

25 November 2025



Princes Road  
Maldon  
Essex CM9 5DL

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APOLOGIES: Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 3 DECEMBER 2025** at **7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Chief Executive

**COMMITTEE MEMBERSHIP:**

CHAIRPERSON	Councillor M F L Durham, CC
VICE-CHAIRPERSON	Councillor M E Thompson
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens S White L L Wiffen



**AGENDA**  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 3 DECEMBER 2025**

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1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 5 November 2025, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **24/00919/FUL - Barn A At, The Barn, Braxted Park Rd, Colchester, CO5 0QB**  
(Pages 15 - 36)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

6. **25/00362/FUL - Land at 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy, Essex**  
(Pages 37 - 44)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

7. **25/00555/FUL - OS Field 6251, Colchester Road, Great Totham** (Pages 45 - 64)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

8. **25/00590/FUL - Agricultural Barn at Loddarts Farm, Lodge Road, Woodham Mortimer** (Pages 65 - 82)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

9. **25/00687/FUL - Land At, St Georges House, Chelmsford Road, Purleigh, Essex**  
(Pages 83 - 102)

To consider the report of the Director of Place, Planning and Growth, (copy enclosed, Members' Update to be circulated)\*.

10. **Any other items of business that the Chairperson of the Committee decides are**

**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5 – 9.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)  
\* Please note the list of related Background Papers attached to this agenda.

**NOTICES**

**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

**Fire**

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

**Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

**Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## DISTRICT AND AREA PLANNING COMMITTEE BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third-party representations and consultation replies received.
3. The following Statutory Development Plans and Other Material Considerations:

### Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Mayland Neighbourhood Plan](#) (Made 25 September 2025)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

### Other Material Considerations

#### Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [The Town and Country Planning Act 1990](#) (as amended)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Hazardous Substances\) Act 1990](#)
- [The Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [The Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [The Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [The Neighbourhood Planning \(General\) Regulations 2012](#) (as amended)
- [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended)
- [Growth and Infrastructure Act 2013](#)
- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)

- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)
- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

#### National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

#### Guidance, Supplementary Planning Documents (SPD) and Design Statements

##### *National-scale*

- [National Planning Practice Guidance](#)

##### *Sub-Regional / Essex-scale*

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

##### *District-scale*

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational Disturbance Avoidance Mitigation Strategy \(RAMS\) SPD - 2020](#)
- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five Year Housing Land Annual Supply Statement – May 2024](#)

### *Local-scale*

- [Heybridge Basin Village Design Statement – 2007](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

### *Maldon District Local Development Plan Review Evidence Base*

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2020](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
  - [Assessment of Selected Sites](#)
  - [Maldon District Local Wildlife Sites Register 2022](#)
  - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
  - [Appendix G](#)
  - [Appendix H](#)
  - [Appendix I](#)
  - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2025**

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**PRESENT**

Chairperson	Councillor M F L Durham, CC
Vice-Chairperson	Councillor M E Thompson
Councillors	J C Hughes, S J N Morgan, C P Morley, E L Stephens and L L Wiffen

**297. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**298. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R H Siddall and S White.

**299. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 08 October 2025 be approved and confirmed.

**300. DISCLOSURE OF INTEREST**

Councillor M F L Durham CC declared a pecuniary interest as the agent on the application for Agenda item 7 - 25/00022/FUL - Land at The Warren Lodge Park, Herbage Park, Herbage Park, Woodham Walter.

**301. 25/00473/OUTM AND 25/00474/OUTM, LAND ADJACENT WESTERINGS, PURLEIGH**

<b>Application Number</b>	<b>25/00473/OUTM and 25/00474/outm</b>
<b>Location</b>	Land Adjacent Westerings, Purleigh
<b>Proposal</b>	Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
<b>Applicant</b>	Rosconn Group
<b>Agent</b>	Mrs Samantha Stephenson - Phase 2 Planning
<b>Target Decision Date</b>	25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed)
<b>Case Officer</b>	Fiona Bradley

<b>Parish</b>	<b>Purleigh</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan Major Application

The Officer informed the Committee that there was no discussion or presentation for this item as it was returning to the Committee after the Constitutional brake was invoked at the previous meeting following Members indicating they would be minded to refuse this application. Also indicating that if they were still minded to refuse they would have to agree on the reasons for refusal.

Councillor M F L Durham then proposed that the Committee agree the reasons for refusal as laid out in the report and refuse this application. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) the Chairperson requested a recorded vote. He then put the proposal to refuse the application, and the voting was as follows:

For the recommendation:

Councillors M F L Durham, J C Hughes, C P Morley, E L Stephens and L L Wiffen.

Against the recommendation:

None.

Abstention:

Councillors S J N Morgan and M E Thompson.

Following this Councillor Wiffen nominated herself and Councillor Morgan to represent Maldon District Council. This was duly approved.

## **RESOLVED**

**25/00473/OUTM:** This application had been appealed so no decision could be issued. However, Members were minded to **REFUSE** permission for the reasons as set out in the report.

**25/00474/OUTM:** that this application be **REFUSED** for the following reasons:

- 1 The Council's strategic policies seek to focus growth in the District's main settlements of Maldon, Heybridge and Burnham on-Crouch as they constitute the most suitable and accessible locations in the District. The proposal would introduce residential development beyond the settlement boundary of Purleigh, identified as a 'smaller village' in Policy S8 which provides limited services, facilities and employment opportunities, where the principle of the proposed development is not supported. The site is not well located in terms of access to and provision of public transport and access roads to and from the village are constrained and narrow. The majority of journeys to and from the site would be reliant on travel by private car. Accordingly, the proposal would result in unsustainable development. Paragraph 11d)ii of the National Planning Policy Framework provides that applications should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the proposal:
  - is contrary to key policies for directing development to sustainable locations, and
  - in the absence of a legal agreement, does not provide affordable homes.

The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the LDP and the National Planning Policy Framework taken as a whole. The proposal conflicts



with the development plan's spatial framework contrary to Policies S1, S2, S8, I1, and T1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.

2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to include:-
- adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework;
  - adequate provision to secure the completion, management and maintenance of the public open space, or the provision of the necessary contributions towards education, libraries, public transport and healthcare, such that the impact of the development cannot be mitigated, contrary to Policies S1, D1, N1, N3, I1, T1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework.
  - adequate provision to secure on- and off-site Biodiversity Net Gain in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.
  - a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

### 302. 25/00616/OUT - LAND ADJACENT CRISPINS ROOTS LANE, WICKHAM BISHOPS

<b>Application Number</b>	<b>25/00616/OUT</b>
<b>Location</b>	Land Adjacent Crispins Roots Lane Wickham Bishops
<b>Proposal</b>	Outline application with all matters reserved except for access for 5no 3 bedroom bungalows with detached garage and access road including turning head off existing drive.
<b>Applicant</b>	Jenny Moody Properties Ltd
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	11 November 2025 (Time Extension Agreed)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>Wickham Bishops</b>
<b>Reason for Referral to the Committee / Council</b>	Called in by Cllr Simon Morgan to consider that <ul style="list-style-type: none"> <li>• The site is outside the settlement boundary, contrary to Local Development Plan (LDP) Policy S8.</li> <li>• Over-development of the site, contrary to LDP Policy D1.</li> <li>• The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.</li> </ul>

	<ul style="list-style-type: none"> <li>The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.</li> </ul>
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A Members' Update was distributed before the meeting containing details regarding Heritage Assets, Tree considerations, further consultation responses received, and additional letters of objection.

The Officer presented the report. Following this an Objector Paul Guppy addressed the Committee.

A Member then recalled that a similar application on the same site was recommended for refusal a year ago and questioned the Officer on what the differences were between the current application and a previous one. The officer advised that the National policy Planning Framework had changed in December 2024, which gave different weight to aspects of the site, additionally the Applicant had mitigated some of the objections to the site in regards to the Recreational disturbance Avoidance and Mitigation Strategy payments and Trees.

Councillor S J N Morgan then proposed that the application be refused, contrary to Officers' recommendation. This was duly seconded.

Councillor Morgan suggested that the reasons for refusal would be based on what the application was called in for which was as follows:

- The site being outside the settlement boundary, contrary to Local Development Plan (LDP) Policy S8.
- Over-development of the site, contrary to LDP Policy D1.
- The proposals would result in the urbanisation of an area currently rural in nature and erode the character and appearance of this part of the village, contrary to LDP Policy H4.
- The development would have a detrimental impact on the wildlife and existing trees, contrary to Policies D1 and N2 and Policy WBen 02 of the Wickham Bishops Neighbourhood Plan.

A discussion then ensued regarding the reasons for refusal. The Officer highlighted that there were no grounds to refuse based on overdevelopment or wildlife and environment. That the site was adjacent to the settlement boundary and in terms of urbanization this was considered harm, but the weighting tipped the planning balance in favour of the application.

In accordance with Procedure Rule No. 13 (3) the Chairperson requested a recorded vote for the proposal to refuse the application in line with the urbanisation and settlement boundary issues. The voting was as follows:

For the recommendation:

Councillors M F L Durham, J C Hughes, S J N Morgan, C P Morley and L L Wiffen

Against the recommendation:

Councillors E L Stephens and M E Thompson

Abstention:

None

**RESOLVED** that the application be **REFUSED** for the following reason:

- 1 Notwithstanding that Maldon District Council cannot demonstrate a 5 year housing land supply, the harm which would be created by the development outside the development boundary of Wickham Bishops is not outweighed by the very limited contribution made by five additional homes. The proposed development would introduce residential development beyond a settlement boundary where the principle of the proposed development is not supported as development plan policies seek to protect the intrinsic character and beauty of the countryside. The proposed development would result in the urbanisation of the site through the introduction of built form, hardstandings and associated domestic paraphernalia which would erode the character and appearance of the site and surroundings. Accordingly, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this National Planning Policy Framework with particular regard to paragraphs 135, 136 and 187, and the proposal would conflict with the development plan's spatial framework contrary to Policies S1, S8, D1 and H4 of the Approved Maldon District Local Development Plan (2017).

**303. 25/00022/FUL - LAND AT THE WARREN LODGE PARK, HERBAGE PARK, HERBAGE PARK ROAD, WOODHAM WALTER**

<b>Application Number</b>	<b>25/00022/FUL</b>
<b>Location</b>	Land at The Warren Lodge Park Herbage Park Herbage Park Road Woodham Walter
<b>Proposal</b>	Construction of one concrete hardstanding onto which a new lodge will be sited for a site manager or an employee or designated contract of the Warren Estate to use, with connections to services and one allocated car parking space.
<b>Applicant</b>	Mr John Moran - The Warren Estate
<b>Agent</b>	Mr Mark Durham - Frederick Lewis Ltd
<b>Target Decision Date</b>	10 November 2025 (Time Extended)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	The agent is a Member (Cllr Durham) so this is being referred to committee under the Terms of Reference for Area Planning Committees section 1. Point 9

At this point in the meeting Councillor M F L Durham declared he would step down Chairperson after the presentation and public speaking as the agent on this item.

Following this the Officer presented their report and then Mr Durham, the Agent addressed the Committee.

Further to his earlier declaration, Councillor Durham left the chamber at this point.

IN THE CHAIR : COUNCILLOR M E THOMPSON

A Member commented that the application could facilitate better enforcement outcomes on the site by having a permanent presence there and suggested that condition 5 be removed as this stopped the site from being a year-round dwelling.

Councillor S J N Morgan proposed that the Committee approve the application with the removal of condition 5. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) the Chairperson requested a recorded vote and put the proposed approval in the name of Councillor Morgan to the Committee. The voting was as follows:

For the recommendation:

Councillors J C Hughes, S J N Morgan, C P Morley, E L Stephens, M E Thompson and L L Wiffen.

Against the recommendation:

None

Abstention:

None

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, WLP-WL05 Rev C, WLP-WL01 Rev F and WLP-WL02.
3. The lodge hereby permitted shall only be used by a manager or an employee or a designated contract worker of the Warren Estate and shall not be used as a person's sole or main place of residence.
4. The lodge hereby permitted shall be clearly signposted to ensure that it is recognised as the single point of out of hours contact.
5. The lodge hereby permitted shall not be available for short or long term holiday purposes or offered for rent, lease or sale.
6. With the exception of any building or structure required to be provided by conditions on a site licence issued under the Caravan Sites and Control of Development Act 1960, no structures, tents, garden paraphernalia, or similar items shall be erected or placed on the site without the prior approval in writing of the local planning authority with the exception of a single storage shed no greater than 2.5m x 4metres and no greater than 4metres from each lodge.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no wall, fence, gate or other means of enclosure shall be erected at the site without the prior grant of planning permission by the local planning authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no hardstanding or similar hard surface in addition to that permitted shall be laid at the site without the prior approval in writing by the Local Planning Authority.

At this point in the meeting Councillor Durham returned to the chamber.

IN THE CHAIR: COUNCILLOR M F L DURHAM CC

There being no other items of business the Chairperson closed the meeting at 8.34 pm.

