

01 September 2026



Princes Road
Maldon
Essex CM9 5DL

www.maldon.gov.uk



APOLOGIES: Committee Services
Email: 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 9 SEPTEMBER 2026** 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
VICE-CHAIRPERSON	Councillor L L Wiffen
COUNCILLORS	J C Hughes S J N Morgan C P Morley R H Siddall E L Stephens M E Thompson S White



AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 9 SEPTEMBER 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 12 August 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. **25/00421/FULM Rosedale, Lea Lane, Great Braxted, Witham, Essex, CM8 3ER**
(Pages 15 - 38)

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

6. **26/00157/FUL Caravan At Toad Hall, Station Road, Cold Norton** (Pages 39 - 60)

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

7. **26/00441/FUL Agricultural Barn at Loddarts Farm Lodge Road Woodham Mortimer** (Pages 61 - 80)

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

8. **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 - 7.
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

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

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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.

MALDON DISTRICT COUNCIL

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](#)
- [Planning and Compensation Act 1991](#)
- [Human Rights Act 1998](#)
- [Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [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 \(NPPF\)](#) New NPPF published 17 August 2026
- [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 \(RAMS\) 2026 SPD](#)

- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five-Year Housing Land Annual Supply Statement – February 2025](#)

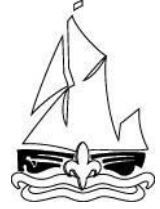
Local-scale

- [Heybridge Basin Village Design Statement – 2006](#)
- [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 2021](#)
- [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
12 AUGUST 2026**

PRESENT

Chairperson	Councillor M F L Durham
Councillors	S J N Morgan, C P Morley, E L Stephens and M E Thompson
Officers (Maldon District Council)	Ms Beighton, Development Management Team Leader Mr Bailey, Principal Planning Officer Ms Mumford, Planner

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

Apologies for absence were received from Councillors J C Hughes, R H Siddall, S White and L L Wiffen.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 15 July 2026 be approved and confirmed.

4. DISCLOSURE OF INTEREST

There were none.

5. **25/00972/FUL AGRICULTURAL BUILDING AT OAK NURSERY, HACKMANS LANE, PURLEIGH**

Application Number	25/00972/FUL
Location	Agricultural Building at Oak Nursery, Hackmans Lane, Purleigh
Proposal	Demolition of existing glasshouses and erection of new dwelling and associated parking area
Applicant	Mr Paul Coveley
Agent	Miss Madison Harding - Acorus Rural Property Services
Target Decision Date	19.08.2026
Case Officer	Charlie Mumford
Parish	Purleigh
Reason for Referral to the Committee / Council	Departure from the Local Plan

The Officer presented the report.

Following this the Agent, Henry Doble addressed the Committee

Councillor S J N Morgan then proposed that they approve the application in line with Officers recommendation. This was duly seconded. Upon a vote being taken this proposal was approved.

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 approved plans as stated on the Decision Notice.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/ plans hereby approved.
- 4 Prior to any works above ground level, full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.

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 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.

Hard Landscape works:

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

- 5 Prior to any works above ground level, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers should be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be retained and maintained as such thereafter.
- 6 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
 - Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree 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. The tree protection measures shall be carried out in accordance with the approved detail.

- 7 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, Bat Roost Assessment and BNG Feasibility v1 (Acorus, January 2026) 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.

- 8 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological

Appraisal, Bat Roost Assessment and BNG Feasibility v1 (Acorus, January 2026), 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.

- 9 Prior to occupation, a "lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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.

- 10 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
- 11 Prior to commencement of works, a Phase 1 Desk Study and Preliminary Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority, with further investigation and remediation where required.
- 12 Should contamination be encountered during works, development shall cease and a remediation scheme be agreed before recommencement.
- 13 Prior to demolition of the glasshouses identified for demolition, an asbestos survey shall be undertaken and any asbestos-containing materials safely removed in accordance with legislation.
- 14 No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:
 - The provision of parking for operatives and contractors;
 - The storage of plant and materials used in constructing the development;

- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 15 Works limited to 08:00-18:00 Mon-Fri; 08:00-13:00 Sat; no Sundays/Bank Holidays.
- 16 No development works above ground level shall occur until details of the foul 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.
- 17 No 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 45% 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)

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

- 18 Notwithstanding the provisions of Schedule 2, Part 1 Classes A and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

6. **25/00997/FUL LAND ADJ TO OAK CORNER COTTAGE, SOUTHEND ROAD, WOODHAM MORTIMER CM9 6TG**

Application Number	25/00997/FUL
Location	Land adj to Oak Corner Cottage, Southend Road, Woodham Mortimer CM9 6TG
Proposal	Erection of a new self-build dwelling and associated works
Applicant	Mr J Turner
Agent	Mr Stuart Miles – Vision Planning
Target Decision Date	14.08.2026 (EoT – committee determination required)
Case Officer	Jonathan Ashworth
Parish	Woodham Mortimer
Reason for Referral to the Committee / Council	Call-in request from Councillor M F L Durham

The Officer presented the report.

Following this the Applicant, Anabelle Brown addressed the Committee.

The Chairperson then opened the floor to Members.

Councillor M F L Durham showed support for the application stating that he did not think the harm was substantial enough to refuse the application.

Following this in response to questions the Officer provided the following information:

- In terms of the impact on the heritage asset Officers had taken the view that the impact of one dwelling was not significant enough to tilt the balance to approval even with a housing shortfall.
- Heritage assets were considered within separate policies of the National Planning Policy Framework which deal with the tilted balance.
- The proposal was for a single house outside of the settlement boundary.
- The Council assesses each application where there was an impact on heritage assets on its own merits. As each have their own unique relationship with the setting.
- The design of the dwelling was different from the heritage asset. It was always best not to create a replica of the heritage asset, so the heritage asset maintained its presence and appearance.

Following the debate, Councillor Durham proposed that the application be approved contrary to Officer recommendations. This was duly seconded. Upon a vote being taken this proposal was not approved.

Councillor S J N Morgan then proposed that the application be refused in line with the Officer recommendation. This was duly seconded. Upon a vote being taken this proposal was approved.

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

- 1 The proposed dwelling, by reason of its close proximity to Oak Corner Cottage, a Grade II listed building, would fail to preserve or enhance the setting of this property by eroding the spacious setting which defines the character of the property, causing harm to its setting and significance. The benefits of the

development would not outweigh the harm caused and so the proposal would be contrary to policies D1 and D3 of the Maldon LDP.

7. 26/00314/FUL 69 EAST STREET, TOLLESBURY

Application Number	26/00314/FUL
Location	69 East Street, Tollesbury
Proposal	Prior approval for change of use from Commercial, Business and Service (Use Class E) to single four bed house (use class C3).
Applicant	Coates
Agent	Studio EK Architects -EK Architects
Target Decision Date	13 August 2026
Case Officer	Elizabeth Beighton
Parish	Tollesbury
Reason for Referral to the Committee / Council	Director of Place, Planning and Growth Call In

An Addendum was published prior to the meeting detailing a few updates to the report. This included changes to the description of the application, the change highlighted that it should read a change to C2 not C3. Additional representations were received including a letter from a Member of Parliament. Also an Officers comment was included in the Addendum.

The Officer informed the Committee that there was an application in tandem to this one which was a change of use for the office building into a residential class C3 that was currently pending decision. They stated that if this application was approved the conversion of that building to a children's home would become permitted development and as such would not require planning permission.

The Officer then presented the report.

Following this the Agent, Richard Evans and an Objector Adam Dayman addressed the Committee.

A debate then ensued between Members on the merits of the application and whether they outweighed the potential harms.

