

14 July 2026



Princes Road
Maldon
Essex CM9 5DL

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APOLOGIES: Committee Services
Email: Committee.clerk@maldon.gov.uk

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 22 JULY 2026 at 7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will 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 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 D O Bown
VICE-CHAIRPERSON	Councillor A Fittock
COUNCILLORS	M G Bassenger V J Bell A S Fluker L J Haywood W J Laybourn M G Neall R G Pratt U G C Siddall-Norman W Stamp, CC



AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE

WEDNESDAY 22 JULY 2026

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 24 June 2026, (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. **26/00296/FUL - Land At 1 Imperial Avenue, Mayland, CM3 6AQ** (Pages 15 - 26)

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

6. **26/00053/FUL - Land North West of Riversleigh, Nipsells Chase, Mayland** (Pages 27 - 40)

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

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

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 and 6.
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

* 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

In the event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

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](#)

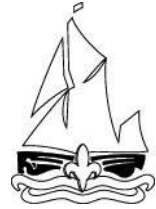
Local-scale

- [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
SOUTH EASTERN AREA PLANNING COMMITTEE
24 JUNE 2026**

PRESENT

Chairperson	Councillor D O Bown
Vice-Chairperson	Councillor A Fittock
Councillors	M G Bassenger, A S Fluker, L J Haywood, W J Laybourn, R G Pratt, U G C Siddall-Norman and W Stamp, CC
Officers (Maldon District Council)	Mr Johnson, Head of Development Management and Building Control Mr Purvis, Development Management Team Leader

1. CHAIRPERSON'S NOTICES

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

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M G Neall.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 8 April 2026 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor A S Fluker declared that in relation to Agenda Item 5 – 24/00813/FUUL Maltings Storage Shed, Station Road, Burnham-on-Crouch, Essex, he owned property opposite the site.

5. 24/00813/FUL - MALTINGS STORAGE SHED, STATION ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	24/00813/FUL
Location	Maltings Storage Shed Station Road Burnham-On-Crouch
Proposal	Demolition of existing dilapidated Maltings Storage Sheds. Erection of Boat Storage Shed and 7no. two and three bedroom residential dwellings with rooftop solar photovoltaic panels, associated parking, amenity space and landscaping.
Applicant	R J Prior And Son (Burnham) Ltd

Agent	Kieron Lilley Smart Planning Ltd
Target Decision Date	29.05.2026 (Time Extension Agreed but an updated one has been requested)
Case Officer	Chris Purvis
Parish	Burnham on Crouch Town Council
Reason for Referral to the Committee / Council	Under Part 3 Terms of Reference – Area Planning Committee Part 1 (A) 4, which states: Where proposals which, in the opinion of the Director of Place, Planning and Growth in consultation with the Chairperson of the appropriate Area Committee or the Chairperson of the District Planning Committee are of significant public interest, would have a significant impact on the environment, or should otherwise be referred to Members.

It was noted from the Members' Update that one additional letter of objection had been received and the points raised were summarised in section 7.5.1 of the report.

Following the Officers' presentation, the Agent, Mr Lilley, addressed the Committee.

In response to a request for clarity regarding the reason this application had been referred to this Committee, the Development Management Team Leader advised that in accordance with the Council's Constitution this had been brought forward because in the opinion of the Director of Place, Planning and Growth in consultation with the Chairperson of this Committee as it was considered that the scheme should be referred to Members.

At this point Councillor A S Fluker excused himself from the meeting, left the chamber and did not return.

During the lengthy debate that ensued some Members raised concerns regarding the proposed development and in response to a number of questions Officers provided additional information including:

- The boat storage area had been included to address concerns raised by a Planning Inspector from a previous appeal decision.
- The proposed parking met the Council's parking standards.
- Although the development did not meet the Supplementary Planning Document requirements in terms of private amenity space (rear gardens), balconies and a communal space were proposed, and the properties were on a riverside location where is it more a tight knit area in terms of the existing surrounding built environment. The Officers' recommendation was based on planning balance and the need for housing weighed in favour of the proposal. At this point Members were reminded of a related appeal decision which had regard to the size of the amenity space but took into context the location of the site being in a sustainable area and how that particular scheme was balanced being that it was providing housing.
- Whilst Policy H3 of the District Local Plan referred to specialist housing needs Members were advised that the Disability Discrimination Act was mainly covered by building regulations.

Councillor A Fittock then proposed that the application be approved, in accordance with Officers' recommendations. This was duly seconded and upon a vote being taken was agreed.

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

Time Limit

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

Materials

3. No development shall commence until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

Boundary Treatments

4. No development shall take place until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be completed prior to the first use/occupation of the development and shall be retained and maintained as such thereafter.

Landscaping

5. No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

Vehicle Parking

6. The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking area(s) shall be retained in this form at all times thereafter and shall only be used by users and visitors to the site. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

Cycle Parking

7. Prior to the occupation of the development hereby permitted details of the proposed cycle parking for the site shall be provided in accordance with Maldon

District Council's Parking Standards and details shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be secure, conveniently located and covered. The approved cycle parking shall be maintained and retained at all times thereafter.

Residential Travel Information Pack

8. Prior to the occupation of the development hereby permitted, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge upon first occupation of that dwelling.

Flood Mitigation Requirements

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 1l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Surface Water Maintenance and Management Plan

10. Prior to the occupation of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. The maintenance arrangements shall be undertaken in accordance with the details as approved at all times thereafter.

Yearly logs

11. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a written request by the Local Planning Authority.

Flood Warning and Evacuation Plan

12. Prior to the occupation of the development hereby permitted the requirements of the Flood Warning and Evacuation Plan (FWEP) dated January 2025 which forms part of this planning permission shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

Contamination Mitigation

13. Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an

investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
- (ii) A survey of the extent, scale and nature of contamination;
- (iii) An assessment of the potential risks to:
 - a) Human health,
 - b) Property (existing or proposed) including buildings, crops, livestock, etc., woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
- iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

Contamination Remediation Requirements

14. Where identified as necessary in accordance with the requirements of condition 13, no development shall take place, other than that required to enable or carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved by the Local Planning Authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

Contamination Verification Report

15. The measures set out in the approved remediation scheme shall be implemented in full and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority within 28 days of completion of the remediation scheme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

Archaeology Assessment

16. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

Archaeology Programme of Works

17. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

Boat Storage

18. The boat storage shed shall only be used for the storage of boats and shall not be used for any repair or maintenance work to the boats stored in the shed nor boats place outside of the shed.

Boat Storage Management

19. Prior to the first occupation of the development details of how the boat storage shed would be managed and maintained shall be submitted to and approved in writing by the Local Planning Authority. The boat storage shed shall thereafter only be used in accordance with the management and maintenance arrangements as approved.