M F L DURHAM, CC  
CHAIRPERSON

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**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
3 DECEMBER 2025**

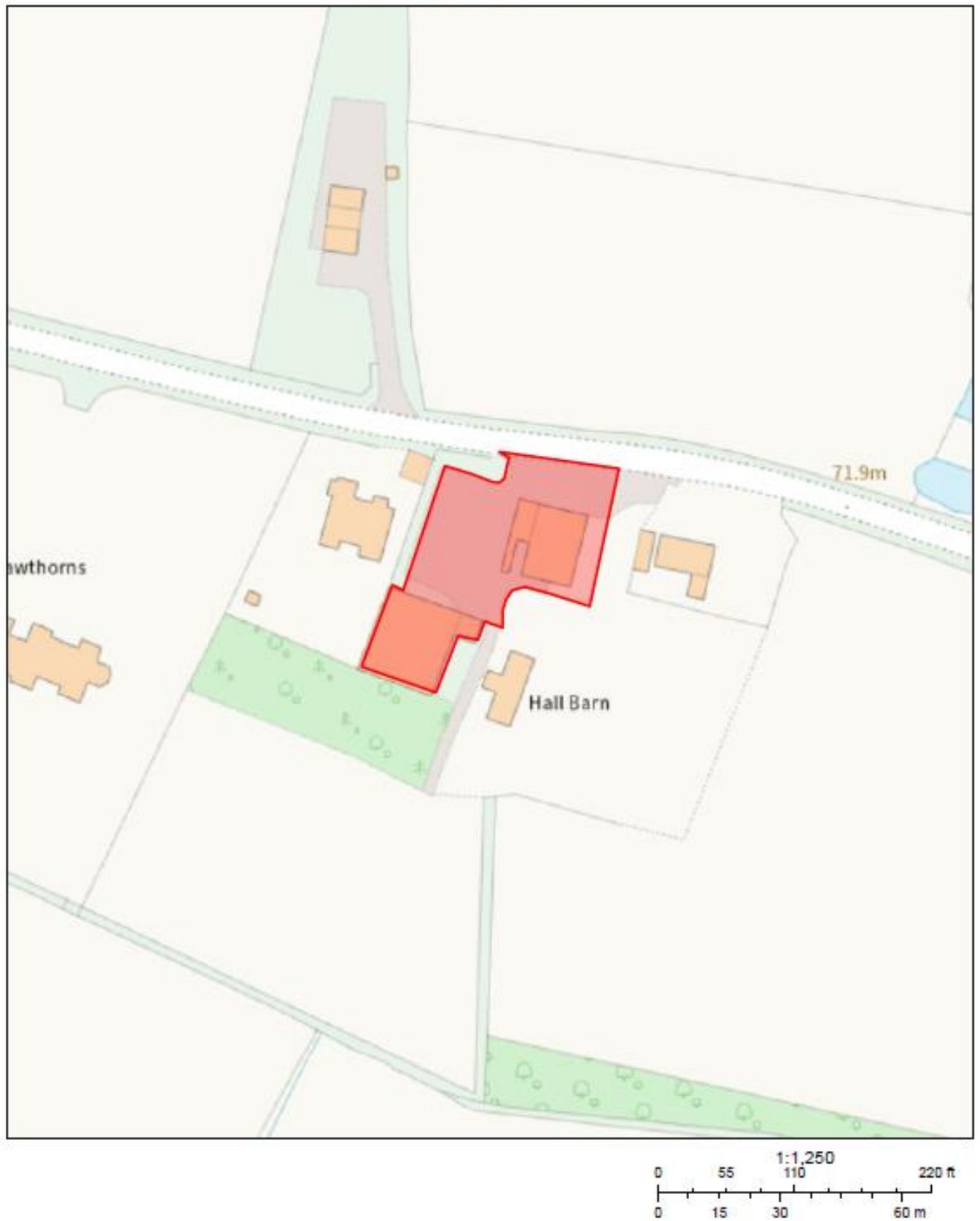
<b>Application Number</b>	<b>24/00919/FUL</b>
<b>Location</b>	Barn A At, The Barn, Braxted Park Road, Colchester CO5 0QB
<b>Proposal</b>	The erection of four new build dwellings (in lieu of Prior Approval for four dwellings, subject of application 24/00072/PACUAR).
<b>Applicant</b>	C Burrows
<b>Agent</b>	Stanfords
<b>Target Decision Date</b>	07.11.2025 (EoT – committee determination required)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>GREAT BRAXTED</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report)

**2. SITE MAP**

Please see below.





### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site Description

- 3.1.1 The application site is located to the south of Braxted Park Road. The application site is occupied by two agricultural buildings which were previously used for the storage of farming equipment and does not fall within any defined settlement boundary. The site is within a rural location, with residential properties to the east of the application site at The Barn (within the same ownership as the Applicant) and to the west at Lee Moor and Fair View.
- 3.1.2 The property is not listed, nor located within a conservation area.

##### The Proposal

- 3.1.3 Planning permission is sought for the demolition of two existing agricultural barns and erection of replacement buildings to provide a total of four new dwellings. The application is submitted pursuant to the previous grant of prior approval in April 2024 for the conversion of the existing barn to residential use (application ref 24/00072/PACUAR).
- 3.1.4 Having undertaken further review of the prior approval conversion scheme in advance of carrying out the associated works, the applicant now wishes to demolish and rebuild the barns, to allow for improved insulation of the resulting structures and overall build quality of the end product. The overall appearance of the replacement barns within which the dwellings are created would be identical to that of the prior approval scheme.
- 3.1.5 The proposed pair of two-bedroom dwellings would be contained within a new building to replace the barn closest to Braxted Park Road (plot one). The design of the building would be identical to that of the prior approval scheme – which proposed a number of alterations to the existing barn (demolition of the covered area to the western side elevation, installation of two large glazed panels to the southern elevation, the addition of four openings to the western and eastern elevation, and the addition of two doors to the northern elevation).
- 3.1.6 The proposed pair of three-bedroom dwellings would be contained within a new building to replace the barn to the southern side of the site (plot two). Again, the design of the building would be identical to that of the prior approval scheme, which proposed a number of alterations to the existing barn (demolition of the southern single storey projection, the addition of a large glazed panel and two windows to the northern and southern elevations, the addition of four openings on the western elevation and six on the eastern elevation).
- 3.1.7 The block plan shows that amenity space would be provided to the rear of each dwelling. Each dwelling would be allocated two parking spaces within a shared parking area to the western side of the site. Additional soft landscaping enhancements are proposed to the front of the site as indicated by the submitted Landscape and Ecological Enhancement Plan.

##### Conclusion

- 3.1.8 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a

departure from the local plan. However, in the absence of a Five-Year Housing Land Supply, the “titled balance” as set out in paragraph 11d of the National Planning Policy Framework (NPPF) applies unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*.

- 3.1.9 As explained within the report, whilst the site is not considered to be in a sustainable location, due to the fallback position that exists at the site by virtue of the recently granted prior approval for conversion of the two barns, and the realistic prospect of that scheme being implemented in any event if planning permission were to be refused, the principle of creating a single residential unit at the site is considered acceptable.
- 3.1.10 The overall design of the replacement barns is identical to that of the conversion scheme, with some minor alterations and improved planting to the soft landscaping areas to the front of the site. The design of the proposed development is therefore considered acceptable and would comprise a sensitive development that is comparative with the current appearance and in keeping with the local area both in terms of scale and architectural design. It is considered that the creation of four dwellings at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity.
- 3.1.11 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the NPPF and is recommended for approval.

#### **4. MAIN RELEVANT POLICIES**

Members’ attention is drawn to the list of background papers attached to the agenda.

##### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 180-194 Conserving and enhancing the natural environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Vehicle Parking Standards Supplementary Planning Document (SPD)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that ‘When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 *“Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”*.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas

where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow “(m) development which complies with other policies of the LDP”.

#### Five-Year Housing Land Supply (5YHLS)

- 5.1.5 As per Paragraph 78 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “*monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies*”. As the LDP is more than five years old, paragraph 77 requires LPAs to “*identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply*”. To this end, Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years’ supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council’s current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF’s titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*”.

#### Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is ‘*sustainable development*’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘*presumption in favour of sustainable development*’ applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development

does not change the statutory status of the development plan as the starting point for decision making.

- 5.1.10 The NPPF's overarching objectives relating to sustainable development are set out in the form of three interdependent dimensions: Economic (supporting a strong and competitive economy); Social (delivering the homes, infrastructure and environments needed for present and future generations); and Environmental (protecting and enhancing the natural, built and historic environment, including addressing climate change). An assessment of the application scheme in relation to each dimension is set out below:

#### *Environmental Dimension*

- 5.1.11 A fundamental element of the environmental dimension is the locational sustainability of development, and the degree to which a site is accessible to services, facilities and sustainable modes of transport. Consideration must be given to a number of parameters - including (but not limited to) the distance to the nearest settlement; proximity of local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 Whilst the site in this case is located in a remote rural location, with limited access to services, the existence of a lawful prior approval for the conversion of the agricultural building to a dwelling is a material consideration of significant weight. The prior approval establishes the principle of a residential unit on the site and represents a genuine and realistic fallback position that could be implemented were this application to be refused. The fallback is not merely theoretical: the building is capable of conversion in accordance with the approved Class Q details, and the extant consent remains capable of implementation without any further assessment of the principle of residential use.
- 5.1.13 National policy and case law (including *Mansell v Tonbridge & Malling BC* along with other more recent appeal decisions) confirm that a fallback may be afforded substantial weight where there is a reasonable prospect that it would be pursued. In this case, there is no evidence to suggest that the applicant would not proceed with the conversion scheme – indeed the applicant has confirmed that the development would go ahead in its approved form in any event. Given the existence of the prior approval and the relatively limited works required to commence development, this is considered realistic alternative to the new build scheme now proposed.
- 5.1.14 When comparing the proposed new-build dwelling with the prior approval fallback scheme, it is clear that the scale, form and massing are identical – as such the current proposal would not give rise to any materially greater landscape or spatial impacts than the conversion scheme. Although the proposal constitutes a new building rather than a conversion, the resultant effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be comparable to the existing structure. Furthermore, additional soft landscaping to the front of the site will enhance visual amenity of this section of Braxted Park Road. Therefore, in light of the established prior approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.

#### *Social Dimension*

- 5.1.15 The development would result in the creation of four additional dwellings, which is considered to be a moderate benefit towards the supply of housing within the District.

### *Economic Dimension*

- 5.1.16 The development would make a nominal contribution to the local economy through the construction of four dwellings and additional custom for existing businesses.

#### Summary of Principle of Development

- 5.1.17 Whilst the development is considered to be in an unsustainable location, outside of any settlement boundary and contrary to Policy S8 of the LDP, due to the fallback position that exists at the site by virtue of the recently granted prior approval for conversion of the two barns, and the realistic prospect of that scheme being implemented in any event if planning permission were to be refused, the principle of creating a single residential unit at the site is considered acceptable, subject to compliance with all other relevant policies contained within the LDP.

## **5.2 Housing Provision and Mix**

- 5.2.1 The NPPF requires LPAs to establish their minimum local housing need through a Local Housing Needs Assessment (LHNA), using the standard method set out in National Planning Practice Guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.
- 5.2.2 The recently published LHNA (October 2025) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF and up to date PPG and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one-bedrooms, 35% two-bedrooms, 35% three-bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 hectares (ha)) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 In this case, the proposal would provide for an additional four dwellings – arranged as 2 x two-bed dwellings and 2 x three-bed dwellings. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of these sizes as identified within the LHNA), the net increase of four additional dwellings is considered to carry moderate beneficial weight in the consideration of the merits of the scheme and in the context of the wider housing need.

## **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, to the location and the setting of the site, and the existing character and density of the surrounding area. The Policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 As noted above the scale, form and massing of the proposed new build scheme are identical to the prior approval scheme – with some minor changes to the internal layouts to allow for improved circulation, as well as improvements to the external surfaces to provide additional soft landscaping to the front highway facing section of the site. As such, the current proposal would not give rise to any materially greater landscape or spatial impacts than the conversion scheme already accepted under the prior approval. Although the proposal constitutes a new building rather than a conversion, the resultant effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be comparable to the existing structure. In light of the established prior approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.
- 5.3.7 On this it is considered that the proposal would not result in any harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the NPPF.

## **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking,

outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

- 5.4.2 The site is surrounded by three residential properties, with The Barn (within the same ownership as the Applicant) immediately adjacent, Fair View to the east of the front barn, and Lee Moor to the west.
- 5.4.3 As with the previous assessment of the conversion scheme, given the separation distances between the proposed dwellings and existing neighbours, combined with existing planting to the boundaries to the east and west (to be retained as part of the proposal), no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents in terms of loss of privacy or overlooking. No additional massing is proposed that would result in any overshadowing.
- 5.4.4 Overall it is considered that the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.
- 5.5.4 In accordance with the Council's Parking Standards (2018), dwellings with two- and three-bedrooms must provide two parking spaces. The proposed scheme incorporates provision for eight parking spaces located to the western side of the site in a shared parking area; and as such satisfies this requirement.
- 5.5.5 Essex County Council Highways has been consulted on the proposal and raised no objection to the proposal subject to proposed conditions relating to the installation of the modified site entrance prior to occupation, the setting back of planting from the highway, provision of cycle parking prior to occupation and travel information packs prior to occupation of the development.
- 5.5.6 For the reasons set out above it is therefore considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.



## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 50m<sup>2</sup> of private amenity space for dwellings with two-bedrooms and 100m<sup>2</sup> for dwellings with three-bedrooms or more.
- 5.6.2 The private gardens proposed in this case are all in excess of 100m<sup>2</sup> and as such the scheme is considered to be acceptable in terms of amenity space provision.
- 5.6.3 The amended layout also incorporates additional soft landscaping to the front of the site, which is considered an improvement to the overall setting of the development. All other existing hedgerows and trees surrounding the site would be retained (as with the prior approval scheme).

## **5.7 Living Conditions for Prospective Occupiers**

- 5.7.1 The submitted plans show a floorspace of 103sqm for the two-bed dwellings and 129sqm for the three-bed dwellings, which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.
- 5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

## **5.8 Flood Risk**

- 5.8.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to planning conditions requiring surface water and foul water drainage details to be provided prior to works above slab level, together with a number of informatives relating to waste collection, contamination, and construction.

## **5.9 Ecology**

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2021), Natural Environment and Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have

regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.”

#### Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.9.2 The site falls within the ‘Zone of Influence’ for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The LPA should prepare a Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional 4 no. dwellings falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

#### **HRA Stage 1: Screening Assessment**

##### Test 1 – the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coat RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for an additional 4 no. dwellings (i.e. net increase of dwellings at the site is 1 no. dwellings)

##### Test 2 – The integrity test

Is the proposal for 100 houses + (or equivalent)? No.

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.9.4 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered ‘in combination’ with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.5 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 and thus, the developer contribution should be calculated at this figure. Since a contribution towards RAMS has already been paid by the applicant in relation to the dwelling permitted under the prior approval scheme, adequate mitigation has already been secured for the creation of a new dwelling at the site and no further contributions are required.

## Other Ecology Matters

- 5.9.6 The applicant has submitted a Preliminary Ecological Assessment (prepared by Liz Lord, March 2024), which identifies opportunities for ecological mitigation, compensation and enhancements at the site, as well as considering the likelihood of impact upon protected species.
- 5.9.7 The Council's appointed Ecology Consultant have confirmed that there is sufficient ecological information available to support determination of this application but had initially raised a query to whether or not the scheme would be exempt from Biodiversity Net Gain (BNG) requirements. Officers have confirmed (by way of detailed area calculations and a site visit) that the site is exempt from BNG requirements since the area of habitat land affected by the proposal falls below 25sqm.
- 5.9.8 The Council's appointed Ecology Consultant has recommended a series of planning conditions which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity, as well as to require details of sensitive external lighting (if proposed).

## **5.10 Planning Balance and Sustainability**

- 5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of four additional dwellings. There would also be economic activity associated with the prospective occupiers of the dwellings. Whilst the dwellings would be located outside of a defined settlement boundary, as set out above in light of the fallback position set by the recent grant of prior approval for conversion of the existing barn to residential use, the principle of development is considered acceptable – particularly given the similarities between the prior approval scheme and the current design. As also outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.
- 5.10.3 Whilst the contribution that the additional dwellings would make towards housing land supply is considered moderate, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits - and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

## **6. ANY RELEVANT SITE HISTORY**

Reference	Proposal	Decision
20/01316/COUPA	Change of use of agricultural buildings to 4No. dwellinghouses	Prior Approval Required and Granted
FUL/MAL/21/01338	for the erection of four new build	Refused

Reference	Proposal	Decision
	dwelling, in lieu of Prior Approval for four dwellings, subject of application 20/01316/COUPA	Appeal dismissed
FUL/MAL/22/00764	for the erection of four new build dwellings, in lieu of Prior Approval for four dwellings, subject of application 20/01316/COUPA	Refused Appeal dismissed
24/00072/PACUAR	Change of use of agricultural buildings to 4No. dwellinghouses	Prior Approval Required and Granted

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils** *(summarised)*

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	<p>Great Braxted Parish Council recommends refusal of application 24/00919/FUL. This proposal is inconsistent with the sustainable development principles of the NPPF and multiple LDP policies (S1, D1, D2, D5, N2, T2). A more sustainable alternative would be to retain and convert the existing barns in a manner sympathetic to their setting, rather than replacing them with incongruous new-build dwellings.</p> <p>Specifically, the Council objects to this application on the following grounds:</p> <p><b>1. Conflict with Sustainable Development Principles (NPPF Paragraphs 8, 11 &amp; LDP Policy S1)</b> The NPPF requires development to be sustainable, respecting environmental, social, and economic objectives. Policy S1 of the LDP similarly seeks to protect the intrinsic character of the countryside. Demolishing structurally sound barns in favour of new-build dwellings is contrary to these aims, as it wastes embodied carbon, increases construction-related emissions, and permanently alters the rural setting.</p>	<p>The proposed design is identical to that as approved by way of prior approval 24/00072/PACUAR – so cannot be considered incongruous by comparison.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p><b>2. Harm to Rural Character and Visual Amenity (NPPF Paragraphs 130, 135 &amp; LDP Policy D1)</b> Policy D1 emphasises that development must respect local context, scale, and design. The proposed four new dwellings, replacing modest agricultural barns, will introduce a suburban form alien to the site's agricultural character. This will erode the area's distinctiveness, conflicting with NPPF guidance to maintain and enhance the natural and built environment.</p> <p><b>3. Overdevelopment and Density (LDP Policy D1 &amp; S1)</b> The scale and density of four new-build dwellings on this rural site represent overdevelopment. Unlike a sensitive barn conversion, new-build houses typically require larger footprints, formal curtilages, hard landscaping, and associated infrastructure, intensifying the impact on the open countryside. This runs counter to Policy S1's requirement for appropriate scale and density.</p> <p><b>4. Loss of Heritage and Local Identity (NPPF Paragraphs 199–208 &amp; LDP Policy D1)</b> The existing barns contribute to the area's agricultural heritage, forming part of the local vernacular. Their demolition will result in an irreversible loss of this heritage asset, contrary to the NPPF's presumption in favour of conserving non-designated heritage assets where they make a positive contribution to local character.</p> <p><b>5. Environmental and Climate Impacts (NPPF Paragraphs 152–158 &amp; LDP Policy D2)</b> Policy D2 requires minimising energy demand, reducing carbon emissions, and promoting sustainable construction. Demolishing usable structures disregards these aims, creating unnecessary demolition waste and increasing the carbon footprint compared to adaptive reuse. The application provides no credible</p>	<p>As above re: identical design compared to prior approval scheme.</p> <p>As above re: identical design compared to prior approval scheme.</p> <p>No heritage concerns are raised in relation to the barns – again the proposed appearance matches that of the prior approval scheme.</p> <p>The proposal would offer potential for improved insulation and longevity of the resulting buildings in comparison to the more compromised conversion scheme.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>sustainability measures to offset these impacts.</p> <p><b>6. Biodiversity and Natural Environment (NPPF Paragraph 186 &amp; LDP Policy N2)</b> The proposal lacks adequate ecological assessment. Demolition of barns could disturb roosting bats or nesting birds, protected under law. Policy N2 and the NPPF require measurable biodiversity net gain and protection of existing habitats, neither of which is addressed.</p> <p><b>7. Flood Risk and Drainage (LDP Policy D5)</b> The application does not sufficiently demonstrate that the site's surface water drainage and flood risk management meet Policy D5 standards. Increased impermeable surfaces from new builds may exacerbate runoff into surrounding land.</p> <p><b>8. Highway Safety and Accessibility (LDP Policy T2)</b> Replacing barns with four larger dwellings will generate more regular vehicle movements than agricultural use. The application fails to provide adequate evidence that local roads can accommodate this increase without adverse safety impacts, contrary to Policy T2.</p>	<p>Detailed Preliminary Ecological Assessment has been submitted and reviewed by the council's Ecologist.</p> <p>No change is proposed to the amount of hard and soft landscaping at the site – see submitted plans.</p> <p>No concerns have been raised by Essex County Council in this respect, subject to conditions (see section 5.5).</p>

## 7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection, subject to conditions relating to vehicular access construction in accordance with plans, setting back of planting from the highway, provision of cycle parking and resident travel pack conditions	Noted - see Section 5.5

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments received	Noted, see section 5.8
Ecology	No objection, subject to securing agreed mitigation, Biodiversity Enhancement Strategy and sensitive lighting	Noted, see section 5.9

### 7.4 Representations received from Interested Parties (*summarised*):

- 7.4.1 The application was advertised by way of a site notice posted on 20 August 2025 (with expiry date for comments set at 10 September 2025). The notices were affixed in a prominent position at eye level to a telegraph pole immediately adjoining the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 14 August 2025 (with expiry date for comments set at 4 September 2025).

### 7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 No third party comments have been received in relation to the proposals.

## 8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.  
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide Supplementary Planning Document.
- 4 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate

change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.

- 5 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.
- 6 Prior to first occupation of the development, the existing vehicular access shall be formalised and constructed as shown in principle on planning drawing no. BTB-04 Rev G. The access shall be provided with an appropriate vehicular crossing of the highway verge. Any redundant parts of the existing access on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge. Full layout details to be agreed with the Highway Authority.  
REASON To ensure that vehicles can enter and leave the highway in a controlled manner, in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.
- 7 The proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.  
REASON To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.
- 8 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities shall be secure, convenient, covered and retained at all times.  
REASON To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.
- 9 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the



relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D1 and T2 of the Local Development Plan.

- 10 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Liz Lord, March 2024) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 11 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON To enhance protected and Priority spaces and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 12 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (NERC) (Priority habitats and species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.

REASON To enable the Local Planning Authority to retain control over future extensions, alterations, or outbuildings in the interests of protecting the character of the area, residential amenity, and the design integrity of the development, in accordance with Policy D1 and D3 of the Local Development Plan.

## **INFORMATIVES**

### **1 Contamination**

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

### **2 Highway Works**

- All highway related details shall be agreed with the Highway Authority;
- There shall be no discharge of surface water from the development onto the Highway;
- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

### **3 General Good Practice Mitigation to avoid Ecological impacts during the construction phase.**

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and

- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

### **APPLICATION PLANS**

Location Plan

BTB-01 Existing & Proposed plan and elevations Barn 1

BTB-02 Existing & proposed plan and elevations Barn 2

BTB-04 RevG Proposed Block plan

BTB-05 RevE Floor plans and elevations

BTB-06 Existing Floor Plans, Block Plan, Elevations (Plot 1, 2)

Preliminary Ecological Assessment

1710 Ecology Addendum

Biodiversity Net Gain Statement

Planning Statement August 2025

Proposed Landscape and Ecological Enhancement Plan

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**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
3 DECEMBER 2025**

<b>Application Number</b>	<b>25/00362/FUL</b>
<b>Location</b>	Land at 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy, Essex
<b>Proposal</b>	Change of use from residential garage store to Class E (for hairdressing business)
<b>Applicant</b>	Mr Sam Cook
<b>Agent</b>	Mr Matthew Lockyer - That Design Co Ltd
<b>Target Decision Date</b>	30.10.2025
<b>Case Officer</b>	Jade Elles
<b>Parish</b>	<b>TOLLESHUNT D'ARCY</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

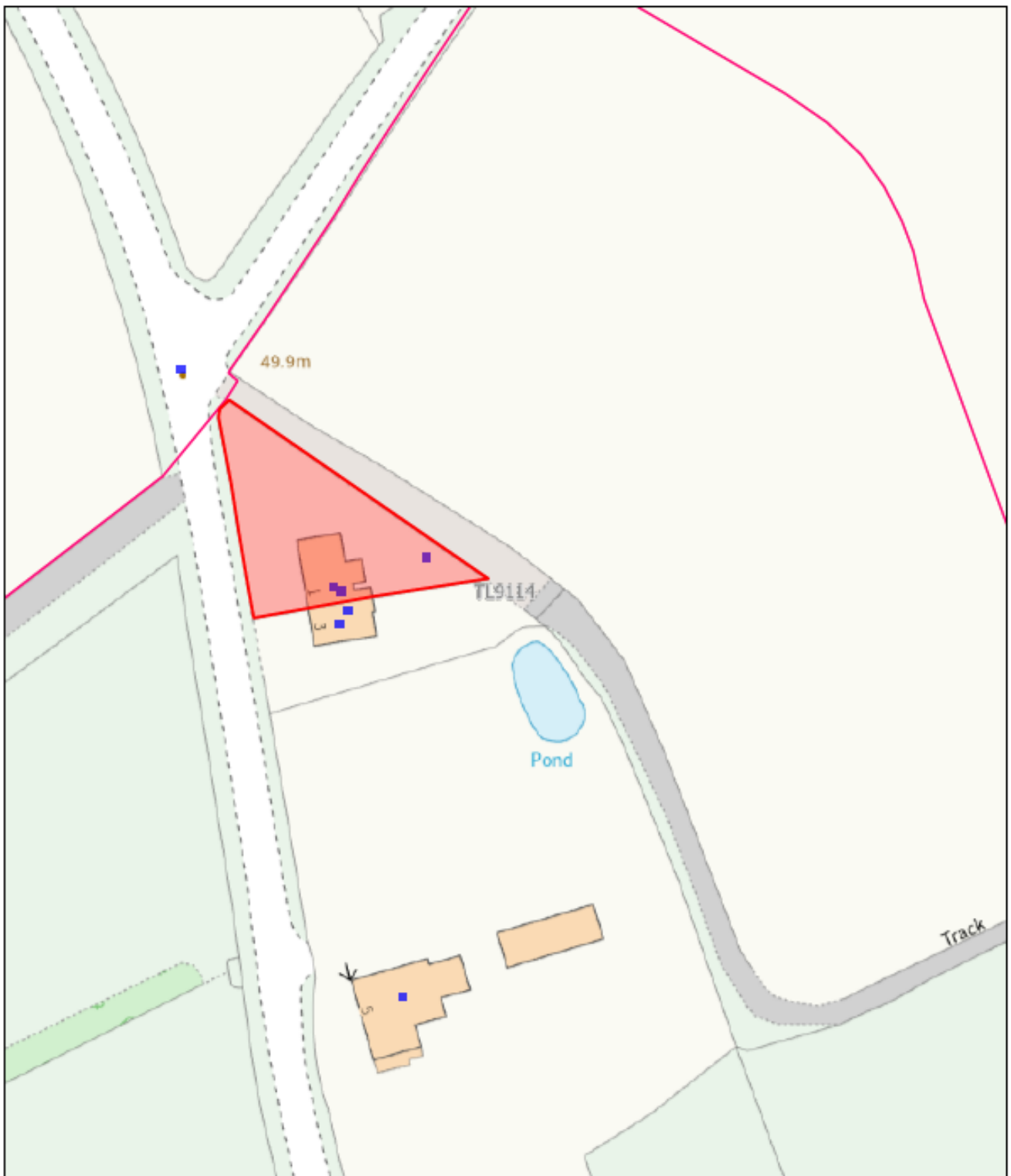
**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

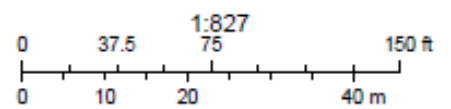
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25/00362/FUL



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■ GMS BLPU Points



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 The application site is located on the eastern side of Oxley Hill at its junction with Top Road and sits outside the defined settlement boundary. The site consists of a semi-detached residential dwelling set back from the highway with a track that runs along the rear of the property to allow access to the rear of this property and the neighbouring property.

