I am not persuaded that the harm to designated heritage assets, on its own, provides a strong reason to refuse the proposal or to disengage the so called 'tilted balance'.
95. There would also be a range of harm to non-designated heritage assets: there would be moderate harm to the setting of the pillboxes, and the loss of anti-tank ditch, although I also acknowledge some benefits would arise. There would also be minor harm to the setting of The Grove. Notwithstanding my conclusion on the 'heritage balance', clear and obvious harm would still arise to both designated and non-designated heritage assets which weighs appreciably against the proposal.
96. Turning to highways matters, neither highway authority has been able to validate the modelling work underpinning the claim that the network can satisfactorily accommodate extra traffic. As such there remains uncertainty about the potential impact on the highway network. This is particularly pertinent given that Junction 17 suffers significant congestion and traffic delays, as well as a significant accident history. National Highways has serious concerns about the proposed lane changes to the southbound exit slip road which I share, and this matter cannot be ignored. There are other uncertainties and ambiguities in the highway evidence that makes it difficult to ascertain the precise impact of the scheme. The appellant says these matters can be resolved at detailed design stage, but in my view, they require proper resolution in advance of any outline permission being granted.
97. As things currently stand, taking the highway evidence as a whole, and notwithstanding certain concessions by witnesses at the Inquiry, I am unable to safely conclude that the proposals would not have an unacceptable effect on the operation, capacity or safety of the strategic or local highway network, nor that the cumulative effects would not be severe. These are concerns which weigh very substantially against the scheme. I reach this view notwithstanding that access is a reserved matter, and that Paragraph 116 of the Framework sets a high bar for the refusal of planning permission on highway grounds. In addition, whilst not determinative in its own right, the non-compliance of the

proposed pedestrian / cycle route with the relevant guidance adds to my concerns and weighs against the proposal.

98. Overall, applying the so-called 'tilted balance', I find the significant benefits of the scheme, comprising the provision of units for logistics, including the various economic, environmental and other benefits, all taken together, do not clearly outweigh any harms arising, including in terms of landscape, heritage and highway matters. Therefore, I find the adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The scheme would also conflict with the development plan as a whole, notwithstanding its out of date employment provisions and policies.
99. Accordingly, I conclude the appeal should be dismissed.

*Matthew Nunn*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT**

David Elvin KC

instructed by Greystoke CB

He called

Stephen Nicol

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Jonathan Neale

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Paul Harris

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### **FOR THE COUNCIL**

Josef Cannon KC

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He called

Colin Robinson

Planning Director, Lichfields

Jeremy Potter

Spatial Planning Services Manager,  
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Michael Hurst

Principal Heritage Officer, Chelmsford  
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Peter Dawson

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Emma Featherstone

Strategic Development Engineer,  
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Mark Norman

Spatial Planner, National Highways

Sally Rogers

Principal Planning Officer, Chelmsford  
City Council

### **FOR THE RULE 6 Party**

Richard Turney KC

instructed by Ceres Property

He called

Sam Hollingworth

Associate Partner, Ceres Property

## **OTHER PARTICIPANTS**

John Gregory, Planning Lawyer (Weightmans), representing the Appellant, participated in discussion regarding the legal agreement

## **INTERESTED PARTIES**

Councillor Julia Jeapes	Little Baddow Danbury & Sandon, Chelmsford City Council
Councillor Alan Roche	Little Baddow Parish Council, although speaking as a local resident

## **INQUIRY DOCUMENTS**

1. Opening submissions for the Appellant
2. Opening submissions for the Council
3. Opening submissions for the Rule 6 Party
4. Updated Employment Need and Supply Summary Table (Mr Potter)
5. Updated ELRFU to adjust for margins and losses (Mr Nichol)
6. Lichfields Meeting Note: Discussion with Kemsley, 28 February 2023
7. Statement of Councillor Alan Roche
8. Statement of Councillor Julia Jeapes
9. Panattoni letter dated 15 August 2025
10. Kemsley letter dated 26 August 2025
11. Development proposals for Chelmsford Garden Community Zone 2
12. Detailed breakdown of employment floorspace and employment figures across the Chelmsford Garden Community Zone 2
13. A12 Howe Green Southbound Exit Slip Improvements, Stage 4 Road Safety Audit, June 2025
14. Road Safety Audit Stage 1 Design Office
15. Chelmsford Local Plan Draft Policies Map and legend
16. Planning Practice Guidance (PPG) Housing and Economic Needs Assessment
17. Accurate Visual Representations (AVR) 25 September 2025 (revised version)
18. Active Travel England Planning Response, dated 22 September 2025
19. AECOM Technical Note 05 – dated 2 September 2025
20. Letter from First Bus to Richard McCulloch (undated)
21. Comparative Visual Effects Table
22. GG142: Walking, Cycling and Horse Riding Assessment and Review
23. Draft Statement of Common Ground (Ceres Property on behalf of Pigeon) for Junction 18 Appeal (APP/W1525/W/25/3368272), dated 16 September 2025
24. Draft Conditions – discussed at Inquiry
25. Site Visit Proposed Route
26. Essex County Council Minerals & Waste Planning Response for Pigeon Junction 18 Appeal
27. Draft Legal Agreement & Annex
28. Chelmsford Policy Board Report, 25 September 2025 on revised Local Development Scheme (LDS)
29. Ecology Response (Place Services) to original planning application dated 20 March 2024

30. Updated schedule of conditions, following Inquiry discussion, dated 7 October 2025
31. Updated Statement of Common Ground, Highways SoCG, and draft Conditions for Junction 18 Scheme (Pigeon), dated 28 October 2025
32. Completed Legal agreement dated 3 November 2025 (and associated summary)
33. Council's Closing Submissions
34. Rule 6 Party Closing Submissions
35. Appellant's Closing Submissions
36. Appeal decision APP/W1525/W/25/3368272 (Junction 18, Pigeon Scheme) dated 11 December 2025
37. Council's response on Draft Framework and J18 appeal decision (dated 18 December 2025)
38. Appellant's further comments on Draft Framework and J18 appeal decision (dated 23 December 2025)