Solar / Photovoltaic Panels

20. No development shall commence until details of the solar/photovoltaic panels to be placed on the roof of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The solar/photovoltaic shall be of a design that is flush as possible with the roofslope. The solar/photovoltaic shall only be installed as approved and shall be retained in working order at all times thereafter.

Communal Garden

21. The communal garden amenity areas as shown upon the approved plan drawings shall be implemented, laid out and available for use as amenity space for the occupants of the dwellings hereby permitted prior to the first occupation of the development and shall thereafter be maintained and retained for such purposes at all times thereafter.

Removal of Permitted Development Rights

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 or Part 2 of the Order shall be carried out to the dwellinghouse or within its curtilage unless planning permission has first been obtained from the Local Planning Authority.

Application Number	25/00484/FUL
Location	Burnham Waters Medical Centre 4 Waters Avenue Burnham-On-Crouch Essex
Proposal	Erection of medical centre and maintenance building (to swap the approved medical centre and approved maintenance building uses, with associated external alterations to buildings) and provision of additional parking spaces
Applicant	Mr Ian Holloway - Burnham Waters Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	30.06.2026 (Time Extension Agreed with Agent)
Case Officer	Chris Purvis
Parish	Burnham-on-Crouch Town Council
Reason for Referral to the Committee / Council	Where proposals which, in the opinion of the Director of Service Delivery in consultation with the Chairperson of the appropriate Area Committee or the Chairperson of the District Planning Committee are of significant public interest, would have a significant impact on the environment, or should otherwise be referred to Members.

It was noted from the Members' Update that this application had been **WITHDRAWN** by the Agenda on behalf of the Applicant.

There being no other items of business the Chairperson closed the meeting at 8.52 pm.

D O BOWN
CHAIRPERSON

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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
22 JULY 2026**

Application Number	26/00296/FUL
Location	Land At 1 Imperial Avenue, Mayland CM3 6AQ
Proposal	Erection of a self-build, custom build single-storey one bedroom dwelling.
Applicant	Miss L Haywood
Agent	Mr Andrej Bozin – Agency of Architecture
Target Decision Date	29 July 2026
Case Officer	Hayley Sadler
Parish	Mayland
Reason for Referral to the Committee / Council	Councillor / Member of Staff

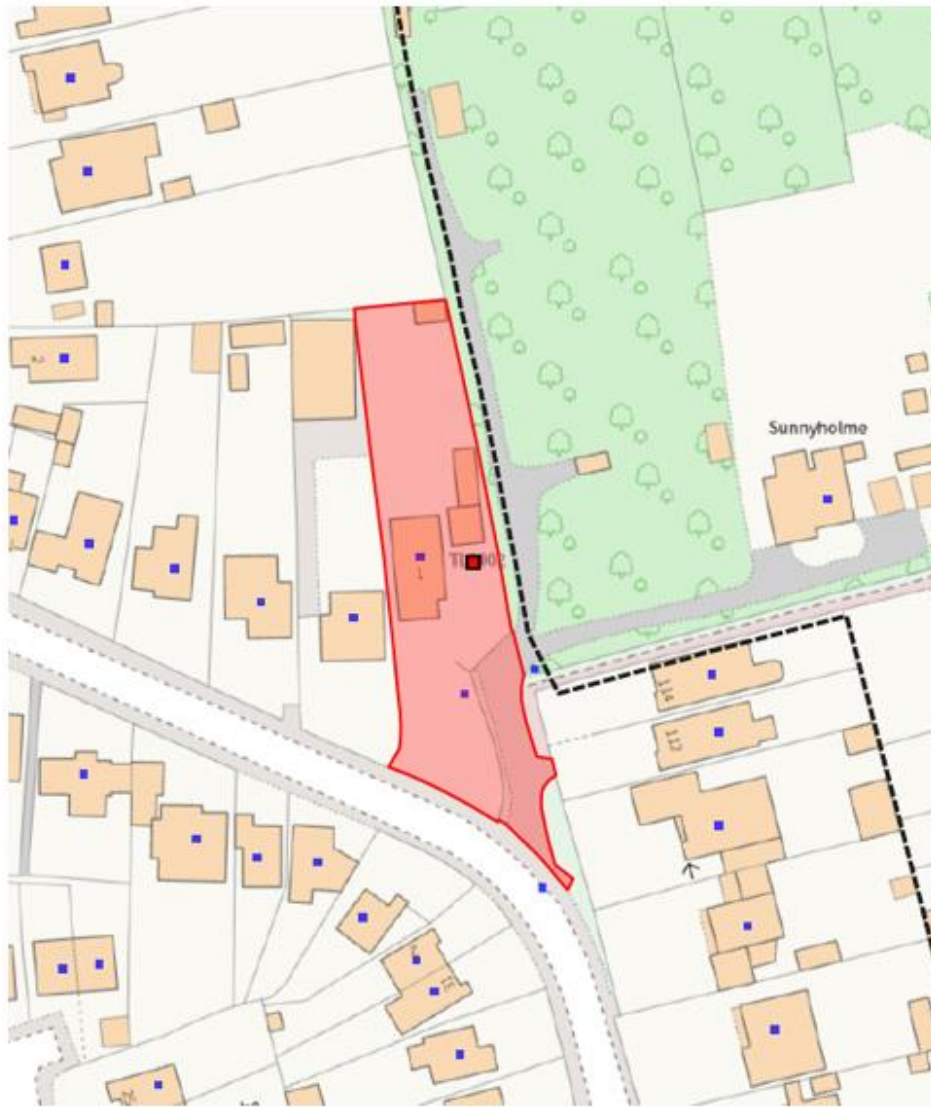
1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

26/00296/FUL – Land At 1 Imperial Avenue – Mayland



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Imperial Avenue within the settlement boundary of Mayland. The site is occupied by the host dwelling (No.1 Imperial Avenue), a detached bungalow, and detached garage to the east. The surrounding area is residential with dwellings of varying design.
- 3.1.2 Planning permission is sought for the erection of a self-build, single storey one bedroom dwelling.
- 3.1.3 The proposed dwelling would measure 5.6 metres in width, 12.4 metres in depth, an eaves height of 2.3 metres and overall ridge height of 5.1 metres. One window is proposed to the front (south) elevation, an entrance door and two windows are proposed to the side (west) elevation, two windows to the side (east) elevation and french doors with glazed panels to each side are proposed to the rear (north) elevation. The dwelling would provide accommodation in the form of an entrance hallway, one bedroom, shower room, utility room and open plan kitchen and lounge/dining room.
- 3.1.4 The existing detached garage associated with No.1 Imperial Avenue is proposed to be demolished to facilitate the construction of the proposed dwelling.
- 3.1.5 The materials proposed in the construction would be composite cladded walls, sandtoft concrete shire pantile roof tiles and UPVC casement windows.