3.1.2 The site is situated within a rural residential area with open fields to the front and rear of the site.

3.1.3 The garage store comprises part of the overall garage. The application form describes the existing development site as 'a store to the rear part of an existing double garage' The garage/store was granted permission in 2016 under reference 16/00002/HOUSE. Condition 4 restricting its use was attached to the decision, the condition stated:

*"The outbuilding hereby approved within the site shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purposes or for any overnight sleeping."*

3.1.4 The owners of the house have therefore submitted this application in seeking to use the store element of the garage for work 'commercial or business purposes' (a hairdressers).

#### **3.2 Conclusion**

3.2.1 The proposal would not harm the appearance or character of the locality as it would be contained within an existing building, within the curtilage of the site. The only external visual changes would be the comings and goings of patrons vehicles, however, given the size and scale of the space, vehicle movements is unlikely to result in excessive vehicle movement, nor would compete with the established vehicle allocation of the host property. The use it self is not a noise generating use for the operations and as such there is unlikely to be an impact on adjoining parties by way of excessive noise and disturbance. The scale and impact of the development is minimal and therefore, there are no objections in relation to the change of use. The proposal is therefore in accordance with the relevant policies set out in the Local Development Plan (LDP).

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations

- 124-130 Making effective use of land
- 131-141 Achieving well-designed places

#### 4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

#### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD

### 5. MAIN CONSIDERATIONS

#### 5.1 Principle of Development

- 5.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The Council's LDP contains clear policies regarding the location of employment uses. Policy **E1** explains that *"new employment development will be directed to the District's main settlements, existing employment sites and designated areas, in order to promote sustainable patterns of growth and reduce the need to travel by private car"*.
- 5.1.3 Similarly, Policy **S8** seeks to protect the countryside from inappropriate forms of development, stating that *"the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission will only be granted for development in the countryside where it is for a use identified within the policy"*.
- 5.1.4 A proposal for separate employment uses within a rural residential curtilage, without a demonstrated need, would run contrary to the above policy objectives and potentially impacting upon local traffic and resulting in activity that would be out of character with the surrounding and rural environment and potentially impact on residential amenity.
- 5.1.5 The application site is located within a residential area. The proposal is to change the use of the garage store from residential to Class E and would not be altering the external appearance. However, the NPPF states *"Planning permission will not normally be required to home work or run a business from home, provided that home working or a business use is incidental to the use as a dwellinghouse"*. The proposed



change of use is considered to result in a small and relatively discrete change to an existing space within the garage. Given its size, position and the nature of the business, the proposal is akin to an ancillary use.

- 5.1.6 The proposed hairdressers would therefore not result in any harm to the character or surrounding area and would be supported in principle. However, this would be on the provision that a condition is attached restricting further use of this unit or it spilling out into the larger garage area. This is to ensure that the unit remains able to operate on an ancillary basis to the dwellinghouse.

## **5.2 Impact on Residential Amenity**

- 5.2.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.2.2 The application site is bordered one neighbouring property to the south, 3 Oxley Hill.
- 5.2.3 Hairdressers are not known for any strong odour or significant amount of noise. However, it is acknowledged some noise will be made but, given the scale of the development and its position, it is unlikely to impact upon the neighbouring property.
- 5.2.4 The proposed opening hours are 0900 to 1800 weekdays and 0900 to 1300 on Saturdays. Environmental Health has stated they have no comments to the proposed opening hours. These times are typical for the commercial units and therefore it is considered that the proposed opening hours are acceptable.
- 5.2.5 Therefore, subject to conditions, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

## **5.3 Access, Parking and Highway Safety**

- 5.3.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regards to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.3.2 The site does benefit from off road parking. There is off road parking to the front of the dwelling allowing use for the residents of the dwelling and two additional car parking spaces in front of the garage at the rear allowing use for customers of the proposed hairdressers. It is not considered the proposed hairdressers would result in demonstrable increase in car parking, furthermore, the application is for 0.5 Full Time Equivalent (FTE) hairdresser resulting in one part-time person working there at any one time and although it is noted there can be some overlap with clients at times, the parking to the rear of the site allows for at least two car parking spaces. Therefore, the development would be acceptable in terms of parking and highway safety.

## **6. ANY RELEVANT SITE HISTORY**

- **16/00002/HOUSE** – Two storey side extension and double garage – Approved on 18.05.2016

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt D'Arcy Parish Council	Support	Noted
Tolleshunt Knights Parish Council	Support	Noted

### 7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	No objections	Noted

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments	Noted

### 7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 17 April 2025 (with an expiry date for comments set at 8 May 2025). The notice was affixed on a telegraph pole outside the property.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 17 April 2025 (with expiry date for comments set at 8 May 2025).

### 7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
No indication where the customers will park	Discussed in section 5.3

## 8. **PROPOSED CONDITIONS**

### **Conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 2 The hairdressers use hereby approved shall be carried out only within the existing store of the garage as identified on approved Location Plan drawing

no. LOCATION, and shall be used solely in connection with and ancillary to the residential use of the dwellinghouse known as 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy. The store of the garage shall not be used as a separate planning unit or for any other commercial purpose (including any use within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to the Class in any statutory instrument revoked and re-enacting that order. For the avoidance of doubt, the building shall not be let, rented, managed or sold independently to the main dwelling.

**REASON** To ensure that the development remains ancillary to the residential use of the dwellinghouse and does not result in an independent commercial use, and to satisfactorily protect the residential amenities of nearby occupiers and the visual amenity of the surrounding countryside to comply with Policies D1 and S8 of the Approved Local Development Plan.

- 3 No separate or additional access, hardstanding, boundary fences or curtilage shall be formed to create a distinct plot separation to the main dwelling of 1 Oxley Cottage, 1 Oxley Hill.

**REASON** To ensure that the character of the site itself and the countryside of which it forms part, are protected by ensuring the hairdressers would be ancillary to 1 Oxley Cottage, 1 Oxley Hill, in compliance with Policies D1 and S8 of the Approved Local Development Plan.

- 4 No noise shall be generated from within the building to cause a statutory nuisance to the residential amenities of neighbouring properties.

**REASON** To protect the amenities of the neighbouring properties in accordance with Policy D1 of the Approved Local Development Plan

### **INFORMATIVES**

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team via email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

### **POSITIVE AND PROACTIVE STATEMENT**

#### **Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
3 DECEMBER 2025**

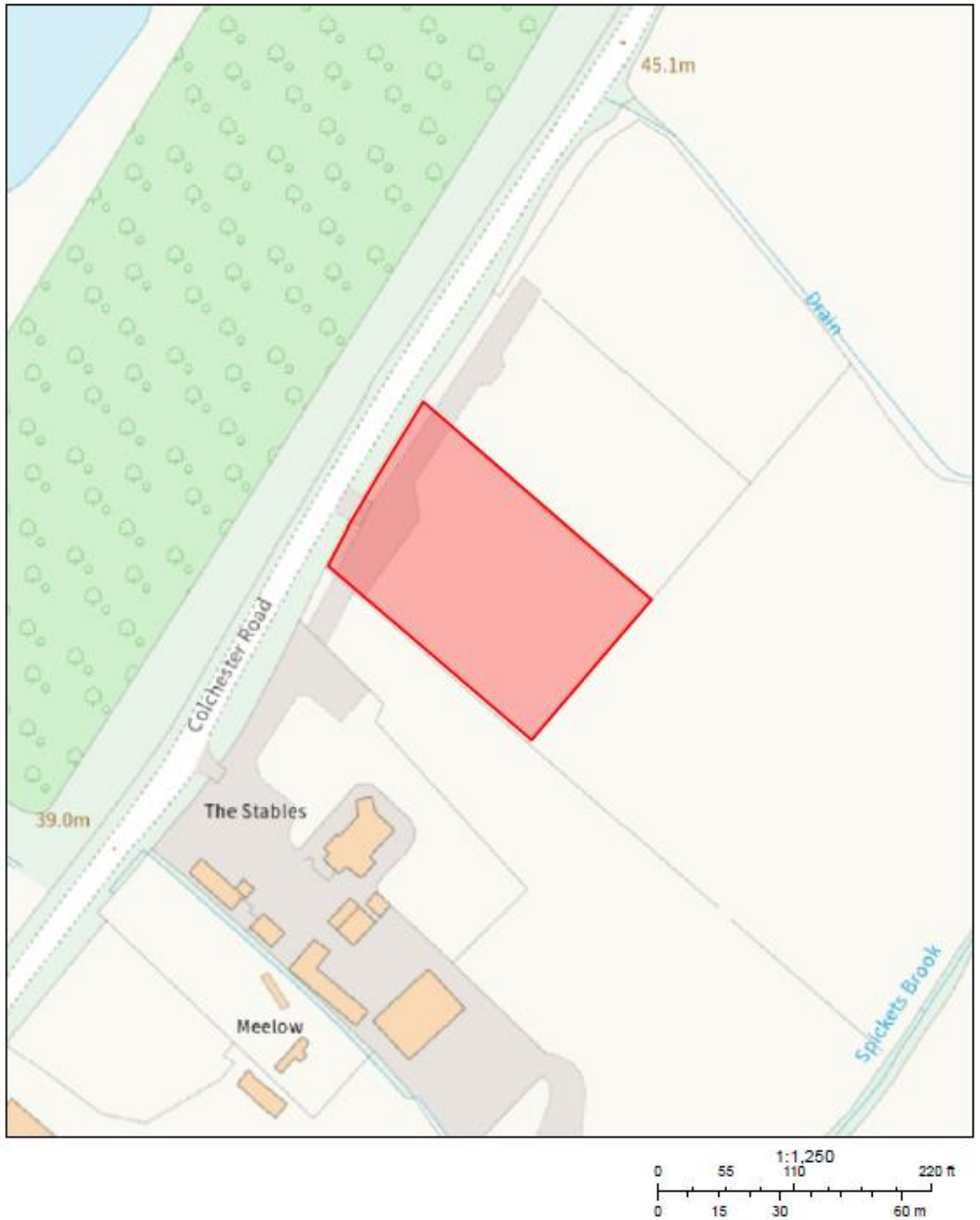
<b>Application Number</b>	<b>25/00555/FUL</b>
<b>Location</b>	OS Field 6251, Colchester Road, Great Totham
<b>Proposal</b>	The material change of use of land for the stationing of caravans for residential purposes, and dayrooms and hardstanding ancillary to that use
<b>Applicant</b>	William Draper
<b>Agent</b>	Mr Lee Marbury – Green Planning Studio Ltd
<b>Target Decision Date</b>	5 December 2025 (EoT)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan; Called in by Councillor J C Hughes

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site Description

- 3.1.3 The site is 0.1 hectare (ha) in size and is located on the eastern side of Colchester Road outside of any defined settlement boundary. It forms part of a wider area of land owned by the applicant. A vehicular access to the site from Colchester Road was approved in 2018 and has been implemented. The surrounding area is rural in nature. The site is bordered by open countryside to the north east and south east and fronts Colchester Road to the north west. A small field lies between the site and the closest existing residential property known as 'The Stables' which is situated approximately 75m to the south west and is within the applicant's ownership together with several large agricultural buildings.