At this point in the meeting Councillor M E Thompson proposed that the Committee approve the application in line with Officer recommendations. This was duly seconded. Upon a vote being taken this proposal was approved.

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

- 1 The change of use hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2 The use of the premises as a children's home (Class C2) hereby permitted shall cease when the property is no longer required for that purpose, and the property shall revert to its previous use as a single-family dwellinghouse (Class C3) within three months of cessation of the care home use.
- 3 The children's home hereby permitted shall be occupied by no more than three children at any one time.

- 4 Prior to its first use as a children's care home, a scheme to ensure that the internal noise levels would meet the guideline values' specified within BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' shall be submitted to and approved in writing by the Local Planning Authority.
- 5 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

There being no other items of business the Chairperson closed the meeting at 8.40 pm.

M F L DURHAM
CHAIRPERSON



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 SEPTEMBER 2026**

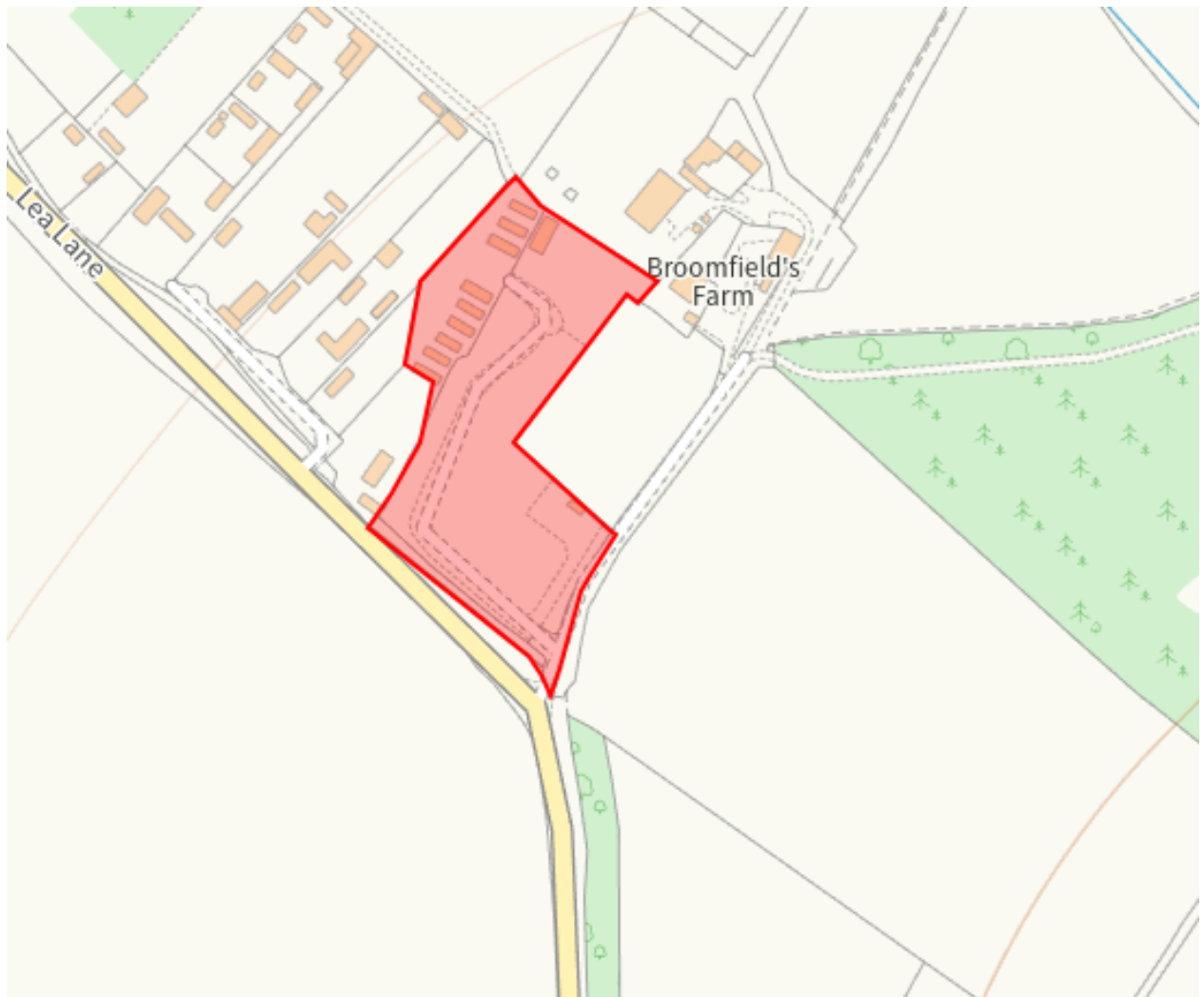
Application Number	25/00421/FULM
Location	Rosedale, Lea Lane, Great Braxted, Witham, Essex, CM8 3ER
Proposal	S73A (retrospective) application for a change of use to create 12 additional Gypsy Traveller pitches including erection of a shared day room, formation of hardstanding and erection of outbuildings and provision of storage container.
Applicant	Mr Dooley
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	16.09.2027
Case Officer	Kie Farrell
Parish	Great Braxted
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

APPROVE and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site has an area of 1.14 hectares and is located on the north-eastern side of Lea Lane in a rural area outside of the Great Braxted (and any other) settlement boundary.
- 3.1.2 To the north-east is Broomfields Farm and to the north-west the site adjoins an existing authorised Gypsy Traveller site, The Orchards, which in turn adjoins a further authorised Gypsy Traveller site, The Oaks.
- 3.1.3 Access to the site is via the existing access from a private lane off Lea Lane.
- 3.1.4 The nearest neighbouring residential dwelling is Broomfields Farm to the north-east. The property also includes agricultural and commercial buildings along with open grazing land.
- 3.1.5 The surrounding area is predominantly open countryside in agricultural use.
- 3.1.6 The application site is in Flood Zone 1 (lowest probability of flooding).
- 3.1.7 There are no foul sewer assets in the vicinity of the site. The existing pitches and neighbouring Gypsy Traveller pitches all have package treatment plants.
- 3.1.8 A public footpath Great Braxted 4 joins Lea Lane at the site entrance. The footpath runs alongside the private driveway to Broomfields Farm and then turns off to the east.
- 3.1.9 Planning permission (10/00900/FUL) was granted at appeal in January 2012 for: *Use of land for the stationing of caravan for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses.*
- 3.1.10 Compared to the 10/00900/FUL application site, the current application site has been enlarged to include an additional area of land in the north-west corner of the site, and this is where the proposed additional twelve caravan pitches are to be located.
- 3.1.11 Planning permission is sought for a change of use to create 12 additional Gypsy Traveller pitches including erection of a shared day room, formation of hardstanding and erection of outbuildings and provision of storage container.
- 3.1.12 This application was validated in May 2025 and, following a site visit by the original case officer, amended drawings and additional documents were provided by the applicant's agent in order to capture all of the elements of the proposed development. Therefore, for the avoidance of doubt, the final application documents that have been considered as part of this assessment are as follows:
- TMA 1045/01 Rev D – Site Block Plan
 - TMA 1045/02 Rev C – Site Block Plan
 - TMA 1045/03 Rev B – Plans and Elevations (Day Room)
 - TMA 1045/04 – Location Plan
 - TMA 1045/04 – Plans and Elevations (Kennels)
 - TMA 1045/10 – Plans and Elevations (Existing Building Used as Temporary Day Room)

- Planning, Design & Access Statement, TMA, April 2025
- Planning Statement – Statement of Personal Circumstances, TMA, July 2025
- Doctors Letter, 7 July 2025
- 10_356-004 – Floor Plan (Previously Approved Day Room)
- 10_356-005 – Elevations (Previously Approved Day Room)
- Flood Risk and Drainage Assessment, TMA, August 2025
- Drainage Strategy, D.J Barton Associates, June 2026 (Rev. 4 August 2026).