3.2 Conclusion

- 3.2.1 The proposed development would result in a cramped form of development which is contrary to the prevailing character of the area which is predominately dwellings set within spacious plots which would result in harm to the intrinsic character of the surrounding area. This is contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan (LDP) (2017), the Maldon District Design Guide (MDDG) (2017) and the policies and guidance in the National Planning Policy Framework (NPPF). Furthermore, the required RAMS payment has not been made which would amount to a second reason for refusal. No concerns are raised in respect of residential amenity, design or highways.

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
- 85-87 Building a strong, competitive economy
- 96-102 Promoting healthy and safe communities
- 109-114 Promoting sustainable transport
- 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
- S7 Prosperous Rural Communities
- 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
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
 - Maldon District Vehicle Parking Standards (Supplementary Planning Document (SPD))
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (adopted August 2020)
- Mayland Neighbourhood Development Plan

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 Policy S1 of the LDP states that “*When considering development proposals the Council will take a positive 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.

Sustainable Development

5.1.3 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.

- 5.1.4 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

- 5.1.5 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.
- 5.1.6 The application site is located within the settlement boundary of Mayland within a residential area. The site is accessed by a private un-made shared access off of Imperial Avenue, which also serves an additional three dwellings.
- 5.1.7 The application site lies within the settlement boundary of Mayland and would deliver social benefits with the delivery of 1 No. dwelling, and economic benefits during construction and thereafter with the spending powers of future residents. Mayland has a high number of facilities within the main village. There are a number of bus stops in close proximity, one is located 0.4 miles (approximate nine minute walk) to the south on The Drive with another located 0.2 miles (approximate five minute walk) to the west on Imperial Avenue. Overall, the development would fall to be sustainable development and the principle of development is supported in accordance with Policy S8.

Social Dimension

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

Economic Dimension

- 5.1.9 The development would make a nominal contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses. There would be a minimal benefit also in terms of construction jobs.
- 5.1.10 Whilst the development is considered to be in a sustainable location, within the settlement boundary and therefore in compliance to Policy S8 of the LDP, subject to matters of details being acceptable as detailed in the remainder of the report.

5.2 Design and Impact on the Character of the Area

- 5.2.1 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.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 Within the vicinity of the application site the dwelling plots are predominantly elongated with the dwellings set to the front of the plots and reasonably large gardens to the rear. The building lines follow the line of the highway to which they front. It is noted that the existing dwelling (No.1 Imperial Avenue) is set back further than the other dwellings in this part of Imperial Avenue, and benefits from large front and rear garden areas. It should also be noted that there is a Public Right Of Way (PRoW)(Footpath 1) which forms part of the shared access under the ownership of the application and then goes off to the east of the application site. The proposed dwelling would replace the existing associated garage to No.1 Imperial Avenue and the site would be subdivided to create two plots. The location of the proposed dwelling within the site would create a cramped form of development that would be out of character with the surrounding and would dominate the site and create a visually prominent level of built form which would appear inappropriate in its setting.
- 5.2.5 The application has brought to the attention of three other sites within Mayland that are of a similar proposal. Officers have considered these sites but each application should be determined on its own merits and each site is unique in its setting. Whilst they are broadly similar, it does not follow that all subsequent applications should be approved, and for the reasons cited in this report this proposal is considered harmful to the character of the area.
- 5.2.6 It is considered that the development, would result in harm to the character and appearance of the existing site and surrounding locality so as to conflict with Policies S1, D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 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).
- 5.3.2 The application site is bordered by one neighbouring property, No.3 Imperial Avenue to the west. To the east of the application site is a private track which separates the site with an open field
- 5.3.3 The proposed Dwelling would sit approximately ten metres from the boundary with the dwelling to the west, No.3 Imperial Avenue and would also be separated by the garden area associated with No.1 Imperial Avenue. Due to the separation distance and single storey nature, it is not considered that the proposal will result in an unneighbourly form for development.
- 5.3.4 The proposed dwelling would sit approximately 1.2 metres from the boundary with No.1 Imperial Avenue, a 1.8 metre close board fence is proposed along the side (west) boundary which would obscure the majority of views to the proposed windows on the side (west) elevation of the proposed dwelling.

- 5.3.5 The Council's Environmental Health team have not raised any concerns regarding the proposal and conditions could be imposed if planning permission were to be granted. Therefore, it is considered that the proposal would not be an unneighbourly form of development and would comply with Policy D1 and the NPPF in this respect.

5.4 Access, Parking and Highway Safety

- 5.4.1 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. 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.
- 5.4.2 The proposed dwelling would have one bedroom, the maximum level of parking required by the adopted parking standards is a minimum of one parking space for a one bedroom dwelling, measuring 2.9 m wide and 5.5 m deep. The plans show an area to the front of the dwelling which would provide two car parking spaces, it is considered to provide the site with sufficient space for a minimum of one reasonable sized car and would be able to access and egress the site.
- 5.4.3 The proposed dwelling would be sited in place of the existing detached garage associated with No.1 Imperial, whilst this would result in the loss of the parking provision for No.1 Imperial, there would be sufficient space to the front of the dwelling to accommodate at least two reasonable sized cars.
- 5.4.4 To the south of the application site on the eastern side of the shared access is a PRoW (Footpath 1), which leads off to the east of the application site.
- 5.4.5 The Highways Authority have been consulted on the application and have advised that the site will be accessed via a private shared drive off Imperial Avenue, which is a shared PRoW. No objection is raised subject to recommended conditions and informatives. Therefore, no objection is raised in relation to traffic and transport issues.

5.5 Private Amenity Space and Landscaping

- 5.5.1 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The block plan submitted would have an area of approximately 135m² of garden space to the rear of the dwelling and would not result in the level of private amenity space being below the minimum standard recommended in the SPD.
- 5.5.3 The submitted block plan also shows that permeable paving will be added to the front and west of the proposed dwelling and a 1.8 metre high close board fence will be erected along the western boundary. Therefore, the proposal is in compliance with Policy D1 of the LDP.

5.6 Ecology (including the impact of development within the Zone of Influence (Zoi) for the Essex Coast RAMS)

- 5.6.1 Paragraph 187 of the NPPF states that ‘planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.’
- 5.6.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.6.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

Ecology

- 5.6.4 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.”