##### The Proposal

- 3.1.4 Full planning permission is sought to change the use of land for the stationing of caravans for residential purposes, and dayrooms and hardstanding ancillary to that use. The proposed static caravan and touring caravan fall under the definition of a caravan under the Caravan Site and Control of Development Act (1960) as they are constructed on a chassis and no significant building operations are proposed.
- 3.1.5 It is noted that Paragraph B of Part 5 of Schedule 2 to the General Permitted Development Order 2015 as amended (GPDO) states that works in relation to a caravan fall under permitted development in accordance with the provisions of the Caravan Sites and Control Development Act 1960. This legislation states in Part 1 Article 5 Paragraph 1(f) that the provision of a sanitary block is a formal requirement of any site license. On this basis, the proposed amenity block would fall under permitted development if planning permission were granted.

##### Conclusion

- 3.1.4 The application site is located outside of any defined settlement boundary and is within the open countryside. As explained above, whilst the site is not considered sustainable in terms of availability of services and public transport, the Planning Policy of Traveller Sites (PPTS) also accepts that traveller sites may be acceptable in rural locations. It is also the case that the nomadic lifestyle of gypsies and travellers varies from that of a settled community and involves the use of private vehicles irrespective of location. Therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. Taking this into account on balance it is considered that the accessibility of the site would be acceptable in principle.
- 3.1.5 In the absence of a Five-Year Housing Land Supply (5YHLS), the "titled balance" as set out in paragraph 11d of the National Planning Policy Framework (NPPF) applies unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"*.
- 3.1.6 Furthermore, the Council is unable to identify a five-year supply of pitches of Gypsy and Traveller Accommodation, and in this respect, the Gypsy and Traveller Accommodation Assessment of 2016 carries no weight. Irrespective therefore of the

unsustainable location of the site, due to the identified shortfall in housing supply, the specific shortfall in Gypsy and Traveller plots. It is considered that the proposed traveller's accommodation is acceptable in principle subject to an occupancy condition. It would not have a significant impact on the character and appearance of the countryside and would not have an adverse impact on the amenity of existing residents and a satisfactory level of amenity would be provided for future occupants. No objection is raised in relation to highway safety subject to the imposition of conditions. Ecological improvements and a contribution towards Recreational disturbance Avoidance and Mitigation Strategy (RAMS) have been secured. Therefore, and in the absence of any demonstrable harm, the proposal complies with Local Development Plan (LDP) Policies S8 and H6 and is recommended for conditional approval accordingly.

- 3.1.7 The design and materials of the proposed development are considered acceptable and would comprise a sensitive development that is in keeping with the local area both in terms of scale and architectural design. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity; subject to planning conditions.
- 3.1.8 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District LDP and the NPPF and is recommended for approval.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 180-194 Conserving and enhancing the natural environment

##### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix



- H4 Effective Use of Land
- H6 Provision for Travellers
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Vehicle Parking Standards Supplementary Planning Document (SPD)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Within the context of addressing the needs of specific groups including travellers, NPPF paragraph 63 refers to Planning Policy for Traveller Sites (2024). This document (hereafter referred to as the PPTS). The PPTS provides the following definition for travellers:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.*

- 5.1.2 The PPTS also sets out how travellers' housing needs should be assessed and includes Policy H which states (paragraph 25) that the Local Planning Authority (LPA) should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant.
  - d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
  - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 5.1.3 Paragraph 26 of the PPTS states that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

- 5.1.4 Paragraph 27 of the PPTS states that when considering applications, LPAs should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 5.1.5 Whilst LDP Policy S8 of restricts development outside settlement boundaries, the Policy contains a list of exceptions, of permissible uses in the countryside, which includes travellers and Travelling Show people accommodation (S8(i)).
- 5.1.6 LDP Policy H6 deals specifically with provision for travellers and paragraph 5.53 of the supporting text to this policy states that to meet the accommodation needs of 'travelling' households, the Council will actively and positively consider proposals through the development management process, using the criteria set out in policy H6. Reference is also made in the supporting text to the Council's Gypsy and Traveller Availability Assessment (GTAA); the latest version of which was published in 2024. The report highlights that the Council cannot currently demonstrate a Five-Year supply of pitches (see section 5.2 below for further detail). It is therefore appropriate to apply Policy H6 in assessing the acceptability of the proposal subject of this application.
- 5.1.7 LDP Policy H6 states that "Proposals for Traveller or Travelling Showpeople sites must meet at least one of the following criteria, (and other relevant policies in this Plan, including Part 3 of this Policy – see below):
- a) *Whether the site is on an existing site that could provide additional provision through intensification and / or improved orientation; or*
  - b) *Whether the site could provide additional provision through appropriate expansion; or*
  - c) *Whether the site is within existing development boundaries or strategic growth areas; or*
  - d) *If the site is located elsewhere in the District, whether it would form sustainable development. In assessing this, the Council will have regard to the sustainability/site suitability criteria in the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016 (TSADPDDBP)."*
- 5.1.8 The site would not result in the intensification of an existing Gypsy/Travellers site. Whilst in theory the site offers an opportunity to provide additional provision through appropriate expansion, the main consideration in respect of the above criteria is criterion (d) given that the site is located outside the defined development boundaries.
- 5.1.9 The site is located approximately 1km north-east of Great Totham South and its associated services, and 600m to the south-west of Great Totham North. The site is served by the No 75 bus route (hourly services connecting Maldon and Colchester), with bus stops located 300m from the proposed development – albeit with no footpath providing access to from the site access point. It is therefore considered that

future occupiers would be more dependent on private vehicles to access services and facilities.

5.1.10 Whilst the PPTS advises that new traveller sites should be very strictly limited in open countryside away from existing settlements it also accepts that traveller sites may be acceptable in rural locations. It is also the case that the nomadic lifestyle of gypsies and travellers varies from that of a settled community and involves the use of private vehicles irrespective of location. Therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. Taking this into account on balance it is considered that the accessibility of the site would be acceptable.

5.1.11 Part 3 of the policy also includes the following seven criteria that proposals and sites are expected to comply with.

- a) *appropriate in scale to the nearest settlement or dwellings and do not dominate them, having regard to factors such as the scale and form of existing Travellers' pitches in the locality, and the availability of infrastructure, services and facilities;*
- b) *well related to the existing built-up area, where relevant; capable of having access to essential services; and allow convenient access, preferably by pedestrian, cycle or public transport, as well as by private car, to key facilities;*
- c) *located away from areas at risk of flooding. Proposals for sites in locations other than Flood Zone 1 will be expected to demonstrate a sequential approach to site selection and be justified by a Flood Risk Assessment (FRA). Due to the highly vulnerable nature of caravans and mobile homes, sites in Flood Zone 3 will not be supported;*
- d) *accessed safely by vehicles from the public highway;*
- e) *of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas;*
- f) *located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents;*
- g) *large enough for the storage and maintenance of rides and equipment, in the case of Travelling Showpeople.*

5.1.12 With regards to these requirements:

- The proposal would be of a smaller scale to the adjacent residential development at The Stables (to the south of the site) which comprises of a dwelling and mix of ancillary storage buildings, some substantial in size. (criterion 3.a)
- Although the site is not well related to an existing built-up area, paragraph 105 of the NPPF highlights that in rural areas opportunities to maximise sustainable transport solutions will vary and this needs to be taken into account in decision making. Therefore, and for the reasons set out in paragraph 5.1.11 above, criterion 3.b) does not preclude the proposed development.
- The site is located away from an area at risk of flooding (criterion 3.c))
- The site can be accessed safely by vehicles from the public highway (criterion 3.d))

- The site is of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas (see below) (criterion 3.e))
- The development would avoid unacceptable harm to the character of the local area and the living conditions of local residents (criterion 3.f.)
- Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

5.1.13 In conclusion, although future occupants would not be able to access services and facilities by walking, cycling or public transport, given the ability to control occupancy by a condition, the site's close proximity to Great Totham and the nomadic life of the traveller's family that the caravans would serve, the development is considered to accord sufficiently with LDP policies S8 and H6 so as to be acceptable in principle.

## 5.2 Housing Need and Supply

5.2.1 As per Paragraph 78 of the NPPF, the Council as the LPA for the Maldon District should "monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies". As the LDP is more than five years old, paragraph 77 requires LPAs to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.

5.2.2 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

5.2.3 In terms of Gypsy and Traveller development specifically, the LDP also makes specific provision for the District's full objectively assessed housing needs including those households which meet the PPTS definition for Gypsy and Travellers. The associated GTAA (2024) identifies a need for 55 pitches for Gypsy and Traveller households that met the PPTS planning definition; up to nine pitches for undetermined Gypsy and Traveller households that may meet the planning definition; and 31 pitches for Gypsy and Traveller households who did not meet the planning definition.

5.2.4 This shortfall has been acknowledged in a recent appeal decision at Longfield, Hyde Chase, Woodham Mortimer (appeal ref APP/X1545/C/23/3319780) where the Inspector noted that "*The Council acknowledges that it does not have a 5-year supply of Traveller sites, no alternative sites have been identified that could accommodate the family, and that there is a substantial unmet need for sites in the District, and indeed in the wider area and nationally*".

- 5.2.5 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, and furthermore the specific lack of supply of Gypsy and Traveller sites, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless *"any adverse impacts of doing so would significantly and demonstrably out-weigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"*.

#### Sustainable Development

- 5.2.6 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

#### Environmental Dimension

- 5.2.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 5.2.8 As explained above, whilst the site is not considered sustainable in terms of availability of services and public transport, the PPTS also accepts that traveller sites may be acceptable in rural locations. It is also the case that the nomadic lifestyle of gypsies and travellers varies from that of a settled community and involves the use of private vehicles irrespective of location. Therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. Taking this into account on balance it is considered that the accessibility of the site would be acceptable in principle.

#### Social Dimension

- 5.2.9 The development would make a limited contribution towards the supply of housing within the District as only a single residential unit is proposed in the context of the wider shortfall in housing supply overall. In specific relation to gypsy and traveller plots the proposal would make a moderate contribution despite the limited scale of the proposal.

#### Economic Dimension

- 5.2.10 The development would make a limited contribution to the local economy in terms of additional custom for existing businesses.

## Summary of Principle of Development

- 5.2.11 Although the site lies outside of any settlement boundary, and access to services by walking, cycling or public transport is limited, due to the nature of the proposed use and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

### **5.3 Impact on the Character of the Area**

- 5.3.1 The site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, Neighbourhood Plans and other local planning guidance.
- 5.3.2 The proposed development would introduce a static caravan home and touring caravan and other limited ancillary development into the countryside. However, the site is visually contained from public views by existing vegetation, with further hedgerow and tree planting proposed as part of the scheme. Longer views of the site are possible from the south along Beckingham Road, though these are limited due to the topography of the land between – and in any event the proposal would sit against a backdrop of the existing buildings at The Stable. For this reason it is considered that the proposal would accord with criterion 3.f.) of LDP Policy H6. This is however subject to compliance with the recommended conditions limiting the development to no more than one static mobile home and a tourer caravan and conditions for: siting of the mobile home; separate approval of means of enclosure, the design and location of refuse storage facilities and any external lighting and hardstanding and preventing any unauthorised commercial activities from taking place on the site.

### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site is located adjacent to The Stables, an existing residential dwellinghouse positioned approximately 50m from the proposed caravan plot and hardstanding area. Due to this considerable separation distance, together with the presence of substantial planting to the eastern side of the existing dwelling, it is not considered that the proposed development would result in any harm to this neighbouring property in residential amenity terms.
- 5.4.3 On the basis that there are no further existing residential properties adjacent to the application site and given the residential nature and limited scale of the development proposed, subject to the recommended conditions the proposal would not have an adverse impact on any existing residents and would comply with LDP policy D1 accordingly.

## 5.5 Access, Parking and Highway Safety

- 5.5.1 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District. LDP policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards.
- 5.5.2 Vehicular access to the static caravan and touring caravan would be via the existing access from Colchester Road, which Essex County Council (ECC) Highways has confirmed is considered acceptable. The proposed hardstanding area provides a sufficient amount of space for the parking of cars as required by parking standards. On this basis given the residential nature and limited scale of the development and for the reasons provided in paragraph 5.1.9 above the proposals are considered to accord with the relevant provisions of LDP policies T1 and T2.

## 5.6 Ecology, and Impact on Designated Sites

### Biodiversity Net Gain

- 5.6.1 Biodiversity Net Gain (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. The application is supported by a BNG Assessment – Matthew Game, January 2025) and accompanying BNG Metric, which confirm that the proposed development can achieve the required uplift of 10%. Further to clarifications received during the course of the application, the Council's Ecology consultant has confirmed that the information submitted is sufficient to allow for assessment at this stage. Any permission should be subject to a conditional requirement for submission of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP).

### Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.6.2 The application site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast RAMS.
- 5.6.3 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed (below) to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

#### HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (ZoI) for the Essex Coast RAMS with respect to the previously listed sites? **Yes** (Blackwater Estuary SPA and Dengie SPA)

Does the planning application fall within the specified development types? **Yes** (new dwellings)

#### HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**.

Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution or Unilateral Undertaking to secure payment has been received

- 5.6.4 Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the integrity of the European sites from recreational disturbance, when considered in combination with other development. NE does not need to be consulted on this Appropriate Assessment.
- 5.6.5 A flat rate tariff of £169.45 per new dwelling is currently the appropriate fee as the contribution to mitigate the impact of a new residential property with regard to the Coastal RAMS. A contribution to this effect has been paid by the applicant in relation to the application and therefore adequate mitigation has been secured.
- 5.6.6 For the reasons above it therefore considered that the proposal accords with Policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF.