3.1.13 Change of Use - Planning permission is sought for a material change of use of the land in the north-west corner of the site where the proposed twelve additional caravan pitches are to be located. This land was formerly in agricultural use.

3.1.14 Caravan Pitches - The Site Block Plans 1045/01 Rev D and 1045/02 Rev C show the 12 proposed caravan pitches laid out in the north-west corner of the site, including a space alongside each pitch for parking a vehicle. All the caravans will meet the definition of a caravan under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) and will, therefore, be capable of being moved.

3.1.15 Proposed Day Room - Drawing 1045/03 Rev B shows the proposed Day Room building which is sited on land falling within the previous consent (10/00900/FUL). The building is single storey measuring 19.75m wide, 10.4m deep with a maximum height of 4.0m. The proposed floor plan shows accommodation comprising a dining/kitchen area a living area, classroom, prayer room, utility room, food storage area, bathroom and entrance area. The building will be constructed from red facing brickwork with a slate roof. A site visit was undertaken by the case officer on 5 August 2026 where it was observed that the building has been constructed but not fitted out internally.

3.1.16 Hardstanding - The proposed hardstanding comprises that laid to serve the proposed pitches and car parking areas. Hardstanding has also been created within the previously consented land which is used for dog kennels and hen coops and storage of waste bins; uses which are ancillary to the occupation of the land as a Gypsy Traveller site. The hardstanding also provides space for additional visitor parking.

3.1.17 Outbuildings - The proposal also includes a timber storage shed which accommodates a washing machine, sited immediately north of Pitch 4.

3.1.18 Storage Container - A storage container also forms part of the proposal. This is located close to the site entrance in the south-east corner of the site on the area of hardstanding which also houses the dog kennels and hen coops. The container measures 6m by 2.4m with a maximum height of 2.6m. This is used to store mowing equipment.

3.2 Conclusion

3.2.1 Having assessed the proposal against all material planning considerations, it is considered that the proposed development would be acceptable in principle, would not have an unacceptable impact on the character and appearance of the area, and would not have an adverse impact on the amenity of existing residents or the future occupants of the site. No objection is raised in relation the impact of the development on the highway safety. Furthermore, the development, subject to conditions, would be acceptable in terms of its impact on ecology and designated sites.

- 3.2.2 It is considered that the adverse effect of the proposal would not substantially outweigh the benefits and as such the proposal complies with the relevant Policies of the Approved LDP and the NPPF (2026) and it is recommended that planning permission is granted.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) August 2026:

- Chapter 3 - Decision-making policies
 - Paragraph 3 Determining applications
 - DM6 Use of planning conditions and obligations
- Chapter 4 – Achieving Sustainable development
 - S3 Presumption in favour of sustainable development
 - S5 Principle of development outside settlements
- Chapter 6 - Delivering a sufficient supply of homes
 - HO5 Meeting the needs of different groups
 - HO12 Traveller sites
- Chapter 12 - Making effective use of land
- Chapter 14 - Achieving well designed places
- Chapter 15 - Promoting sustainable transport
- Chapter 16 - Promoting healthy communities
- Chapter 19 - 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
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- H6 Provision for Travellers
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD

- The Ministry of Housing, Communities and Local Government's DCLG's Planning Policy for Travellers Site, December 2024
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy SPD (adopted August 2020) (RAMS)

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and through Government policy, at Chapter 1, paragraph 3 of the NPPF (August 2026).

NPPF (August 2026)

- 5.1.2 On 17 August 2026 the Government published an amended version of the NPPF. Annex A, paragraph 1 of that framework covers any transition arrangements for the new version and states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication."

- 5.1.3 Chapter 4, Policy S3 (Presumption in favour of sustainable development) states:

1. *Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
 - a. *Outside settlements, policy S5 should be applied; and*
 - b. *In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

- 5.1.4 Chapter 4, Policy S5 (Principle of development outside settlements) states:

1. *Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*
 - a. *Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation (footnote 26), provided it meets the criteria in policy HO12;*

- 5.1.5 Footnote 26 states: *Including (but not limited to) where the relevant local planning authority cannot demonstrate a five-year supply of deliverable sites as set out in policy HO3(1)(a) or (b).*

- 5.1.6 Chapter 6, Policy HO5 (Meeting the needs of different groups) states:

1. *The development plan should, at the most appropriate level, set out policies to address the housing needs of different groups (including, but not limited to, those assessed under policy HO1). This should include:*

- c. *Identifying sites which can provide specific types of accommodation where there is an identified need, including (but not limited to):*
- iv. *Sites suitable for gypsies and travellers and travelling showpeople, including sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Sites identified for travelling showpeople should have regard to their need for mixed-use yards with both residential accommodation and space for storage of equipment.*

5.1.7 Chapter 6, Policy HO12 (Traveller sites) states:

- 1. *Development proposals for traveller sites should be located so that they:*
 - a. *Provide a settled base while recognising the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability and may also mean that locations not well-related to existing settlements may be appropriate; and*
 - b. *Enable access to frequently used services, such as education, welfare and health services, including ensuring that children can attend school on a regular basis.*
- 2. *When considering proposals for traveller sites, including for the purposes of considering need under policies S5 and GB7, local planning authorities should take into account the existing level of local provision and need for additional sites and other personal circumstances which may be relevant. Applications from any traveller should be considered and not just those with local connections.*
- 3. *Where development proposals require the permanent or temporary relocation of an authorised traveller site, an alternative site should be identified and provided. Suitable alternative sites should take into account the views of existing residents as well as existing family or community groupings where possible.*

5.1.8 The application site falls outside of a defined settlement boundary and therefore NPPF Policy S5 applies.

5.1.9 The Council cannot currently demonstrate a five-year supply of traveller pitches. In such cases Policy S5 states that development which would address an evidenced unmet need for gypsy, traveller accommodation should be approved provided it meets the criteria in policy HO12 and unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

5.1.10 It is considered that the proposed development meets the criteria of Policy HO12 in that the site would provide a settled base in a location which also allows for access to frequently used services, including schools.

5.1.11 Consideration of the potential adverse effects resulting from the proposed development will be assessed in the following sections of this report followed by a weighting exercise at the conclusion.

Maldon District Local Development Plan (MDLDP)

- 5.1.12 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 as set out in the policy.
- 5.1.13 Alongside policy S1, policies S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure 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, Garden Suburbs and 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 when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.14 Whilst Policy S8 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)).
- 5.1.15 Policy H6 of the approved MDLDP sets out criteria for the assessment of proposals for travellers. Therefore, the development would be acceptable in principle subject to compliance with the criteria contained in policy H6.
- 5.1.16 Policy H6 states:
1. *There are a limited number of Traveller and Travelling Showpeople sites with planning permission in the District. The Council will protect existing lawful sites, plots and pitches for Gypsies, Travellers and Travelling Showpeople. Proposals that would lead to the loss of an existing Gypsy, Traveller or Showpeople site will only be permitted where it is demonstrated that there is no longer an identified need for the site, or that replacement provision on a site that is of equal or better quality is provided and subject to other policies in this Plan.*
 2. *“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:*
 - 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.”*
- 5.1.17 The proposal would result in the intensification / expansion of an existing lawful site to provide additional provision and therefore the proposed development is compliant with parts a) and b) of Policy H6 and therefore acceptable in principle subject

compliance with the seven criteria in Part 3 of Policy H6 and other relevant LDP policies.