Biodiversity Net Gain

- 5.6.5 The proposal is for a self-build dwelling (and therefore exempt from Biodiversity Net Gain (BNG) requirements). Therefore, the proposal is in compliance with policies S1, N1 and N2 of the LDP and the NPPF.
- 5.6.6 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging 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.
- 5.6.7 The development of one 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:

5.6.8 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 previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

Does the planning application fall within the specified development types? Yes – the proposal is for 1no. dwelling.

5.6.9 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.

5.6.10 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 previously listed sites? Yes (Blackwater Estuary Special Protection Areas(SPA) and Dengie SPA)

Does the planning application fall within the specified development types? Yes – the proposal is for 1no. dwelling.

5.6.11 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.

5.6.12 Summary of Appropriate Assessment

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.

5.6.13 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.

5.6.14 As a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE’s advice, it is considered that mitigation, in the form of a financial contribution per dwelling is necessary. The RAMS mitigation payment has not been received. The proposal is therefore contrary to Policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF.

5.7 Planning balance

- 5.7.1 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.
- 5.7.2 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 within the 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 outlined above it is considered that the proposed development would result in a harm to the impact on the character and appearance of the area, resulting in a cramped form of development. The design and layout of the proposal would not result in harm to neighbouring amenity and the proposal provides adequate car parking, amenity space and living conditions for prospective occupants.
- 5.7.3 Whilst the contribution that an additional dwelling would make towards housing land supply is considered limited, it is considered that the harms caused by the development that would significantly outweigh these benefits; and as such the development is not considered in compliance with the policies contained within the LDP.
- 5.7.4 In addition to the harm to the character of the area, the applicant has failed to provide the necessary RAMS contribution which is therefore a second reason for refusal.

6 ANY RELEVANT SITE HISTORY FOR THE WHOLE SITE

- **99/00436/FUL** - Proposed front and rear extensions - Approved – 23 June 1999.
- **99/00436/FUL/A** - Proposed front and rear extensions. Amended plans – addition of bay window to front - Approved – 13 April 2000.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object • Backland development • Overcrowded • Roof height is thought to be high	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection – subject to recommended conditions and informatives	Noted – refer to section 5.5 of report
Public Right of Way Officer	No objection – subject to recommended informatives	Noted – Refer to section 5.5 of report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection – subject to recommended conditions	Noted – Refer to section 5.4 of report

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of two site notices posted on the 14 May 2026 (with expiry date for comments set at 5 June 2026). One site notice was affixed at eye level to a telegraph pole located to the west of the application site to the front of No.3 Imperial Avenue, the second was affixed at eye level to a telegraph pole located to the front (south) of the application at the entrance to the site, both were in a prominent position within the street scene.

Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 21 May 2026 (with expiry date for comments set at 11 June 2026).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 No letters of representation have been received.

8 REASONS FOR REFUSAL

- 1 The proposed development would result in a cramped form of development which is contrary to the prevailing character of the area which is predominately dwellings set within spacious plots which would result in harm to the intrinsic character of the surrounding area This is contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the policies 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 necessary financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan (2017), and the policies and guidance in the National Planning Policy Framework (December 2023).

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
22 July 2026**

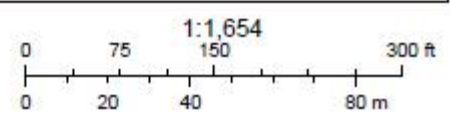
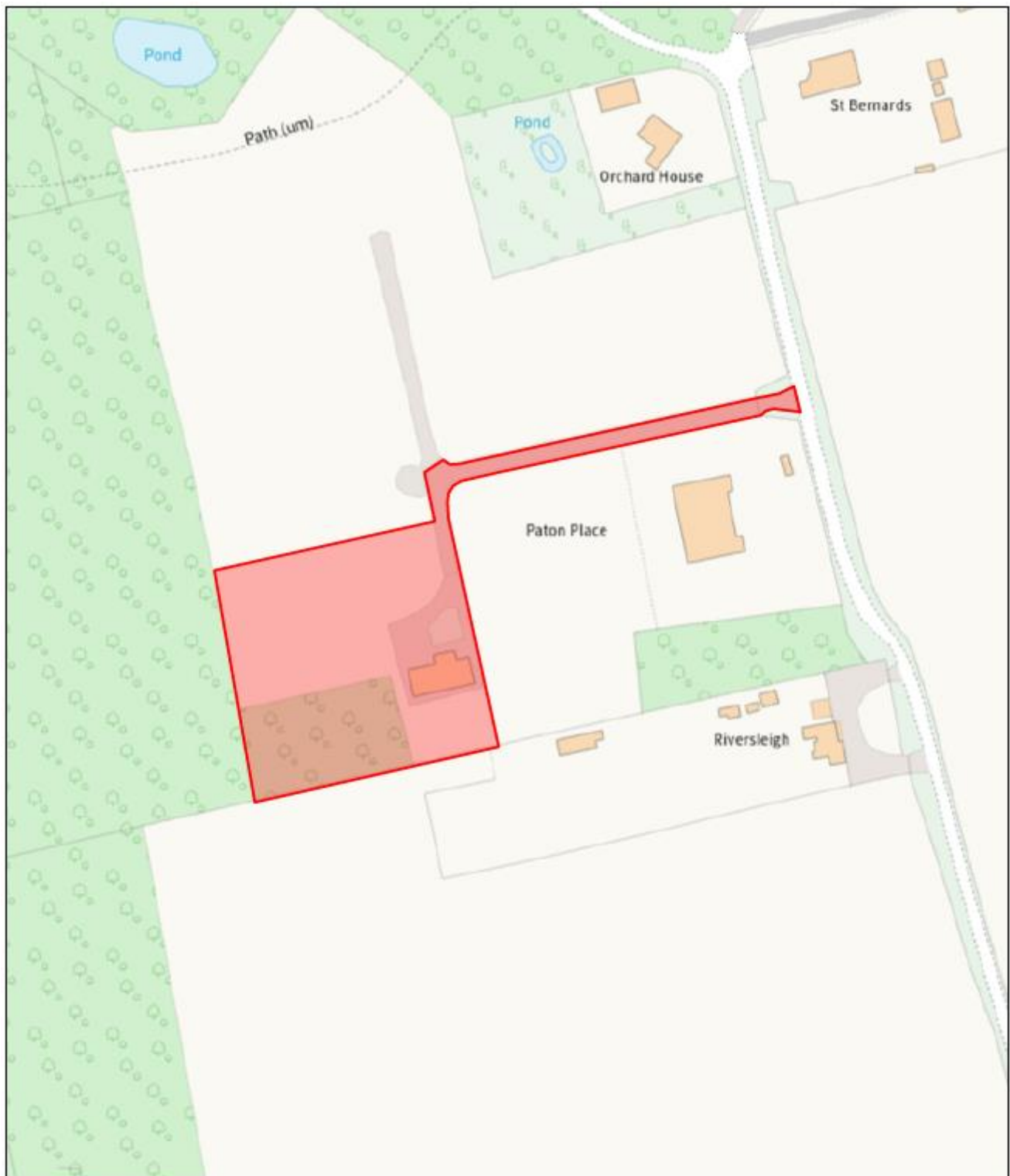
Application Number	26/00053/FUL
Location	Land NorthWest of Riversleigh, Nipsells Chase, Mayland
Proposal	S73A application to retain existing building as an apple storage barn (in common with original planning permission 18/00280/FUL) with associated amendments to external appearance and internal fittings and fixtures.
Applicant	Mr & Mrs Paton
Agent	Smart Planning Ltd
Target Decision Date	24 July 2026 (Extension of Time)
Case Officer	Matt Bailey
Parish	MAYLAND
Reason for Referral to Committee / Council	Member of the Council