#### Landscaping, Trees and Ecological Mitigation

- 5.6.7 The existing site comprises a mix of hard landscaping along the northern boundary of the site and open rough grassland to the southern side. The drawings and accompanying Preliminary Ecological Assessment submitted as part of the application indicate that additional planting is proposed in the form of additional hedgerows and trees to the centre of the site, which will serve to meet the requirements of BNG (as above) and in addition provide screening and privacy to the caravan plots.
- 5.6.8 The County Ecologist has advised that the information provided sufficiently addresses ecology matters at the site, subject to compliance with a condition requiring the identified enhancements to biodiversity are undertaken in accordance with the report, and sensitive lighting scheme details being approved prior to installation. It is therefore considered that proposals accord with the relevant requirements of LDP policy N2.

### **5.7 Private Amenity Space**

- 5.7.1 LDP Policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 The application site boundary includes sufficient space for use as private amenity space for the occupiers of both the static caravan and touring caravan.

### **5.8 Drainage and Ground conditions**

- 5.8.1 LDP Policy D5 sets out the Council's approach to minimising flood risk. Due to the proposed increase in hard surfacing and introduction of residential uses to the site, Officers have recommended that conditions requiring details of surface water and foul drainage are imposed if planning permission were to be granted.



## 6. **ANY RELEVANT SITE HISTORY**

Reference	Proposal	Decision
23/00375/OUT	Outline application with all matters reserved except for access and the erection of 1no. 150m <sup>2</sup> detached bungalow	Refused
19/00076/FUL	Change of use of land to form three gypsy pitches with associated access road and hard and soft landscaping.	Refused - Appeal Dismissed
18/00632/FUL	Application for new field access and associated hardstanding	Approved
OUT/MAL/93/0615	Outline application for a detached 3 bedroom bungalow and detached garage.	Refused - Appeal Dismissed

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils** (*summarised*)

Name of Parish / Town Council	Comment	Officer Response
<b>Great Totham Parish Council</b>	<p>The proposed development lies outside the designated settlement boundary for Great Totham, as shown on the Maldon District Local Development Plan (LDP) Policies Map. This placement is contrary to the Plan's spatial strategy, which seeks to strictly control new development in rural areas to protect the character of the countryside.</p> <p>The proposal does not accord with the policies outlined in the Maldon District LDP (notably S1, S8, D1) and any relevant made Neighbourhood Plans for the area, which together prioritise managed growth, preservation of rural character, appropriate siting of new development, and protection of greenfield site.</p> <p>This application concerns a greenfield site, which is afforded increased protection under both local and national planning policies that aim to steer development towards previously developed (brownfield) sites first.</p> <p>The site is not suitable for further residential development given the</p>	See section 5.1 for response.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>current lack of local infrastructure, particularly the limited availability of doctors and dentists, with existing services reportedly at full capacity. The area has poor public transport provision, being served by only one bus per hour, which ceases operation after 8.00pm. This restricts sustainable travel options and access to essential services for future residents.</p> <p>The development is likely to generate additional demand for local school places, in an area where there is already insufficient capacity, adversely impacting the provision of education for existing and future residents.</p> <p>Change from original consent and subdivision: Parish Council Members highlight that previous planning permission was initially granted for the whole plot of land to accommodate a single mobile home, whereas the current proposal subdivides the plot, representing an intensification of use that falls outside the scope and intent of the original decision.</p>	

## 7.2 Statutory Consultees and Other Organisations (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection	Noted - see Section 5.5

## 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No response	Noted, see section 5.8
Ecology	No objection, subject to securing agreed mitigation, Biodiversity Enhancement Strategy, sensitive lighting and BNG condition	Noted, see section 5.9

## 7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 18 July 2025 (with expiry date for comments set at 12 August 2025). The notices were affixed at eye level to a telegraph pole immediately adjoining the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 24 July 2025 (with expiry date for comments set at 14 August 2025).

## 7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 Two letters of objection and one letter of support have been received in response to the public consultation.

Comment	Officer Response
Development outside of settlement boundary	Noted – addressed at section 5.1
Unsustainable location – no pavement	Noted – addressed at section 5.1
Encroachment of built form into countryside	Noted – addressed at section 5.2
Overdevelopment of site between two villages	Refused
Impact on highway safety/visibility	Proposal utilises existing approved vehicular access – ECC Highways have confirmed proposal is acceptable in this regard
Support for annexe/supporting accommodation	Noted (generic comment submitted from external consultant)

## 8. PROPOSED CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.  
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The application site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Government's Planning Policy for Traveller Sites (2024).  
REASON: Given the nature of the proposal the permission should be limited to occupation by Gypsies and Travellers as defined in the Planning Policy for Traveller Sites (2024).
4. No more than one static caravan and Touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.  
REASON: In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Maldon District Local Development Plan (2017).

5. The static caravan referred to within condition 4 above shall be sited in the positions that are demarked "Proposed Static Caravan" on the approved site plan. Any material change to its position, or replacement by another in a different location, shall only take place in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.  
REASON: In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Maldon District Local Development Plan (2017).
6. No commercial activities shall take place on the land, including the storage of materials.  
REASON: In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Maldon District Local Development Plan (2017).
7. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Matthew Game, January 2025) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.  
REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the National Planning Policy Framework and Section 40 of the NERC Act 2006 (Priority habitats & species).
8. No development shall take until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the National Planning Policy Framework and Section 40 of the NERC Act 2006 (Priority habitats and species).

9. Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.  
REASON: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and Biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.
10. No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan (2017).
11. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.  
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the approved Maldon District Local Development Plan (2017).
12. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s.

The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

**REASON:** To ensure the effective management of known flood risks on the site and in accordance with the policy D5 of the approved Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

13. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

**REASON:** To minimise the risk of pollution in accordance with Policies D1 and N2 of the approved Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

### **INFORMATIVES**

1. In order to satisfy the surface drainage condition (12) the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled. Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
2. There shall be no discharge of surface water from the development onto the highway.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority. All details shall be agreed before the commencement of works and the applicant is advised to contact the development management team by e-mail at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
4. Caravans/Mobile Homes:
  - (a) The applicant must contact the Council's Environment Services Department to discuss the need to apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960/Mobile Homes Act 2013.
  - (b) There must be at least 6 metres between caravans on the site and any other structure.
  - (c) Fire appliance access should be available to within 45 metres of every point within the mobile home or to 15% of the perimeter of the mobile home whichever is the less onerous.

### **Application Drawings**

- 24\_1345-001 Rev P01 – Site Location Plan
- 24\_1345-002 Rev P02 – Existing Site Plan
- 24\_1345-003 Rev P01 – Proposed Site Plan
- 24\_1345-005 Rev P01 – Proposed Dayroom Plans and Elevations

- Planning Statement
- BNG Assessment
- Supplementary BNG Habitats Plan
- Preliminary Ecological Appraisal and Preliminary Roost Assessment

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**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
3 DECEMBER 2025**

<b>Application Number</b>	<b>25/00590/FUL</b>
<b>Location</b>	Agricultural Barn at Loddarts Farm, Lodge Road, Woodham Mortimer
<b>Proposal</b>	Demolition of the existing barn and outbuilding and erection of a new dwelling in the style of the original barn.
<b>Applicant</b>	Mr PJ O'Connor
<b>Agent</b>	Mrs Thalia Vogiatzoglou - Arcady Architects Ltd
<b>Target Decision Date</b>	07.11.2025 (EoT – committee determination required)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>WOODHAM MORTIMER WITH HAZELEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report)

**2. SITE MAP**

Please see below.

25/00590/FUL



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site Description

- 3.1.1 The application site is located on the southern side of Lodge Road, between the villages of Hazeleigh and Woodham Mortimer. The vacant barn proposed for conversion adjoins the existing gated and entrance to the site from Lodge Road, and comprises a steel portal frame system clad in metal sheet cladding and concrete blocks, with corrugated sheet roof.
- 3.1.2 The area is rural in character, the site being surrounded by mixed use fields, with some residential properties to the east of the site at Kinvara Manor and Lodge Farm.
- 3.1.3 The property is not listed, nor located within a conservation area.

##### The Proposal

- 3.1.4 Planning permission is sought for the demolition of the existing barn and outbuilding and erection of a new dwelling in the style of the original barn. The application is submitted pursuant to the recent grant of prior approval in April 2025 for the conversion of the existing barn to residential use (application ref 25/00019/PACUAR).
- 3.1.5 In reviewing the scheme as part of the preparation of detailed design drawings for the conversion, the applicant has explained that they wish to create a dwelling that is as sustainable and energy efficient as possible; and that there is also now a need for the dwelling to be as wheelchair adaptable as possible. Upon review with their appointed architect the applicant now wishes to demolish and rebuild the barn, using approximately the same envelope as the existing, and similarly using a portal frame as a base structure. This allows for use of improved insulation but provides flexibility in terms of introducing more traditional Essex Barn materials and providing better level access. Aside from the southern section of the building which is set at a lower level compared to the existing to allow for wheelchair access to the garden and into the main barn section, the overall appearance of the replacement barn would be broadly similar to the conversion scheme.
- 3.1.6 The applicant advises that the roof will be designed to bear solar panels and offer enhanced thermal abilities. The old outbuilding, excluded from the originally approved conversion, will have ancillary uses for waste collection, cycle parking, garden storage and ventilated space for an air source heat pump unit and the electrical installation relating to the solar panels. Additional garden landscaping is also proposed, with the large concrete slab removed in favour of planting. Access and parking is retained as per the arrangements as set out by the prior approval scheme.

##### Conclusion

- 3.1.7 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a Five-Year Housing Land Supply (5YHLS), the “titled balance” as set out in paragraph 11d of the National Planning Policy Framework (NPPF) applies unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of*”

*land, securing well-designed places and providing affordable homes, individually or in combination”.*

- 3.1.8 As explained within the report, whilst the site is not considered to be in a sustainable location, due to the fallback position that exists at the site by virtue of the recently granted prior approval for conversion of the barn, and the realistic prospect of that scheme being implemented in any event if planning permission were to be refused, the principle of creating a single residential unit at the site is considered acceptable.
- 3.1.9 The overall design of the replacement structure is broadly similar to that of the conversion scheme. Whilst there are some changes proposed to the material palette and adjustments to windows and levels, the design of the proposed development is considered acceptable and would comprise a sensitive development that is comparative with the current appearance and in keeping with the local area both in terms of scale and architectural design. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity.
- 3.1.10 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the NPPF and is recommended for approval.

#### **4. MAIN RELEVANT POLICIES**

Members’ attention is drawn to the list of background papers attached to the agenda.

##### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 180-194 Conserving and enhancing the natural environment

##### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets

- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

#### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Vehicle Parking Standards Supplementary Planning Document (SPD)

### 5. **MAIN CONSIDERATIONS**

#### 5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that ‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 *“Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”*.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow *“(m) development which complies with other policies of the LDP”*.

#### Five-Year Housing Land Supply (5YHLS)

- 5.1.5 As per Paragraph 78 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should *“monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”*. As the LDP is more

than five years old, paragraph 77 requires LPAs to “*identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply*”. To this end, Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years’ supply.

- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.
- 5.1.8 Given the Council’s current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF’s titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*”.

#### Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is ‘*sustainable development*’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘*presumption in favour of sustainable development*’ applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 5.1.10 The NPPF’s overarching objectives relating to sustainable development are set out in the form of three interdependent dimensions: Economic (supporting a strong and competitive economy); Social (delivering the homes, infrastructure and environments needed for present and future generations); and Environmental (protecting and enhancing the natural, built and historic environment, including addressing climate change). An assessment of the application scheme in relation to each dimension is set out below:

### *Environmental Dimension*

- 5.1.11 A fundamental element of the environmental dimension is the locational sustainability of development, and the degree to which a site is accessible to services, facilities and sustainable modes of transport. Consideration must be given to a number of parameters - including (but not limited to) the distance to the nearest settlement; proximity of local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 Whilst the site in this case is located in a remote rural location, with limited access to services, the existence of a lawful prior approval for the conversion of the agricultural building to a dwelling is a material consideration of significant weight. The prior approval establishes the principle of a residential unit on the site and represents a genuine and realistic fallback position that could be implemented were this application to be refused. The fallback is not merely theoretical: the building is capable of conversion in accordance with the approved Class Q details, and the extant consent remains capable of implementation without any further assessment of the principle of residential use.
- 5.1.13 National policy and case law (including *Mansell v Tonbridge & Malling BC* along with other more recent appeal decisions) confirm that a fallback may be afforded substantial weight where there is a reasonable prospect that it would be pursued. In this case, there is no evidence to suggest that the applicant would not proceed with the conversion scheme; indeed the applicant has confirmed that the development would go ahead in its approved form in any event. Given the existence of the prior approval and the relatively limited works required to commence development, this is considered realistic alternative to the new build scheme now proposed.
- 5.1.14 When comparing the proposed new-build dwelling with the prior approval fallback scheme, it is clear that the scale, form and massing are broadly similar; as such the current proposal would not give rise to any materially greater landscape or spatial impacts than the conversion scheme. Although the proposal constitutes a new building rather than a conversion, the resultant effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be comparable to the existing structure. Therefore, in light of the established prior approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.

### *Social Dimension*

- 5.1.15 The development would make a nominal contribution towards the supply of housing within the District as only a single dwelling is proposed.