5.1.18 Part 3 of Policy H6 states:

The Council will consider applications for planning permission against the other relevant policies in this Plan, and will require sites to be:

- a) appropriate in scale to the nearest settlement or dwelling(s) 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.*

5.1.19 Although the impact of the development on the character of the wider area is further assessed below, given that the proposal involves only up to 12 single storey caravans and a single storey day centre and taking into account the proposed pitches and day centre are located to the rear of the site, resulting in very limited visibility from the highway, it is not considered that the proposal would be inappropriate in scale to the nearest settlement and dwellings and would not dominate them. The proposal would result in an additional twelve households on the site, which would have a limited impact on existing infrastructure, services and facilities.

5.1.20 The application site is outside of any defined settlement boundary. The nearest bus stop is approximately 1 mile away to the south (Finch's, Kelvedon Road) and in this respect the site is not well served by public transport links. However, occupants of the site will have access by private vehicle to essential services in a number of nearby settlements as follows:

- Wickham Bishops, 1.7 miles, 5 mins by car
- Great Braxted, 2 miles, 5 mins by car
- Great Totham, 2 miles, 5 mins by car
- Witham, 3.8 miles, 10 minutes by car
- Maldon, 5.4 miles, 13 minutes by car.

5.1.21 It is clear therefore that the proposed development would have access to essential services and key facilities.

- 5.1.22 Given the lack of public transport links and the lifestyle of Gypsy Traveller communities it is likely that private vehicles would be used to access essential services in one of the nearby settlements listed above.
- 5.1.23 It should be noted that criterion b) states that access to essential services should 'preferably' be by public transport, walking or cycling but acknowledges that private vehicles may also be used which is likely to be the case here. It is considered that the proposal complies with criterion b).
- 5.1.24 The site is located within flood zone 1 and thus the proposal is acceptable in this respect.
- 5.1.25 The site can be accessed safely by vehicles from the public highway using the existing access and the proposal is therefore acceptable in this respect.
- 5.1.26 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 (in the form of the proposed day centre), play and residential amenity areas, access roads and temporary visitor areas and is therefore acceptable in this respect.
- 5.1.27 Whilst position, design and landscaping are further assessed in detail below in the relevant section of the report, the development would be located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents.
- 5.1.28 Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.
- 5.1.29 In light of all the above, it is considered that the development has been assessed against all relevant national and local plan policies and criteria, and it has been demonstrated that the development would comply with Policies S5 and H12 of the NPPF (2026) and Policies S8 and H6 of the Local Plan. Therefore, it is considered that the principle of the use of the site as a Gypsy/Traveller site and the erection of associated development to support the proposed use of the site are acceptable in principle.
- 5.1.30 Other material consideration relating to the impact of the development on the character of the development on the countryside, the living conditions of the future and neighbouring occupiers and highways issues are assessed below.

5.2 Housing Need and Supply

- 5.2.1 Planning Policy for Traveller Sites (PPTS) (December 2024) sets out how travellers housing needs should be assessed for those covered by the definition in Annex 1 of that document.
- 5.2.2 Policy HO3 of the NPPF (2026) states that Local plans should identify a sufficient supply and mix of sites to meet or exceed the housing requirement figure and pitch and plot requirements for their areas over the plan period, drawing on the land availability assessment in accordance with policy PM9. This should include:
- b. In relation to traveller sites:*
 - i. A supply of specific deliverable sites for five years following the intended date of adoption of the plan (as set out in Annex D); and*

- ii. *A supply of specific, developable sites or broad locations for growth for the subsequent years 6 to 10 and, where possible, for the remaining plan period, where the plan covers more than 10 years.*
- c. *A trajectory showing the expected rate of housing and pitch and plot delivery over the plan period and, where appropriate, the anticipated rate of development for specific sites.*
- 2. *Where an allowance is to be made for windfall sites as part of the identified supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the land availability assessment, historic windfall delivery rates and expected future trends.*

5.2.3 The Maldon District Gypsy and Traveller Accommodation Assessment (GTAA) was published in September 2024 and it identified that there is a need for 55 pitches for households that meet the PPTS definition over the period 2022-2043, including 34 pitches within the period 2022-2026.

5.2.4 The Council acknowledges that it is currently unable to demonstrate a 5-year supply of Gypsy Traveller pitches and therefore Policy S5 of the NPPF is engaged.

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. The NPPF (August 2026) states that:

“Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.” (NPPF 2026, Chapter 14, Policy DP3, Paragraph 1)

“Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.” (NPPF 2026, Chapter 14, Policy DP3, Paragraph 3)

5.3.3 Similar principles are set out in the approved LDP. 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 in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;

- c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high-quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.3.5 The application site lies outside of any defined settlement 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.
- 5.3.6 The layout of the site is appropriate for its occupation by Gypsy Travellers. The caravans are proposed towards the rear of the site where they will not be visible from the road as a result of being behind both the established hedgerows and the pitches at The Orchards.
- 5.3.7 A single storey building is proposed to provide a day room to be shared by all residents. Day Rooms are a part of the traditional Gypsy Traveller way of life where cooking and clothes washing can be carried out away from the caravan whilst also providing for additional living space.
- 5.3.8 On some Gypsy Traveller sites individual day rooms are created, and these vary in scale but are usually single storey. A typical day room building for a single Gypsy Traveller pitch might provide around 50sqm of floor area. Day Rooms can, however, be larger or smaller.
- 5.3.9 On the adjacent site at 2A The Orchards a day room of 120 sqm was recently approved (23/00193/FUL) to serve the site which already has approval for occupation by two families. This day room could be considered to provide 60sqm of space for each caravan/pitch.
- 5.3.10 The day room proposed by this application provides 205 sqm of floor area. However, this day room will serve 13 pitches. The building has a large, shared living, dining kitchen area where all the families can come together to socialize. There are also rooms for prayer and a classroom for those children who are home schooled. A large utility room to house shared washing machines is included together with bathrooms and food storage and freezer space.
- 5.3.11 In the context of the day room approved at the neighbouring site 2A The Orchards, the proposed day room of 205 sq metres is considered to be of an appropriate scale to serve the proposed development and 13 pitches in total.
- 5.3.12 Given the single storey nature of the proposed day room along with its siting, existing landscaping screening to the front of the site and use of high-quality materials it is considered that the proposed day room would respect the character and appearance of the site and surrounding area and would not materially harm the intrinsic character and beauty of the countryside.
- 5.3.13 Similarly, the other elements of the development comprising the pitches, hardstanding, outbuildings and storage container are all considered to be of a scale and siting that would respect the character and appearance of the site and

surrounding area and would not harm the intrinsic character and beauty of the countryside.

- 5.3.14 Overall, it is considered that the proposed development would have an acceptable visual impact on the site and surrounding area and would not result in harm that would justify refusal of the application on these grounds.

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 Maldon District Design Guide (2017).

- 5.4.2 Chapter 6, Policy HO5 (Meeting the needs of different groups) states:

1. *The development plan should, at the most appropriate level, set out policies to address the housing needs of different groups (including, but not limited to, those assessed under policy HO1). This should include:*
- c. *Identifying sites which can provide specific types of accommodation where there is an identified need, including (but not limited to):*
- iv. *Sites suitable for gypsies and travellers and travelling showpeople, including sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Sites identified for travelling showpeople should have regard to their need for mixed-use yards with both residential accommodation and space for storage of equipment.*

- 5.4.3 The nearest neighbouring residential dwelling is Broomfields Farm to the north-east. The dwelling is located approximately 25m from the proposed single storey day centre building and approximately 60m from the closest proposed pitch (Pitch 1). Given the single storey nature of the proposed development, it is not expected that it would result in a detrimental impact on the amenities of this neighbouring dwelling.