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf



3. SUMMARY

Proposal / brief overview, including any relevant background information

3.1 Application site

- 3.1.1 The application site is located on the western side of Nipsells Chase within a rural area outside the defined settlement boundaries of Mayland. The site forms part of the applicant's wider land holding and contains the single storey building known as The Apple Store. The site is accessed from Nipsells Chase by an existing private track that also forms part of Restricted Byway no.17 (Mayland).
- 3.1.2 The wider land holding contains an orchard and additional areas of planted fruit and nut trees to the west, and the applicant's residence to the east. The updated site plan shows the existing orchard to be supplemented by interplanting and identifies planned orchard extension areas to the west and south of the building. The applicant's Planning Support Statement states that the wider holding contains approximately 60 fruit and nut trees, including apple, plum, pear, cherry, hazelnut and walnut trees.
- 3.1.3 The surrounding area is rural and relatively open, although there are residential properties to the north and south. The site has previously been associated with Nipsells Chase Scrub Local Wildlife Site, although ecological information before the Council identifies that the red line site no longer meets the relevant Local Wildlife Site selection criteria.

3.2 Proposal

- 3.2.1 The application is made under Section 73A of the Town and Country Planning Act 1990 and seeks retrospective planning permission to retain the existing building as an apple storage barn, in alignment with the lapsed planning permission granted under application ref 18/00280/FUL, with associated amendments to the external appearance and internal fittings and fixtures.
- 3.2.2 The existing building is single storey and measures approximately 19m in width and 8m in depth, with a front projection of approximately 6m by 2.6m. It has an eaves height of approximately 2.3m and a ridge height of approximately 4.4m. It is finished in brick and timber weatherboarding beneath a tiled roof.
- 3.2.3 The submitted existing plans show an internal layout comprising apple store, office space, apple preparation area, implement store, storage and a WC. The submitted proposed plans omit the designated area of office space and show the building laid out as in its originally approved configuration with an apple store, apple preparation area, implement store, storage and WC. Externally, the works include replacing existing glazing with barn-style aesthetic panelling, reinstating barn-style doors and applying timber trims or vinyl/wood-effect cladding to existing UPVC frames to provide a timber appearance.
- 3.2.4 The stated purpose of the proposal is to return the building to an agricultural storage use with a traditional agrarian appearance. The applicant's Planning Support Statement describes the proposal as a reversion to the original apple storage barn permission and as a means of remedying the domestic and mixed-use features which have been the subject of previous enforcement notices, planning refusals and associated appeal proceedings.

3.3 Background

- 3.3.1 Planning permission was granted by Committee, contrary to Officer recommendation, for the construction of an apple storage barn on 23 May 2018 (application ref 18/00280/FUL). A subsequent Section 73 variation, 20/00574/FUL, was granted on 10 August 2020 and varied the approved plans, including changes to fenestration. Both of these permissions have now expired and are not being relied upon as extant fallback permissions. They are, however, material considerations in understanding the planning history of the site and the originally approved orchard use of the building.
- 3.3.2 An enforcement notice was issued on 29 June 2023 alleging the unauthorised erection of a C3 residential dwellinghouse. The associated enforcement appeal was dismissed on 9 May 2024 and the notice was upheld, subject to correction. The Inspector found that the building, as constructed and completed, was not the approved apple storage barn but amounted, as a matter of fact and degree, to the erection of a C3 residential dwellinghouse. A subsequent challenge to that decision was considered by the High Court in *Paton & Anor v Secretary of State for Levelling Up, Housing and Communities & Anor* [2025] EWHC 245 (Admin), where permission to appeal was refused. The enforcement notice as upheld by the High Court has not been complied with, and therefore remains a significant material consideration in the determination of this application.
- 3.3.3 A subsequent planning application (ref 23/00796/FUL) sought to retain the structure for mixed use comprising agricultural storage, office, reception/rec area and cake and jam making studio. That application was refused and the subsequent appeal was dismissed on 12 August 2025. The Inspector attached significant weight to the harm arising from the domestic appearance of the building and the lack of clear and compelling justification for the mixed uses and for a building of that size in the countryside. The Inspector also expressly distinguished the previous support for the site as an apple store on the basis that the appeal scheme was for a different use and was not justified.
- 3.3.4 The current proposal is materially different from the most recent dismissed appeal scheme, insofar as it removes the wider office, reception and cake/jam studio uses and seeks permission for an apple storage barn only, together with external and internal works intended to secure an agricultural appearance, as with the original approval. The current application is therefore to be assessed on its own merits against the Development Plan, having regard to the appeal decisions and the planning history.

3.4 Conclusion

- 3.4.1 The proposal would retain a substantial building in the countryside. However, unlike the previously refused and dismissed mixed-use scheme, the use now proposed is limited to an apple storage barn which the applicant states is directly associated with fruit production on the applicant's land. The revised plans also remove or alter the features which gave rise to previous concerns (both from officers and Planning Inspectors) that the building had a domestic character which could not revert to an apple store or agricultural building.
- 3.4.2 Subject to robust conditions requiring the approved works to be completed within a specific timeframe, and restricting the future use of the building, it is considered that the development would address the reasons for previous refusal and the matters identified in the enforcement notice and planning appeal decisions. As per the original permission, the proposal would provide a storage and preparation building associated with the expanded orchard, would

respect the rural character of the area, and would not cause unacceptable harm to neighbouring amenity, highway safety, ecology or flood risk.

- 3.4.3 The application is therefore considered acceptable and in accordance with Policies S1, S8, D1, D2, E4, N2, T1 and T2 of the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF).