### *Economic Dimension*

- 5.1.16 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

### Summary of Principle of Development

- 5.1.17 Whilst the development is considered to be in an unsustainable location, outside of any settlement boundary and contrary to Policy S8 of the LDP, due to the fallback position that exists at the site by virtue of the recently granted prior approval for conversion of the barn, and the realistic prospect of that scheme being implemented in any event if planning permission were to be refused, the principle of creating a

single residential unit at the site is considered acceptable, subject to compliance with all other relevant policies contained within the LDP.

## **5.2 Housing Provision and Mix**

- 5.2.1 The NPPF requires LPAs to establish their minimum local housing need through a Local Housing Needs Assessment (LHNA), using the standard method set out in National Planning Practice Guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.
- 5.2.2 The recently published LHNA (October 2025) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for three-bed dwellings; specifically, 10% one-bedrooms, 35% two-bedrooms, 35% three-bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 hectares (ha)) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable; due to the often constrained nature of small site development.
- 5.2.5 The proposal in this case would provide for an additional four-bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of the largest identified group within the LHNA), given that the net increase in housing is a single dwelling, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

## **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.



- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, to the location and the setting of the site, and the existing character and density of the surrounding area. The Policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The Policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 As noted above the scale, form and massing of the proposed new build scheme are broadly similar to the prior approval scheme; with minor alterations to allow for improved disabled access and circulation, as well as improvements to the external surfaces to remove hardstanding areas. As such, the current proposal would not give rise to any materially greater landscape or spatial impacts than the conversion scheme already accepted under the prior approval. Although the proposal constitutes a new building rather than a conversion, the resultant effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be comparable to the existing structure. In light of the established prior approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.
- 5.3.7 On this it is considered that the proposal would not result in any harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the National Planning Policy Framework.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The proposed dwelling would be sited approximately 50m south west of an existing residential property known as Kinvara Manor, which is screened by dense vegetation along the site's northern boundary. Whilst as explained the scheme proposes some minor changes to the windows and doors in comparison to the prior approval scheme, it is noted that the openings facing towards this northern boundary are positioned at a lower level due to the topography of the site; and similar in terms of size and position to the prior approval scheme.

- 5.4.3 As with the previous assessment of the conversion scheme, given the separation distance and the limited visibility of the barn from this property due to the planting (to be retained as part of the proposal), no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents in terms of loss of privacy or overlooking. No additional massing is proposed that would result in any overshadowing.
- 5.4.4 Overall, it is considered that the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.
- 5.5.4 In accordance with the Council's Parking Standards (2018), a dwelling with four-bedrooms must provide three parking spaces. The proposed driveway area indicates that three parallel parking spaces will be provided; together with a vehicle turning area, and as such satisfies this requirement.
- 5.5.5 Essex County Council (ECC) Highways has been consulted on the proposal and has raised no objection to the proposal subject to proposed conditions relating to the provision of cycle parking prior to occupation and travel information packs prior to occupation of the development.
- 5.5.6 For the reasons set out above it is therefore considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three-bedrooms or more.
- 5.6.2 The garden proposed in this case would far exceed this requirement and as such the scheme is considered to be acceptable in terms of amenity space provision.

- 5.6.3 The amended layout of rear garden landscaping would increase the amount of soft landscaping following the removal of the rear lean to structure and existing hardstanding area to the rear of the barn. All other existing hedgerows and trees surrounding the barn would be retained (as with the prior approval scheme).

## **5.7 Living Conditions for Prospective Occupiers**

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 431sqm which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.
- 5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

## **5.8 Flood Risk**

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to planning conditions requiring surface water and foul water drainage details to be provided prior to works above slab level, together with a number of informatives relating to waste collection, contamination, and construction.

## **5.9 Ecology**

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species (EPS) might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions".
- 5.9.2 The site falls within the 'Zone of Influence' (ZOI) for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The Local Planning Authority should prepare a Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's

requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

### **HRA Stage 1: Screening Assessment**

#### Test 1 – the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for an additional 1 no. dwelling (i.e. net increase of dwellings at the site is 1 no. dwellings)

#### Test 2 – The integrity test

Is the proposal for 100 houses + (or equivalent)? No.

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.9.4 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.5 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 and thus, the developer contribution should be calculated at this figure. Since a contribution towards RAMS has already been paid by the applicant in relation to the dwelling permitted under the prior approval scheme, adequate mitigation has already been secured for the creation of a new dwelling at the site and no further contributions are required.
- 5.9.6 Due to the nature of the existing site and coverage by hardstanding, the proposal would be exempt from Biodiversity Net Gain (BNG) requirements. The applicant has nonetheless submitted a Preliminary Ecological Assessment prepared by ACJ Ecology (Feb 2025), which identifies opportunities for ecological mitigation, compensation and enhancements at the site, as well as considering the likelihood of impact upon protected species. The Council's appointed Ecology Consultant has confirmed that there is sufficient ecological information available to support determination of this application; and has recommended a series of planning conditions which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity.

### **5.10 Planning balance and sustainability**

- 5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.

5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of an additional dwelling. There would also be economic activity associated with the prospective occupier of the dwelling. Whilst the dwelling would be located outside of a defined settlement boundary, as set out above in light of the fallback position set by the recent grant of prior approval for conversion of the existing barn to residential use, the principle of development is considered acceptable; particularly given the similarities between the prior approval scheme and the current design. As also outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.

5.10.3 Whilst the contribution that an additional dwelling would make towards housing land supply is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits; and as such the development is considered sustainable. The proposal therefore accords with Policies S1, S8, D1, H4 and T2 of the LDP.

## 6. **ANY RELEVANT SITE HISTORY**

Reference	Proposal	Decision
25/00019/PACUAR	Prior approval for conversion of agricultural barn to one dwellinghouse and for building operations reasonably necessary for the conversion	Prior Approval Granted

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Parish/ Town Council (summarised)**

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer with Hazeleigh Parish Council	Cllrs recommended approval of the previous application to convert the barn to a dwelling at this site, we are not aware of any historic significance of the barn and consider the demolition to be an acceptable substitute rather than a conversion of the existing barn that would enhance the general appearance and provide a sustainable use of the existing site particularly as the proposed new dwelling will retain the barn character.	Noted – see section 5.1 for response

## 7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection, subject to conditions relating to cycle parking and resident travel pack conditions	Noted - see Section 5.5

## 7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water and foul drainage, and informatives.	Noted, see section 5.8
Ecology	No objection, subject to securing agreed mitigation, Biodiversity Enhancement Strategy and sensitive lighting.	Noted, see section 5.9

## 7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 30 June 2025 (with expiry date for comments set at 21 July 2025). The notices were affixed at eye level to a telegraph pole immediately adjoining the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 3 July 2025 (with expiry date for comments set at 24 July 2025).

## 7.5 Representations received from Interested Parties (summarised)

- 7.5.1 No third party comments have been received in relation to the proposals

## 8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.  
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide Supplementary Planning Document.

- 4 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.

- 5 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.
- 6 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities shall be secure, convenient, covered and retained at all times.
- REASON To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.
- 7 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.
- REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D1 and T2 of the Local Development Plan.

- 8 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ACJ Ecology, February 2025) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 9 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON To enhance protected and Priority spaces and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 10 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (NERC) (Priority habitats and species) and in order to ensure that the interests of ecology and biodiversity



or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.  
REASON To enable the Local Planning Authority to retain control over future extensions, alterations, or outbuildings in the interests of protecting the character of the area, residential amenity, and the design integrity of the development, in accordance with Policy D1 and D3 of the Local Development Plan.

## **INFORMATIVES**

### **1 Contamination**

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

### **2 Highway Works**

- All highway related details shall be agreed with the Highway Authority;
- There shall be no discharge of surface water from the development onto the Highway;
- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

### **3 General Good Practice Mitigation to avoid Ecological impacts during the construction phase.**

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before

works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

### **APPLICATION PLANS**

Covering Letter

22/13/01 Rev B - Location Plan

22/13/02 Rev B - Existing Site Plan

22/13/03 - Existing Warehouse Plans and Elevations

22/13/06 Rev A - Proposed Site Plan & Ground Floor Plan

22/13/08 Rev A - Proposed Roof Plan & Proposed Mezzanine Floor Plan

22/13/09 - Proposed Waste Collection

22/13/10 - BNG Exemption Plan

Arboricultural Impact Assessment and Method Statements

Appendix 1-6 Tree Survey

Preliminary Ecological Assessment



**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
3 DECEMBER 2025**

<b>Application Number</b>	<b>25/00687/FUL</b>
<b>Location</b>	Land At, St Georges House, Chelmsford Road, Purleigh, Essex
<b>Proposal</b>	New self build chalet bungalow and detached garage
<b>Applicant</b>	Mr Philip Brown
<b>Agent</b>	Newton Studio
<b>Target Decision Date</b>	07.11.2025 (EoT – Committee determination required)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan

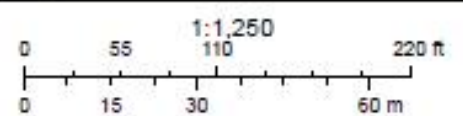
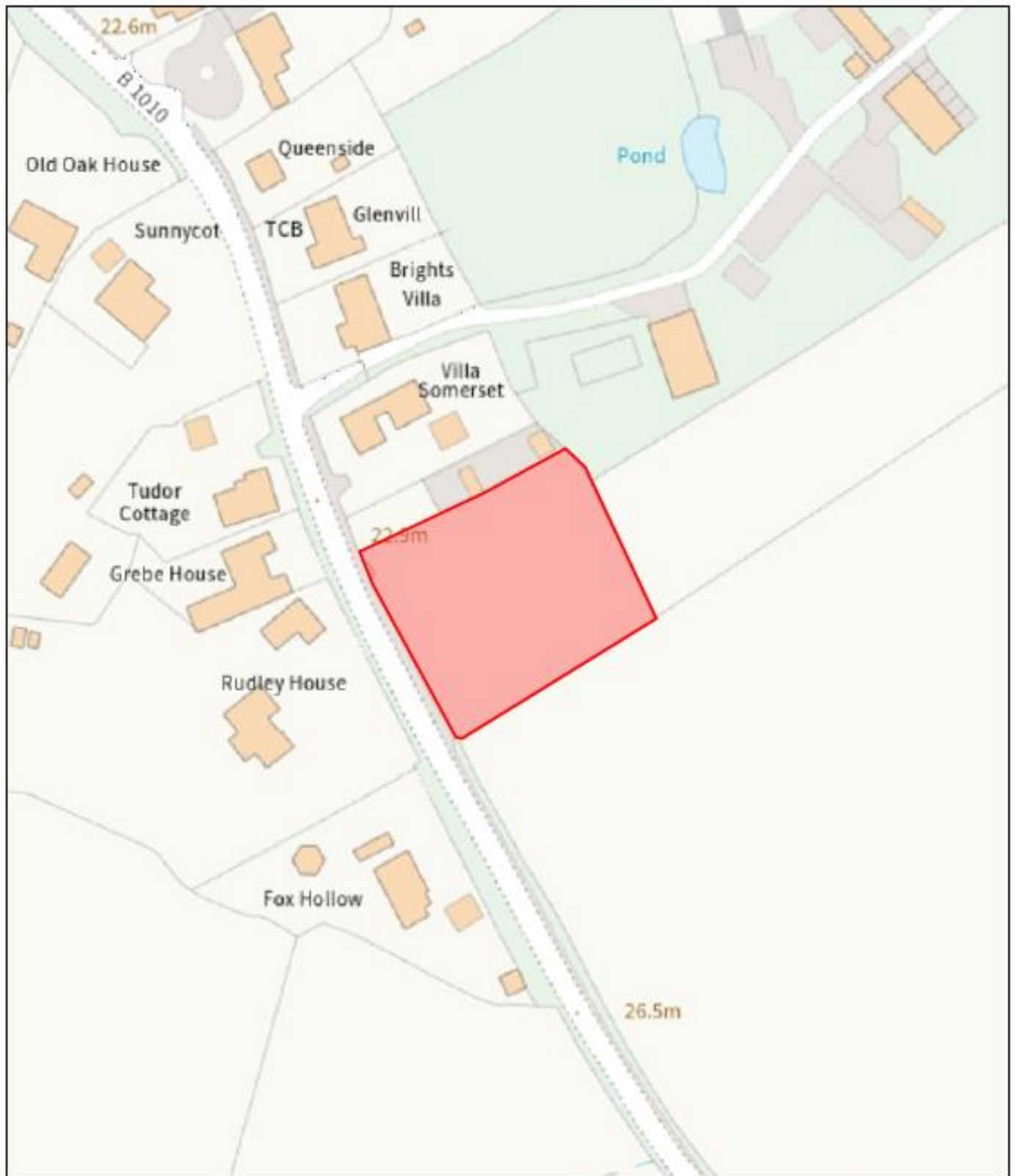
**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report)

**2. SITE MAP**

Please see below.

25/00687/FUL



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site Description

- 3.1.1 The application site is located on the eastern side of Chelmsford Road, Rudley Green, approximately 350m to the north of the defined settlement boundary of Purleigh. The site currently comprises an area of open grassland, used as amenity space by the occupiers of St Georges House, enclosed by substantial hedgerows and a dense tall tree line to the southern boundary which visually marks the southern end of Rudley Green.
- 3.1.2 Whilst the site lies outside of a defined settlement boundary, due to its position relative to Rudley Green the site is considered to be semi-rural in character; with residential properties extending northwards from the site along both sides of the road; and a wide expanse of open agricultural fields to the east and south.