- 5.4.4 Immediately to the to the north-west the site adjoins an existing authorised Gypsy Traveller site, The Orchards. Again, given the single storey nature of the caravans that will be sited on the proposed pitches it is considered that the development would not have a harmful impact on the residential amenity of the occupiers of this neighbouring site.

- 5.4.5 For these reasons and subject to appropriate conditions, it is considered that the impact of the proposed development would not be such that the application should be refused on the grounds of an adverse impact on neighbouring residents.

5.5 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.5.1 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. In addition, the adopted MDDG which was adopted to support its policies in assessing applications for residential schemes 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 25 m² for flats.

- 5.5.2 The application site includes a large area laid to grass in front of the proposed day centre building which is sufficient to serve as private amenity space for the residential occupiers of the proposed twelve pitches. Therefore, no objection is raised in relation to outdoor amenity space for the future occupiers.
- 5.5.3 The proposed pitches are set back well into the site, over 30m from Lea Lane. Given this separation distance and the nature of the road it is considered that the proposed development would not be harmfully impacted by noise disturbance from the highway. The neighbouring site to the north of the proposed pitches is an existing residential Gypsy Traveller site and is therefore unlikely to be a source of noise disturbance.
- 5.5.4 The Environmental Health Officer has been consulted on the application proposal and has no objection and has not suggested any conditions.
- 5.5.5 In light of the above, it is considered that the proposed development would provide suitable living conditions for future occupiers

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 The site would utilise the existing access via a private lane off Lea Lane which has been in lawful use since 2012. Essex County Council (ECC) Highways have raised no objection to the proposal.
- 5.6.3 The submitted Site Block Plans show a vehicle parking space alongside each of the 12 pitches and there is space for additional off street vehicle parking on the hardstanding areas. The proposed vehicle parking provision is considered to be sufficient to serve the proposed development.
- 5.6.4 It is considered that the proposal would not result in any demonstrable harm in terms of highway safety and therefore accords with Policy T2 of the Local Plan.

5.7 Ecology, Biodiversity Net Gain (BNG), Trees and Landscaping

- 5.7.1 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.
- 5.7.2 ECC Place Services Ecology has reviewed the application proposal and is satisfied that there is sufficient ecological information available to support determination of the application. As no biodiversity enhancements have been proposed Place Services have recommended that a biodiversity enhancement strategy condition is attached in the event of an approval.
- 5.7.3 As this is a retrospective application mandatory Biodiversity Net Gains do not apply.

- 5.7.4 The Council's Arboricultural Consultant has reviewed the application proposal and has commented as follows:

Despite the lack of supporting arboricultural information, it is clear that the proposals will not have a negative impact upon existing trees. I have no objection to the proposals.

- 5.7.5 There is no objection to the proposal in terms of impact on legally protected species, BNG, Trees or Landscaping subject to the suggested biodiversity enhancement strategy and landscaping conditions being attached to any planning permission issued.

5.8 Impact on Designated Sites

- 5.8.1 The application site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 To accord with Natural England's requirements and standard advice a RAMS Habitat Regulation Assessment (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 (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to 12 pitches.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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

- 5.8.3 As the answer is no, it is advised that 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 above European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.8.4 The Essex Coast RAMS (updated April 2026) has been approved (July 2026). Table 4 (relevant types of development) confirms that Gypsy and Traveller Pitches are a relevant type of development that will have a likely significant effect and therefore mitigation is required in the form of a contribution per new net temporary or permanent pitch.

5.8.5 Mitigation contributions for Gypsy and Traveller Pitches are calculated at the equivalent to per dwelling rate. The flat rate at the time the application was submitted in April 2025 was £169.45 and thus, the developer contribution should be calculated at this figure.

5.8.6 The full contribution for the twelve pitches is therefore £2,033.40 (£169.45 x 12). Subject to mitigation payment being secured by legal agreement, the proposal is acceptable in this respect.

5.9 Flood Risk and Drainage

5.9.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk.

5.9.2 The application site is in Flood Zone 1 (lowest probability of flooding).

5.9.3 The Council's Environmental Health Officer advises that there is no foul sewer close to the site, so the proposed (existing) package treatment works are the most suitable drainage option. The package treatment plant should meet the environment agency's general binding rules for small sewage discharges. If it cannot, then the system should be upgraded to meet the rules or an environmental permit from the environment agency may be required.

5.9.4 Foul water is dealt with by a shared septic tank system (package treatment works).

5.9.5 A Flood Risk and Drainage Assessment, TMA, August 2025 and a Drainage Strategy, D.J Barton Associates, June 2026 (Rev. 4 August 2026) have been submitted with the application.

5.9.6 ECC Sustainable Drainage Systems (SuDS) Team has been consulted and currently maintains a holding objection to the proposal, having requested further information in relation to surface water drainage.

5.10 Unauthorised development / Retrospective planning application

5.10.1 Policy DM8 2. of the NPPF (2026) states:

In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.

5.10.2 Whilst the proposed is currently unauthorised and this application for planning permission is retrospective it is noted that an application for six additional pitches was submitted in November 2021 although for various reasons was never validated before being closed in February 2025 just prior to the submission of the current application. It is therefore noted that attempts have been made to regularise the development and the unauthorised development was not intentional to the degree that it would be reasonable to consider refusing planning permission on this basis.

5.10.3 Furthermore, the proposed development would assist in complying with the NPPF requirement to meet the needs of different groups, specifically gypsy and travellers for which there is currently an unmet need.

5.11 Equality Act 2010

5.11.1 With reference to the Equality Act 2010, the Public Sector Equalities Duty comes in three parts: first, the decision must have due regard to the need to eliminate discrimination and harassment of Gypsies, Travellers and Roma people; secondly, the decision maker must also have due regard to their need to advance equality of opportunity for Gypsies, Travellers and Roma people; and thirdly, there is a duty to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This latter aspect may involve treating some persons more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equalities Act. Information regarding the intended occupiers have been submitted with the application and are discussed above. Therefore, it is not considered that there is conflict in this report with the duty under section 149 to eliminate discrimination and advance equality of opportunity for persons with a protected characteristic or the European Convention on Human Rights, as incorporated into the Human Rights Act 1998.

5.12 Planning Balance

- 5.12.1 Policy S5 of the NPPF 2026 states that development outside of settlement boundaries which would address an evidenced unmet need for gypsy traveller accommodation should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.
- 5.12.2 The benefits of the proposed development would be the provision of 12 Gypsy Traveller pitches on a site which already lawfully accommodates one pitch, contributing to the Council's land supply for Gypsy Traveller pitches.
- 5.12.3 Whilst it is acknowledged that the development is currently unauthorised and this application for planning permission is retrospective, this in itself is not considered to be an adverse effect or a reason for refusal given that the application has now been assessed and found to be acceptable when assessed against relevant national and local plan policies.
- 5.12.4 Overall, it is considered that the benefits of the proposed development would not be outweighed by adverse effects and therefore planning permission should be granted.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
10/00900/FUL	Use of land for the stationing of caravan for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses.	Refused 10.01.2011. Allowed at Appeal 16.01.2012.
13/00181/FUL	A material amendment to FUL/MAL/10/00900 relating to a revised position of the access hard standing.	Refused 06.06.2013
13/00789/FUL	Enlarged utility day room to previous application allowed on appeal (FUL/MAL/10/00900).	Refused 10.10.2013
14/05059/DET	Compliance with Conditions Notification: Condition 6 - Samples of the materials (Use of	Condition cleared 09.06.2014