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
- 88-89 Supporting a prosperous rural economy
- 96-107 Promoting healthy and safe communities
- 108-117 Promoting sustainable transport
- 131-141 Achieving well-designed places
- 187-201 Conserving and enhancing the natural environment

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
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD)
- Maldon District 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 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area comprises the approved Maldon District LDP.
- 5.1.2 The site lies outside the defined settlement boundary where Policies S1 and S8 seek to protect the countryside for its landscape, natural resources, ecological value and intrinsic character and beauty. Policy S8 allows specified forms of development in the countryside where the intrinsic character and beauty of the countryside would not be adversely affected. Agriculture and forestry and related development is one such form, subject to Policy E4.
- 5.1.3 Policy E4 supports new buildings or activities associated with agriculture and other land-based rural businesses where there is a justifiable and functional need, where the function is directly linked and ancillary to the existing use, and where the building or activity could not reasonably be located in existing towns, villages or allocated employment areas.
- 5.1.4 The current application seeks permission for the retention and reversion of the existing building to an apple storage barn, for which permission was originally granted under application 18/00280/FUL and subsequently varied under application 20/00574/FUL. The proposed use would comprise the storage and preparation of fruit grown within the applicant's orchard and the storage of associated agricultural machinery, equipment and materials. The submitted proposed floor plan identifies the building as apple store, apple preparation area, implement store, store and WC.
- 5.1.5 Members previously resolved to support an apple storage barn at this location. The earlier committee reports record that the original proposal was supported by information relating to the orchard, the planting and number of trees, expected yields, sustainability and invoices for fruit harvesting machinery. Whilst the earlier permissions have lapsed and do not provide an extant fallback, they remain material considerations and demonstrate that a building of this general size and location was previously considered capable of being acceptable where its use and appearance were properly tied to the agricultural activity on the land.
- 5.1.6 The planning history since that time is also of particular relevance. The enforcement appeal Inspector found that the building, as constructed, was not the approved apple storage barn but a C3 residential dwellinghouse, having regard to matters including the internal layout, domestic facilities and residential character of the building. The subsequent planning appeal against the refusal of application 23/00796/FUL was dismissed, with the Inspector considering whether the development was an acceptable form of development in the countryside, including whether there was a justifiable and functional need for the building and whether it would preserve the character and appearance of the area.
- 5.1.7 The previous 2025 planning appeal was dismissed because the Inspector was not satisfied that the proposed office, reception area, cake and jam making studio and related mixed uses were sufficiently linked to agriculture or to a land-based rural business, or that a building of that size was justified in the countryside. The Inspector also had regard to the domestic appearance and nature of the building in the context of the appeal and enforcement history. The current application is materially different because it removes those wider mixed-use elements and seeks to limit the building to the agricultural apple storage function, as per the original purpose of the building. The works include the removal of kitchen/cooking facilities,

fitted domestic appliances, shower facilities, and domestic fixtures and fittings previously associated with the unlawful residential use.

- 5.1.8 The applicant has now provided information that the orchard comprises approximately 60 fruit and nut trees and that further interplanting and planned orchard extensions are proposed. The building would be located adjacent to the orchard and would provide a sheltered space for storing harvested fruit, associated equipment and machinery, and for preparing produce from the land. A countryside location is functionally related to that activity because the building would serve the orchard directly and avoid the need to move produce and machinery to and from a separate storage location away from the site.
- 5.1.9 The proposed external and internal amendments are also fundamental to the acceptability of the scheme. The proposed plans show the replacement or treatment of existing glazing and domestic-style finishes with barn-style doors, barn-style panelling and timber or timber-effect finishes. Internally, the building would be laid out as an apple store, apple preparation area, implement store, store and WC. These changes would remove the mixed-use and domestic characteristics that were central to the previous concerns and would give the building a more utilitarian agricultural appearance and function.
- 5.1.10 It is therefore considered that the current proposal responds directly to the previous concerns raised by the Council, the enforcement appeal and the 2025 planning appeal. The proposal is no longer advanced as a dwelling, a mixed-use building, an office/reception space or a cake and jam making studio. It is advanced as an agriculture-related building required for the storage and preparation of fruit from the associated holding. On that basis, the building would have a functional and locational need to be within the countryside and would be directly linked and ancillary to the orchard use of the land.
- 5.1.11 Given the planning and enforcement history of the site, the acceptability of the proposal depends on strict control of the use and the timely completion of the approved remedial works. Conditions are therefore necessary to require the approved works to be completed within a defined period, restrict the use of the building to an apple storage barn only, prevent residential occupation or domestic facilities, and prevent further external alterations or openings without planning permission.
- 5.1.12 Subject to those conditions, it is considered that the principle of development would accord with Policies S1, S8 and E4 of the LDP. The proposal would represent agriculture related development with a functional need to be located within the associated holding, and would address the previous concerns relating to residential use, mixed use and the absence of a justified countryside requirement.

5.2 Planning History, Appeals and Enforcement Matters

- 5.2.1 The Council must determine the current planning application on its own merits. However, the previous enforcement appeal, the High Court proceedings referred to in the later appeal decision, and the dismissed 2025 planning appeal are significant material considerations.
- 5.2.2 The 2024 enforcement appeal established that, as constructed at the time of the enforcement notice, the building was not the approved apple storage barn but amounted to the erection of a C3 residential dwellinghouse. The Inspector referred to the original internal layout, kitchen, heating, shower/toilet facilities and other features which provided the facilities required for day-to-day private domestic existence. The Inspector also rejected the argument that the notice requirements should be varied to allow lesser steps, in part because the original and variation permissions were not extant and could not be implemented.

- 5.2.3 The current application does not seek to implement the lapsed permissions. It seeks a new planning permission for retention of the building as an apple storage barn, with specified works to alter the building and remove the domestic and non-agricultural characteristics. The proposed plans and conditions would therefore create a new planning control position. In particular, the proposed floor plan removes the office space shown on the existing plan and limits the building to apple storage, fruit preparation, implement storage, store and WC.
- 5.2.4 The 2025 application and subsequent planning appeal considered a different mixed-use scheme. The Inspector found that the scale and domestic appearance of the appeal building resulted in an incongruous urbanising form of development and that there was insufficient evidence that the non-agricultural activities were associated with agriculture or another land-based rural business. The Inspector also stated that it was not clear that a building of that size and internal arrangement could revert to an apple store or agricultural building because of its domestic character.
- 5.2.5 The present proposal is specifically designed to address those findings. It removes the mixed uses which the Inspector found were not justified. It includes external changes to reduce domestic glazing and reinstate barn-style doors and finishes. It also includes internal changes to return the layout to a more open agricultural storage arrangement. A condition is recommended to require those works, together with the removal of fixtures, fittings and domestic facilities not shown on the approved plans, to be completed within nine months of permission. This is a reasonable and necessary control, particularly as the enforcement appeal decision found that three months was not an unreasonable period for compliance with the existing notice at the time.
- 5.2.6 In order to further ensure compliance with this time limit, it is proposed that a separate enforcement notice will be issued, subject to the decision on this application, to secure compliance with the approved scheme and to address any outstanding breaches at the site. This does not remove the need for planning conditions.