##### The Proposal

- 3.1.3 Planning permission is sought for the construction of a detached three-bedroom chalet style dwelling and detached double garage, with associated landscaping.
- 3.1.4 The proposed dwelling would be sited to the centre of the plot, with the detached garage positioned between the new dwelling and the existing property at St Georges House to the north. A substantial permeable front driveway to the front of the dwelling would provide parking for five cars, with access taken via an existing crossover point between the existing hedgerows. A generous garden is provided to the rear with all existing planting at the site retained and enhanced as part of the proposal; and additional hedge planting along the northern boundary.

##### Conclusion

- 3.1.5 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a Five-Year Housing Land Supply (5YHLS), the “titled balance” as set out in paragraph 11d of the National Planning Policy Framework (NPPF) applies unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”*.
- 3.1.6 As explained within the report, it is considered that the site lies in a sustainable location, benefiting from safe walking routes to local community and convenience shopping facilities within Purleigh at a reasonable distance, and the availability of regular bus services from Rudley Green itself.
- 3.1.7 The design and materials of the proposed development are considered acceptable and would comprise a sensitive development that is in keeping with the local area both in terms of scale and architectural design. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity; subject to planning conditions.

- 3.1.8 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the NPPF and is recommended for approval.

#### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

##### **4.1 National Planning Policy Framework including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 180-194 Conserving and enhancing the natural environment

##### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDD)G
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Vehicle Parking Standards Supplementary Planning Document (SPD)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 *“Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations”*.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow *“(m) development which complies with other policies of the LDP”*.

#### Five Year Housing Land Supply (5YHLS)

- 5.1.5 As per Paragraph 78 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council

cannot demonstrate an up to date 5YHLS and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.

- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*".

#### Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is '*sustainable development*' as defined in the NPPF. If the site is considered sustainable then the NPPF's '*presumption in favour of sustainable development*' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

#### *Environmental Dimension*

- 5.1.10 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.11 In this case, the application site is located to the southern end of Rudley Green, approximately 350m to the north of the settlement boundary of Purleigh – which is defined within the adopted LDP as a 'smaller village'. The village plays host to a number of day-to-day services and facilities, including Purleigh Primary School and Nursery, a Community Shop and Public House.
- 5.1.12 Rudley Green benefits from a paved walking route to Purleigh along Chelmsford Road pavement; which is almost continuous with the exception of the need to cross at the entrance to the village at Lodge Lane. Whilst the route is not lit, the pavement is relatively wide and well maintained. The availability of this walking route, and the associated distances to the services available within Purleigh itself, serve to reduce reliance on the private car for day-to-day needs.
- 5.1.13 In addition, the site is served by two bus stops (north and south bound) approximately 100m to the north, which provide links throughout the day via the D1, D2 and 501 routes to Maldon, Southminster and Burnham-on-Crouch. These provide additional access to a wider range of services; again reducing the reliance on private car use.
- 5.1.14 It is therefore considered on balance that the site lies in a sustainable location for the purposes of assessment under paragraph 11d of the NPPF.



### *Social Dimension*

- 5.1.15 The development would make a limited contribution towards the supply of housing within the District as only a single dwelling is proposed.

### *Economic Dimension*

- 5.1.16 The development would make a limited contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

### Summary of Principle of Development

- 5.1.17 Although the location of the development outside of any settlement boundary would be contrary to Policy S8 of the LDP, it is considered that future occupiers would have reasonable access to day-to-day services and facilities, including public transport, and would not result in undue reliance on private cars for long distance journeys. For this reason, it is considered that the site constitutes a sustainable location and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

## **5.2 Housing Provision and Mix**

- 5.2.1 The NPPF requires LPAs to establish their minimum local housing need through a Local Housing Needs Assessment (LHNA), using the standard method set out in National Planning Practice Guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.
- 5.2.2 The recently published LHNA (October 2025) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for two and three bed dwellings; specifically, 10% one-bedrooms, 35% two-bedrooms, 35% three-bedrooms and 20% for 4+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 hectares (ha)) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable; due to the often constrained nature of small site development.
- 5.2.5 The proposal would provide for an additional three-bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of this size identified within the LHNA), given that the net increase in housing is a single dwelling, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, to the location and the setting of the site, and the existing character and density of the surrounding area. The Policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposed dwelling is designed as a chalet style property and is traditional in both architectural style and materiality; broadly reflecting the local vernacular. The detailing, pitched roof forms and traditional palette of red brick, timber and clay roof tiles, combine to create a dwelling that is rural in character and in keeping with the surrounding context, with notable design cues taken from St Georges House to the north and Rudley House to the west. The applicant has provided comprehensive details of the palette of materials proposed; both in relation to the dwelling and also hard and soft landscaping and boundary treatments.
- 5.3.7 Whilst the site lies outside of any defined settlement boundary, it is considered that the introduction of a dwelling would not appear out of character in this specific location, given the context of Rudley Green which extends northwards on either side of the road from this point. The tall tree line to the southern boundary of the

application site creates a natural and visual end point to the linear residential development along this section of Chelmsford Road.

- 5.3.8 Although the site is relatively open in character when viewed from within, the site is enclosed by substantial dense hedgerows along the front boundary (which would be retained as part of the scheme). This boundary treatment, combined with the low ridge height of the dwelling would mean that only glimpse views of the dwelling would be achieved when passing the site; in a similar fashion to the residential properties opposite where the hedgerows along this section of the road in effect create a transient between the more open fronted properties to the north and the countryside to the south.
- 5.3.9 On the basis of the above, it is considered that the proposal would not result in any harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the NPPF.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The proposed dwelling would be sited approximately 30m south of the nearest neighbour to the north at St Georges House; with the proposed detached garage between. Additional hedge planting is proposed to this northern boundary which would serve to increase privacy for occupiers of both properties. For these reasons, no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents.
- 5.4.3 Overall, it is considered that the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.
- 5.5.4 In accordance with the Council's Parking Standards (2018), a dwelling with three-bedrooms must provide two parking spaces. The proposed front driveway provides

five parking spaces for the dwelling and as such exceeds the requirement considerably.

5.5.5 Essex County Council (ECC) Highways has been consulted on the proposal and raised no objection to the proposal subject to proposed conditions relating to visibility splay provision, access upgrades, cycle parking and travel information packs.

5.5.6 For the reasons set out above it is therefore considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District Vehicle Parking Standards SPD.

## **5.6 Private Amenity Space and Landscaping**

5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three-bedrooms or more.

5.6.2 The garden proposed in this case would far exceed this requirement and as such the scheme is considered to be acceptable in terms of amenity space provision.

5.6.3 The proposed layout of rear garden landscaping would retain the existing hedgerows and trees. To the front of the property, a mix of hard and soft landscaping is proposed, with the main hedgerow adjoining the highway retained.

5.6.4 The Council's Tree Officer has been consulted on the proposals and has raised no objection subject to conditions requiring the protection and retention of existing hedgerows at the site, in accordance with the plans submitted.

## **5.7 Living Conditions for Prospective Occupiers**

5.7.1 The submitted plans show a floorspace for the dwelling of approximately 268sqm which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.

5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD.

## **5.8 Flood Risk**

5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

5.8.2 The site is located entirely within Flood Zone 1 and presents a low risk of flooding.

5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to planning conditions requiring surface water and foul water drainage details to

provided prior to works above slab level, together with a number of informatives relating to waste collection, contamination, and construction.

## **5.9 Ecology**

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species (EPS) might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states “a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.”
- 5.9.2 The site falls within the ‘Zone of Influence’ (Zol) for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The LPA should prepare a Habitat Regulation Assessment (HRA) to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional one- dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE’s requirements and strategy advice, an Essex Coast RAMS HRA record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment, are listed below:

### **HRA Stage 1: Screening Assessment**

#### Test 1 – the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coat RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for an additional 1 no. dwelling (i.e. net increase of dwellings at the site is 1 no. dwellings)

#### Test 2 – The integrity test

Is the proposal for 100 houses + (or equivalent)? No.

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.9.4 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered ‘in combination’ with other development. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.5 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 and thus, the

developer contribution should be calculated at this figure. The applicant has made a payment to cover this required amount during the course of the application, therefore the harm to off-site nature conservation interest has been adequately mitigated.

- 5.9.6 Whilst the proposal is for a self-build dwelling (and therefore exempt from Biodiversity Net Gain (BNG) requirements) the applicant has nonetheless submitted a BNG Assessment prepared by Matthew Game Consultancy, which confirms that the scheme would result in a 14.5% gain in habitat biodiversity, and 12.21% gain in hedgerow habitat biodiversity. The Council's appointed Ecology Consultant has confirmed that the scheme is considered acceptable in ecology terms subject to a series of planning conditions, which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity, that a Biodiversity Enhancement Strategy is submitted prior to works above slab level, and a sensitive lighting scheme is submitted where external lighting is proposed.

## **5.10 Planning balance and sustainability**

- 5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of an additional dwelling. There would also be economic activity associated with the prospective occupier of the dwelling. Whilst the dwelling would be located outside of a defined settlement boundary, as set out above it is considered that the site benefits from access to nearby services and bus routes and as such is considered to be in a sustainable location. As also outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.
- 5.10.3 Whilst the contribution that an additional dwelling would make towards housing land supply is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits; and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

## **6. ANY RELEVANT SITE HISTORY**

- 6.1 No other planning history relating to the site.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Parish/ Town Council** *(summarised)*

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Purleigh Parish Council	The application site lies outside the defined settlement boundary for Purleigh and has not been identified by the Planning Authority for development to meet future needs for the District, nor does it fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The development is therefore contrary to Policies S1, S8, and D2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.	Noted - principle of development discussed at section 5.1 above

### 7.2 **Statutory Consultees and Other Organisations** *(summarised)*

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	(In response to amended plans)  No objection, subject to conditions relating to vehicular access widening and visibility splays, cycle parking and resident travel pack conditions	Noted - discussed at section 5.5 above

### 7.3 **Internal Consultees** *(summarised)*

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions relating to surface water and foul drainage, and informatives.	Noted - discussed at section 5.8 above
Trees	No objection, subject to compliance with the arboricultural report and hedge/shrub protection.	Noted - discussed at section 5.9 above
Ecology	No objection subject to conditions relating to compliance with Preliminary Ecological Appraisal, submission of a Biodiversity Enhancement Strategy, Great Crested Newts and Sensitive lighting scheme	Noted - discussed at section 5.9 above

## **7.4 Site Notice / Advertisement**

- 7.4.1 The application was advertised by way of a site notice posted on 6 August 2025 (with expiry date for comments set at 28 August 2025). The notices were affixed at eye level to a telegraph pole immediately adjoining the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 7 August 2025 (with expiry date for comments set at 28 August 2025).

## **7.5 Representations received from Interested Parties (*summarised*)**

- 7.4.4 No third party comments have been received in relation to the proposals

## **8. PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans stated on the Decision Notice.  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.  
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide Supplementary Planning Document.
4. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as



determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled. Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.

- 5 Prior to first occupation of the dwelling hereby approved, the foul drainage for the dwelling must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the dwelling. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General Binding Rules" at the time of installation.

REASON To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.

- 6 Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the Local Planning Authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) no dust emissions should leave the boundary of the site;
- c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) hours of works: works should only be undertaken between 08:00 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

REASON To ensure that the construction of the development does not have a detrimental impact to highway safety and amenity, in accordance with Policy D1 and T2 of the Local Development Plan.

7. Prior to first occupation of the development the upgraded vehicle access shall be provided as shown in principle on planning drawing no. SP-01 Rev A. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Notwithstanding the details as shown in principle on planning drawing no. SP-01 Rev A, the vehicle access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in each direction, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided

before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy D1 and T2 of the Local Development Plan.

9. Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities shall be secure, convenient, covered and retained at all times.

REASON To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.

10. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D1 and T2 of the Local Development Plan.

11. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Matthew Game Consultancy, February 2025) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON To enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

12. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the Local Planning Authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of

the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority.

REASON To enhance protected and Priority species and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 13 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority .

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON To enhance protected and Priority spaces and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 14 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (NERC) (Priority habitats and species) and in order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.

- 15 Prior to commencement of development, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority .  
REASON To enable the Local Planning Authority to retain control over future extensions, alterations, or outbuildings in the interests of protecting the character of the area, residential amenity, and the design integrity of the development, in accordance with Policy D1 and D3 of the Local Development Plan.

## **INFORMATIVES**

### **1 Waste Management**

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

### **2 Contamination**

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

### **3 Highway Works**

- All highway related details shall be agreed with the Highway Authority;
- There shall be no discharge of surface water from the development onto the Highway;
- All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

#### **4 Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

#### **5 General Good Practice Mitigation to avoid Ecological impacts during the construction phase.**

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

#### **APPLICATION PLANS**

- 1113-SP-01 Location Plan
- 1113-XS-01 Site Sections
- 1113-GA-01 Planning Floor Plans
- 1113-EL-01 Planning Elevations
- 1113-GA-02 Rev A Garage Details
- Design and Access Statement
- Preliminary Ecological Appraisal and Preliminary Roost Assessment.
- Biodiversity Net Gain Assessment

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