Application Number	Description	Decision
10/00900/FUL	Use of land for the stationing of caravan for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses.	Refused 10.01.2011. Allowed at Appeal 16.01.2012.
13/00181/FUL	A material amendment to FUL/MAL/10/00900 relating to a revised position of the access hard standing.	Refused 06.06.2013
13/00789/FUL	Enlarged utility day room to previous application allowed on appeal (FUL/MAL/10/00900).	Refused 10.10.2013
	land for the stationing of caravan for residential purposes for 1no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses - 10/00900/FUL)	
21/01195/FUL	6 No. additional traveler static caravan plots and area of hardstanding.	Application closed 24.02.2025

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	Objection for the following reasons: 1. Unsustainable location 2. Overdevelopment 3. Highway safety 4. Impact on Heritage assets 5. Visual Impact 6. Lack of supporting Infrastructure 7. Lack of play area 8. Conflict with nearby gravel extraction 9. Unauthorised development 10. Lack of community engagement 11. Drainage/Flooding concerns 12. Human rights of local settled community.	Noted
Little Braxted Parish Council	Objection for the following reasons: 1. Scale and dominance 2. Conflict with Local Plan policies H4 and H6 3. Unsustainable location, highway safety 4. Site size, pitch capacity	Noted

Name of Parish / Town Council	Comment	Officer Response
	5. Lack of safe play area 6. Commercial storage on site 7. Retrospective, unauthorized development 8. Human rights of local settled community. 9. 5-year supply for traveller sites	
Wickham Bishops Parish Council	Whilst not in our parish, we believe the proposals could have an impact on Wickham Bishops. We therefore recommend REFUSAL due to over-development of the site.	Noted

7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection. The information submitted in association with the application has been fully considered by the Highway Authority. The retrospective proposal is accessed via a private lane and will not alter the existing access arrangements to the local highway network. Therefore: From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance, Policy T2 of the approved Maldon District Local Development Plan, and the NPPF.	Noted
Ecology Places Services	No objection subject to condition.	Noted
SuDS	Holding objection (further information request on surface water drainage)	This is currently being addressed by the applicant and likely to be resolved by committee. Relevant Condition has been added to the recommendation.
Arboricultural Consultant	Following a review of the submitted information along with aerial imagery (if applicable) this office has the following arboricultural comments to make: Despite the	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	lack of supporting arboricultural information, it is clear that the proposals will not have a negative impact upon existing trees. I have no objection to the proposals.	
Education Department	No response received.	Noted
NHS Property	No response received.	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection. There is no foul sewer close to the site, so the proposed (existing) package treatment works are the most suitable drainage option. The package treatment plant should meet the environment agency's general binding rules for small sewage discharges. If it cannot, then the system should be upgraded to meet the rules or an environmental permit from the environment agency may be required.	Noted

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of two site notices posted on 4 June 2025 (with expiry date for comments set at 25 June 2025). The site notices were affixed to a tree and a post at in prominent positions to the front of the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 29 May 2025 (with expiry date for comments set at 19 June 2025).
- 7.4.3 The application was re-advertised by way of a site notice (Amended Plans / Documents received) posted on 5 August 2026 (with expiry date for comments set at 19 August 2026). The site notice was affixed to a telegraph pole on Lea Lane to the front of the site.

7.5 Representations received from Interested Parties (summarised)

- 7.5.1 Three objections to the application have been received. The issues raised can be summarised as follows:

Objection Comment	Officer Response
Impact on Local Infrastructure	The concerns raised are addressed within the main body of the report.
Traffic and Highway Safety	
Environmental Concerns	

Objection Comment	Officer Response
Impact on Residential Amenity	
Unsustainable location	
Conflict with existing settled community	
Site overdevelopment	
Lack of safe play area	
Unauthorised retrospective development	
Human rights and community balance	

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- RAMS Mitigation contribution £2,033.40 (£169.45 x 12)

PROPOSED CONDITIONS:

1. The development hereby permitted shall be carried out in complete accordance with the approved plans as set out on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved and with Policy D1 of the Maldon District Local Development Plan and the NPPF.
2. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
REASON Given the nature of the proposal the permission should be limited to occupation by Gypsies and Travellers as defined post *Smith 2022* within Annex 1 of Planning Policy for Traveller Sites (PPTS), December 2024.
3. The twelve pitches and twelve vehicle parking spaces shall be laid out and retained in accordance with Site Block Plans TMA/1045/1 Rev D and TMA/1045/2 Rev C.
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the Maldon District Local Development Plan and the NPPF.
4. No more than twelve caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended shall be stationed on the land 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 Maldon District Local Development Plan and the NPPF.
5. The caravans referred to within condition 4 above shall be sited on the pitches shown on the Site Block Plans TMA/1045/1 Rev D and TMA/1045/2 Rev C. Any material change to their 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 and the NPPF

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the Maldon District Local Development Plan and the NPPF.
7. 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 Maldon District Local Development Plan and the NPPF.
8. Within 3 months of the date of this decision details of the external lighting scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation and shall be retained as approved.
REASON To protect the character and appearance of the countryside and the amenity of local residents, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
9. Should the use hereby permitted cease, within three months of such cessation all caravans, hard-standings, structures, buildings, materials and equipment brought on to or erected upon the land in connection with the use shall be removed in their entirety and the land restored to its former condition.
REASON To protect the character and appearance of the countryside and the amenity of local residents, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
10. Within 3 months of the date of this decision details of the foul drainage scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation and shall be retained as approved thereafter.
REASON To ensure that appropriate foul water drainage is available on site in accordance with Policy D2 of the Maldon District Local Development Plan and the NPPF.
11. Within 3 months of the date of this decision details of the surface water drainage scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation.

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).

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 it will be necessary to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure that appropriate surface water drainage is provided, in accordance with Policy D5 of the Maldon District Local Development Plan and the NPPF.

12. Within 3 months of the date of this decision details of landscaping scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land; details of any to be retained, together with measures for their protection in the course of development; and a timetable for the implementation of the scheme. The approved scheme shall be retained and maintained as approved.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved timetable; any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

14. Within 3 months of the date of this decision a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified, 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, Priority and threatened species and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (as amended).

15. Within 3 months of the date of this decision a scheme providing details of the design and location or refuse and storage facilities to serve the development shall be submitted for the written approval of the Local Planning Authority.

The scheme shall include a timetable for its implementation. The development shall be carried out in accordance with the approved details and retained thereafter.

REASON To protect the character and appearance of the countryside and the amenity of local residents, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.

INFORMATIVES:

1. 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 PRow is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 4 (Great Braxted) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
2. 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.