5.3 Design and Impact on the Character of the Area

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. Policy D1 of the approved LDP seeks to ensure that development respects and enhances the character and local context and makes a positive contribution in terms of architectural style, materials, scale, form, landscape setting and the natural environment. Similar support for high-quality design is found within the Maldon District Design Guide (MDDG).

- 5.3.1 The building is substantial and is located within a rural and relatively open setting. That matter weighed significantly against the previous mixed-use scheme, with extensive glazing and domestic appearance. However, the acceptability of the building is closely related to its use and appearance. Agricultural buildings are not, in principle, unusual in the countryside, and the previous permissions and the 2025 appeal decision recognise that an apple store at this site is materially different from a building used for residential or mixed commercial/studio purposes.
- 5.3.2 The existing building includes substantial glazing and UPVC finishes which have contributed to its domestic appearance. The current proposal would replace existing glazing with barn-style aesthetic panelling, reinstate barn-style doors and treat the UPVC frames with timber trims or vinyl/wood-effect cladding to provide a more traditional timber appearance. These

works would reduce the domestic character of the building and result in a more agricultural appearance consistent with its originally proposed function as an apple storage barn.

- 5.3.3 The amended site plan also shows orchard interplanting and planned orchard extensions. Whilst landscaping and orchard planting would not by itself overcome harm from an unjustified building, it reinforces the relationship between the proposed barn and the orchard use of the surrounding land. The building would therefore be read in association with the orchard it serves rather than as an isolated domestic or mixed-use structure.
- 5.3.4 Subject to the recommended condition requiring completion of the approved external and internal works within nine months and thereafter retention of the approved appearance and layout, it is considered that the proposal would not result in unacceptable harm to the character and appearance of the area. The development would therefore accord with Policies S1, S8 and D1 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 of the approved LDP seeks to ensure that development protects the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The current proposal is for agricultural storage and preparation associated with fruit grown on the land. It would not introduce a residential use, a separate office, a reception area, a cake and jam making studio or a general commercial visitor use. The Council previously did not pursue the second reason for refusal in the 2025 appeal following additional information, and the Inspector found no substantive evidence to disagree that there would be no harm to the living conditions of nearby occupiers.
- 5.4.3 Environmental Health raises no objection in principle, subject to conditions relating to mechanical plant, delivery/loading hours, external lighting and unexpected contamination. Given the limited and land-based nature of the proposed use and the separation to neighbouring residential properties, it is considered that the proposal would not result in unacceptable harm to neighbouring amenity, subject to the recommended conditions.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards. Policy D1 also seeks to ensure safe and secure vehicle and cycle parking and maximise connectivity within development and to surrounding areas.
- 5.5.2 The proposal would use the existing access arrangements from Nipsells Chase and would not alter the relationship with the local highway network. The Highway Authority has fully considered the application and raises no objection, noting that the site is accessed via a private section of Nipsells Chase which is shared with Restricted Byway no.17 (Mayland). An informative is recommended to ensure that the public's rights and ease of passage over the restricted byway are maintained free and unobstructed.
- 5.5.3 The proposal would not generate a level of vehicle movement that would be materially harmful to highway safety, capacity or efficiency. Sufficient space exists within the site for parking and manoeuvring associated with the agricultural storage use. The development therefore accords with Policies D1 and T2 of the LDP.

5.6 Ecology and Biodiversity

- 5.6.1 Policy N2 of the LDP seeks to conserve and enhance the natural environment. The site has historically been associated with Nipsells Chase Scrub Local Wildlife Site and is within an ecologically sensitive rural setting.
- 5.6.2 Place Services has reviewed the application form and plans and advises that there is sufficient ecological information available to support determination. The building is recently constructed and is very likely to be of negligible ecological value. The proposed plans do not affect the roof and no compensation or enhancements are required for protected or Priority species.
- 5.6.3 The site has suitable bordering vegetation for use by foraging and commuting bats. A wildlife-sensitive lighting condition is therefore recommended if any external lighting is proposed. Place Services also advises that the application is exempt from Biodiversity Net Gain because there is no vegetation removal and the application is retrospective. Subject to the recommended condition, the proposal is acceptable in ecological terms and accords with Policy N2 of the LDP.

5.7 Flood Risk and Drainage

- 5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires development to be safe and flood resilient. The site is within Flood Zone 1 and is at low risk of flooding. The proposal relates to the retention and modification of an existing building and would not materially affect flood risk or drainage arrangements. No objection is raised in respect of flood risk.

6. ANY RELEVANT SITE HISTORY

- APP/X1545/W/24/3349715 - Appeal against refusal of 23/00796/FUL. Appeal dismissed 12 August 2025.
- APP/X1545/C/23/3326403 and APP/X1545/C/23/3326404 - Appeals against enforcement notice alleging unauthorised erection of a C3 residential dwellinghouse. Notice corrected and upheld; appeals dismissed 9 May 2024.
- 23/00798/FUL - Retention of the agricultural building known as The Apple Store to C3 residential, to form a two bed bungalow. No external alterations apart from 2 additional windows. Declined to Determine issued 23 August 2023 and reissued 21 September 2023.
- 23/00796/FUL - Retain structure for mixed use. Agricultural storage, office, reception/rec area, cake and jam making studio. Refused 19 February 2024.
- 23/00782/FUL - Renewal of existing consent. Declined to Determine issued 18 August 2023 and reissued 21.09.2023.
- 23/00664/FUL - Renewal of existing consent. Declined to Determine issued 02 August 2023 and reissued 21 September 2023.
- 23/00076/FUL - Change of use from agricultural building to two bedroom bungalow (C3 Use) and alterations to fenestration. Refused 15 September 2023.

- 20/00574/FUL - Variation of condition two on approved planning permission 18/00280/FUL (Construction of an apple storage barn). Approved 10 August 2020.
- 20/05040/DET - Compliance with conditions notification 18/00280/FUL (Construction of an apple storage barn) Condition three - Materials. Discharged 23 July 2020.
- 18/00280/FUL - Construction of an apple storage barn. Approved 23 May 2018.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish Council	Comment	Officer Response
Mayland Parish Council	Object. The Parish Council comments that the property is currently under an enforcement notice, that the notice should be adhered to, and that further planning applications to stop this from happening should be refused. The Parish Council also fears that the application has been submitted to circumvent the rules of Maldon District Council.	The comments are noted. The enforcement and appeal history is addressed in sections 3 and 5.2 of this report. The application must be determined on its own planning merits. Subject to conditions requiring the approved works to be completed within 9 months and restricting the future use of the building, it is considered that the proposal would address the previous enforcement and appeal concerns and would not circumvent the planning process.