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 SEPTEMBER 2026**

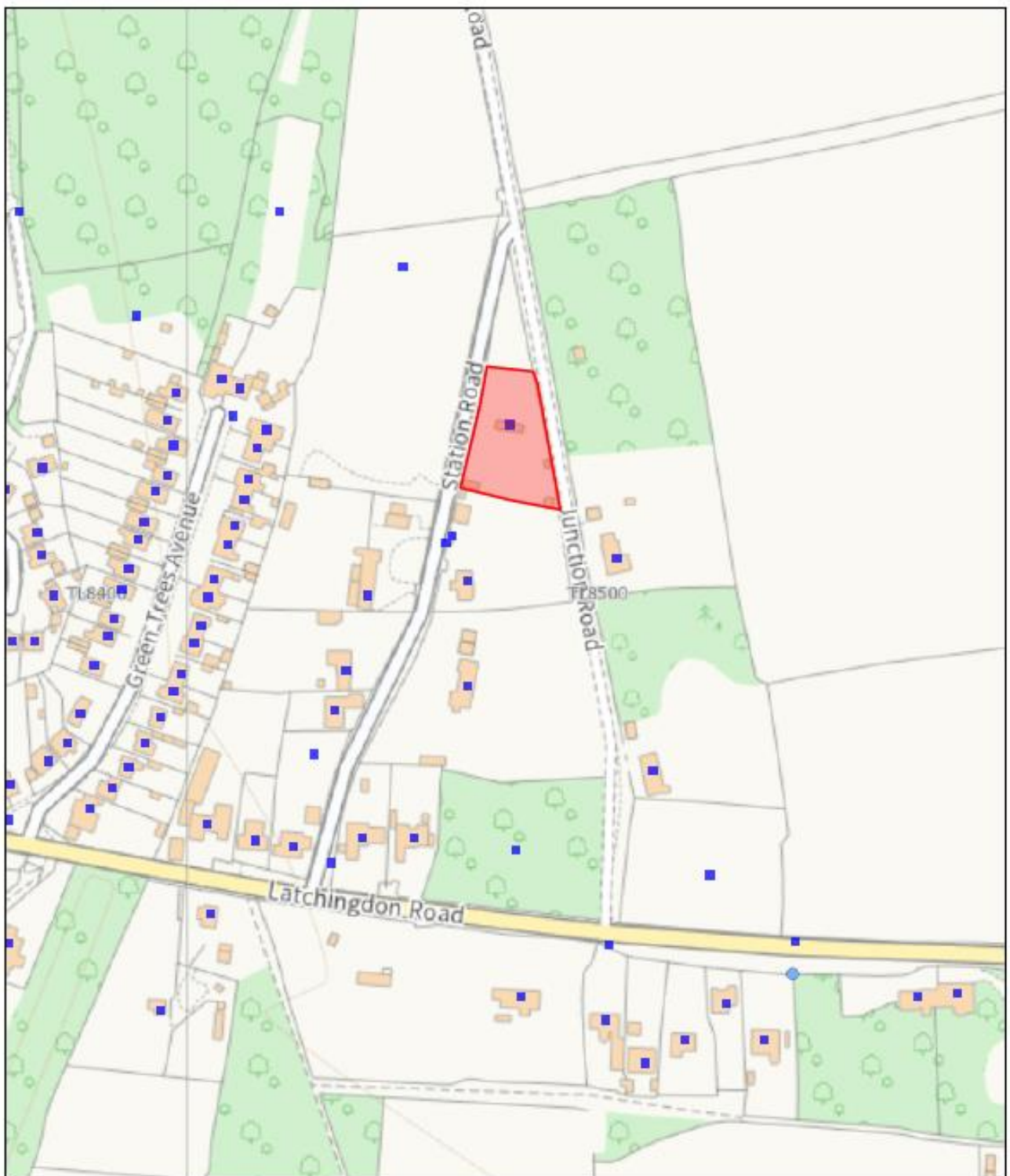
Application Number	26/00157/FUL
Location	Caravan At Toad Hall, Station Road, Cold Norton
Proposal	Subdivision of land into two plots; northern plot for re-siting of caravan (Class C1 use) and the creation of a new vehicular access onto Station Road, southern plot for erection of a new dwelling (Class C3 use) with associated parking and landscaping.
Applicant	Miss Rebekah Prince
Agent	Mr Alan Green - A9 Architecture
Target Decision Date	16.09.2027
Case Officer	Charlie Mumford
Parish	Cold Norton
Reason for Referral to the Committee / Council	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.



6/23/2026, 9:55:27 AM

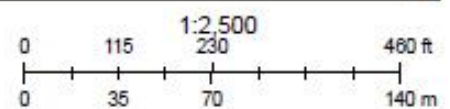
DC Case Points

● F

■ GMS BLPD Points

▤ Ward Polygon

□ OS Grid Tiles 1km



Uniform

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is an area of 2828 sqm, located on the eastern side of Station Road, approximately 86 metres from the settlement boundary of Cold Norton which lies due west.
- 3.1.2 The site comprises of a large expanse of land. On the southern end of the land (within the blue outline of the submitted plans) lies the residential dwelling of Toad Hall; a white weatherboarded, detached chalet bungalow accessed by a gated entrance. The portion of the land to the north of the dwelling (within the red outline of the submitted plans) would form the land subject of this application and currently houses a caravan and a number of outbuildings accessed by a further gated entrance. The wider site is screened by a variety of hedges and trees, and a dwarf wall links the two accesses with further hedging.
- 3.1.3 Station Road is a single-track road with a number of houses, all varying in design and size, but all detached with moderate parcels of land attributed to them. Further to the north and east of the site and Station Road is a mixture of open countryside and woodland.
- 3.1.4 Planning permission is sought for the subdivision of land outlined in red on the submitted plans, into two plots; the northern plot for re-siting of the caravan (Class C1 use) and the creation of a new vehicular access onto Station Road, southern plot for erection of a new dwelling (Class C3 use) with associated parking and landscaping. The proposed new dwelling would be a two-storey detached house. The land surrounding Toad Hall would remain unchanged and is not a part of the application as delineated in the accompanying plans.
- 3.1.5 The proposed new dwelling has been submitted as a self-build development and therefore is exempt from Biodiversity Net Gain (BNG).
- 3.1.6 The existing caravan and land attributed to it, is currently in use as an Air BnB (Bed and Breakfast) as of permissions approved under application 24/00540/FUL approved 3 October 2024.
- 3.1.7 The proposed dwelling would measure 12 metres in width and 13.2 metres in depth. The eaves height would measure 5.2 metres, and the ridge height would measure 8.1 metres at its highest point. The dwelling has a dual-pitched roof with two gable ends to both the principal elevation and rear elevation. There would be a balcony to the first-floor rear elevation from the master bedroom combined with floor to ceiling glazed windows. The house would be of a Mock Tudor style, particularly to the front and materials would be Sandtoft interlocking clay roof tiles, multicolour red facing brickwork, champagne colour render, anthracite Mock Tudor boards, anthracite uPVC windows and doors, permeable block paving and close board boundary fencing panels.
- 3.1.8 The site would sit back from the highway by 13.6 metres and hardstanding is proposed to the front that would allow for the parking of six vehicles in total. A further access would be created for the proposed dwelling.
- 3.1.9 The caravan would be moved to the northern part of the site and would not change in dimensions but would continue its use as C1. The relocation would include the construction of another access and two parking spaces with hardstanding.

3.2 Conclusion

- 3.2.1 Having taken all material planning consideration into account, it is considered that the proposed detached single-storey, three-bedroom dwelling with associated parking, by reason of its location, design, size and materials would not harm the appearance or character of the locality and due to its relationship with the adjoining properties, would not result in any undue harm by way of overlooking or loss of amenity. In addition, the proposed development does not detrimentally impact on the provision of car parking provision, there are no concerns with regards to ecology or BNG and there are no concerns with regards to highway impacts.
- 3.2.2 Furthermore, the re-siting of the caravan and subsequent change of use of the northern plot from C3 residential use to C1 (Air BnB) would not harm the appearance or character of the locality and due to its relationship with the adjoining properties, would not result in any undue harm by way of overlooking or loss of amenity. In addition, the proposed development does not detrimentally impact on the provision of car parking provision, there are no concerns with regards to ecology or BNG and there are no concerns with regards to highway impacts.
- 3.2.3 It is therefore considered that the proposed development is in accordance with the relevant policies contained within the 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 (2026) including chapters and policies:

- Chapter 3 Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S5 Principle of development outside settlements
 - S6 Neighbourhood plans and the presumption
- Chapter 7 Building a strong, effective economy
 - E4 Rural Business Development
- Chapter 12 Making effective use of land
 - L2 Making effective use of land
- Chapter 14 Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 Promoting sustainable transport
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
- Chapter 17 Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution

- Chapter 19 Conserving and enhancing the natural environment
 - N2 Improving 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
- H2 Housing Mix
- H4 Effective Use of Land
- 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 Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD
- Planning Practice Guidance (PPG)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy SPD (adopted August 2020) (RAMS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its approved Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70 (2) of the Town and Country Planning Act 1990 (TCPA 1990)).
- 5.1.2 Policies S1 and S8 of the LDP seek to direct new residential developments within established settlements and preserve the appearance and character of the countryside. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted, on balance with other material considerations, where the intrinsic character of the countryside is not adversely impacted upon.