7.2 Statutory Consultees and Other Organisations

Name of Consultee	Comment	Officer Response
Highway Authority	No objection. The Highway Authority notes that the site is accessed via a private section of Nipsells Chase shared with Restricted Byway no.17 (Mayland) and recommends an informative requiring the public's rights and ease of passage over the restricted byway to be maintained free and unobstructed.	Addressed at section 5.5. An informative is recommended.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle, subject to conditions relating to mechanical plant / ventilation	Addressed in sections 5.4 and 8. Conditions are recommended where

	noise, delivery/loading hours if frequent vehicle movements are anticipated, external lighting and unexpected contamination.	necessary and proportionate.
Ecology	No ecological objection subject to condition if external lighting is proposed. Place Services advises that the building is likely to be of negligible ecological value, that the roof would not be affected and that the application is exempt from Biodiversity Net Gain because there is no vegetation removal and it is retrospective.	Addressed at section 5.6. A lighting condition is recommended.

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of site notice posted on 4 November 2025 (with the expiry date for comments set at 25 November 2025). The notices were affixed to a telegraph pole and a gate to the north of the site along Nipsells Chase, immediately adjacent to the application site.
- 7.4.2 Notice was also given by way of newspaper advertisement in the Maldon and Burnham Standard, published on 12 February 2026 (with expiry date for comments set at 5 March 2026).

7.5 Representations received from Interested Parties

- 7.5.1 One letter of representation was received noting no objection to the application.

8. PROPOSED CONDITIONS

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents as set out by the decision notice.

REASON: To ensure that the development is carried out in accordance with the details as approved.

Completion of Approved Works

2. The works required to bring the building into full accordance with the approved plans shall be completed in full within 9 months of the date of this permission. The works shall include:
 - a) the replacement or treatment of the existing glazing and doors with the barn-style panelling/doors shown on drawing 25.8171/P201;
 - b) the application of timber trims or vinyl/wood-effect cladding to the existing UPVC frames, as shown on drawing 25.8171/P201;
 - c) the provision and retention of the internal layout shown on drawing 25.8171/P201; and
 - d) the removal from the building of all internal partitions, kitchen/cooking facilities, fitted domestic appliances, bath or shower facilities, and domestic fixtures or fittings not shown on the approved plans.

Following completion of the works, the approved external appearance and internal layout shall be retained thereafter.

REASON: To ensure that the development is made acceptable in planning terms, to remove domestic and non-agricultural features, to secure the intended agricultural appearance and use of the building, and to safeguard the character and appearance of the countryside in accordance with Policies S1, S8, D1 and E4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

Use Restriction

3. The building hereby permitted shall be used only as an apple storage barn for the storage and preparation of fruit grown within the associated holding shown on the approved site plan, and for the storage of agricultural machinery, tools, equipment and materials reasonably necessary for that use. The building shall not be used as a dwellinghouse, for any residential purpose, for overnight accommodation, as an office, reception area, cake or jam-making studio/kitchen, general commercial storage, general business use, or for any other use outside the scope of the approved apple storage barn use.

REASON: The application has been assessed and found acceptable only on the basis of the stated agricultural apple storage barn use. Other uses would require separate assessment and could cause harm to the character and appearance of the countryside, residential amenity and the objectives of Policies S1, S8, D1 and E4 of the approved Maldon District Local Development Plan.

Restriction on Domestic Facilities

4. The building hereby permitted shall not be used at any time for residential accommodation or overnight accommodation. No kitchen, cooking facilities, fitted domestic appliances, bath, shower, washing machine, domestic hot-water installation, sleeping accommodation, or fixtures or fittings associated with residential occupation shall be installed or retained within the building. This condition shall not prevent the retention of the WC and hand basin shown on the approved plans, or the use of moveable agricultural, storage or fruit-preparation equipment reasonably necessary for the approved apple storage barn use.

REASON: To ensure that the building is not capable of use as residential accommodation and to secure the agricultural nature of the development in accordance with Policies S1, S8, D1 and E4 of the approved Maldon District Local Development Plan.

No Additional Openings or External Alterations

5. No additional windows, doors, rooflights or other external openings shall be inserted into the building, and no external alterations shall be made to the building, other than those expressly approved by this permission, unless planning permission has first been granted by the Local Planning Authority. This shall not prevent like-for-like repairs or maintenance using matching materials and finishes.

REASON: To protect the agricultural appearance of the building and the rural character of the area in accordance with Policies S1, S8 and D1 of the approved Maldon District Local Development Plan.

Mechanical Plant

6. No mechanical ventilation, refrigeration plant, extract system, compressor or similar fixed plant associated with the approved use shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include the location, design, noise rating and any mitigation measures. The plant shall thereafter be installed and operated only in accordance with the approved details. The rating level of noise emitted from any fixed plant shall not exceed the

existing background sound level by more than 5dB at the nearest noise-sensitive receptor, when measured and assessed in accordance with BS 4142:2014+A1:2019, or any subsequent replacement standard.

REASON: To protect neighbouring amenity from operational noise in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan.

Deliveries, Collections and Loading

7. No deliveries to, or collections from, the site by commercial vehicles, and no loading or unloading associated with the approved use, shall take place outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank/Public Holidays.

REASON: To protect neighbouring occupiers from disturbance in accordance with Policy D1 of the approved Maldon District Local Development Plan.

External Lighting

8. No external lighting, including security or access lighting, shall be installed unless a lighting design strategy for biodiversity has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with Guidance Note 08/23 Bats and Artificial Lighting at Night (Institute of Lighting Professionals) and shall include details of the location, height, design, luminance, colour temperature, direction, cowling/shielding, hours of operation and any motion sensors or timers. The lighting shall thereafter be installed and operated only in accordance with the approved details.

REASON: To avoid light nuisance, protect rural character and safeguard foraging and commuting bats in accordance with Policies D1, D2 and N2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

9. INFORMATIVES

Public Right of Way

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of Public Rights of Way is considered to be a breach of this legislation. The public's rights and ease of passage over Restricted Byway no.17 (Mayland) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

10. APPLICATION PLANS

- 25.8171/M001 - Location Map
- 25.8171/M002 Rev A - Location Plan
- 25.8171/E101 Rev A - Existing/Proposed Site Plan
- 25.8171/E102 - Existing Plans & Elevations
- 25.8171/P201 - Proposed Plans & Elevations
- Planning Support Statement
- Drawing Register dated 04 June 2026