Five-Year Housing Land Supply (5YHLS)

- 5.1.3 On 17 August 2026 the Government published an amended version of the National Planning Policy Framework. Annex A, paragraph 1 of that framework covers any transition arrangements for the new version and states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

- 5.1.4 Annex D, paragraph 8 of the Framework states that, *“Local planning authorities should identify and update annually a supply of specific deliverable sites. This should be sufficient to provide a minimum of five years’ worth of housing, assessed against their housing requirement in the development plan, or against their local housing need (calculated using the standard method) where the development plan housing requirement is more than five years old.”*
- 5.1.5 Paragraph 9 of Annex D states that, *“The supply of specific deliverable sites should include a buffer (moved forward from later in the plan period) of:*
- a. *5% to ensure choice and competition in the market for land; or*
 - b. *20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or*
 - c. *For the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a version of the Framework published prior to December 2024, and whose annual average housing requirement is 80% or less of the most up-to-date local housing need figure calculated using the standard method set out above.”*
- 5.1.6 Maldon District Council (MDC) had prepared and published a 5-Year Housing Land Availability Report on 28 May 2024 which set out the District had a 6.35 year supply of housing. The amended version of the NPPF makes it clear that the changes within it first took effect on 12 December 2024 with no transitional period. This means that the Council must have regard to its content from that date alongside the revised National Standard Method for calculating the district’s Housing Target set out in National Planning Policy Guidance. This alters the yearly housing target for the district from 276 to 569 homes per year. The Council must also put a 5% buffer to the 5YHLS. The overall effect of these changes means that the 5-year supply for Maldon District now stands at 3.97 years as of 6 July 2026 following an appeal decision.
- 5.1.7 For developments located outside of the settlement boundary, Policy S5 of the NPPF applies and states that, *“Only certain forms of development should be approved outside of settlements, as set out...These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in this Framework...”*
- 5.1.8 An assessment of the development and policy S5 of the NPPF demonstrates points (b) and (j) as relevant.
- “b. *Development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;”* (relates to the re-siting of the existing Air BnB caravan)
 - “j. *Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test²⁷), and where the development would:*
 - i). *Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;”*

- 5.1.9 In summary, if the proposed development lies outside of the settlement boundary, and the Council cannot demonstrate a 5YHLS, the presumption in favour of sustainable development as per policy S3 and S5 of the NPPF demonstrates that proposals should be approved unless the benefits of doing so would be substantially outweighed by adverse effects.

Locational Sustainability

- 5.1.10 The proposed single dwelling is to be sited outside of the settlement boundary of Cold Norton, approximately 86 metres to the east of the settlement. The Maldon District Rural Facilities Survey and Settlement Pattern (2023) considers Cold Norton a Medium Village with the following services and connections: school, shop, petrol station, nursery, shoppers bus service, 15 mins from a town, village hall, outdoor sports, 15 mins from a railway station and allotments. Although these details were established in 2023, they are still current for services within the settlement and provide some employment opportunities. There are also a variety of daily buses to various larger settlements and towns in and out of the district enabling further access to employment opportunities and services outside of the settlement.
- 5.1.11 Furthermore, the government's connectivity tool, demonstrates that although the location scores 25 out of 100 in terms of connectivity, this is largely consistent across the entirety of Cold Norton. As per the government guidance on interpreting connectivity scoring, scores should be taken in context of the transport mode, the destination and the rural-urban classification of the location. A rural village like Cold Norton in terms of walking, interprets 25 as between the median and 60th percentile in its score and interprets public transport as around the 40th percentile for scoring. Given the bus stops nearby and the facilities available within Cold Norton, the connectivity tool demonstrates Cold Norton and the location of the application site as sustainable.
- 5.1.12 To add clarity and context to the above, Station Road is an established residential road and filters out onto Latchingdon Road, where a narrow pavement leads to the centre of Cold Norton. It is a seven minute walk to the nearest bus stop, a nine-minute walk to Cold Norton Primary School, a nine minute walk to the nearest shop and a 12-minute walk to the village hall. Provision of these services, and within a short walking distance, evidence the locational sustainability of Cold Norton and the application site. Furthermore, provision for C1 use (Air BnB) on this site was approved under application 24/00540/FUL in 2024, which would in practice, require access to similar local facilities. Therefore, having regard to the above and the recent acceptability of development within the area, the principle of providing one new residential dwelling in this locale is considered acceptable.

Sustainable Development

- 5.1.13 Given the implementation of the new NPPF on 17 August 2026, the presumption in favour of sustainable development in terms of S5 (development outside settlements) and that the Council can no longer demonstrate a 5YHLS, Policy S5, point J (i) is engaged as is point b of S5, with regard to the movement and retention of the caravan.
- 5.1.14 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the Framework. 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 Framework. These

are the economic, social and environmental roles. A detailed assessment of the scheme against the three roles is set out within section 5.9.

Housing Mix

- 5.1.15 The proposal would provide one, new three-bedroom dwelling. Policy H2 (Housing Mix) requires the dwelling mix for new residential developments to be provided in accordance with the latest housing needs and demands for the District. The pre-amble to policy H2 identifies that there is a good existing supply of larger (3+ bedroom) dwellings with a need for a higher proportion of smaller units (one- or two-bedroom) in the District. The more up to date housing mix requirement is set out in the Maldon District Local Housing Needs Assessment (LHNA), published in September 2025. This, like the pre-amble to policy H2, identifies the need for one-, two- and three- bedroom units. In more detail, the need is for two- and three-bedroom market units. Therefore, this would be in keeping with the LHNA.
- 5.1.16 Regarding the relocation of the caravan and change of use of the northern plot to Class C1 use (Air BnB) from Class C3 (residential), given the existing caravan use was established in 2024, the principle of the relocation approximately 30 metres north and the change of use, is already established within this locale and therefore considered acceptable. This is further established by Policy E5 of the LDP whereby the Council supports local tourism where it can be demonstrated that there are good connections and no adverse impact on the natural and historic environment, of which there are none. Furthermore, policy S5 of the NPPF allows for the development of rural businesses and services outside of settlements.

Conclusion

- 5.1.17 Given the above, the principle for this development (new dwelling and relocation of caravan) would be considered established and acceptable.

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 as is the effective use of land and its importance is reflected in the NPPF, policy D1 and H4 of the approved LDP and the MDDG.
- 5.2.3 The proposed, detached, two-storey, three-bedroom dwelling would be vaguely in keeping with the overall character of the area, given that Station Road has no distinct or set design in terms of housing style or features. However, its size and massing would reflect that of its neighbours and the detached design within a large plot of land with a gated entrance and hardstanding to the front would also be similar to the other dwellings in the location and would therefore be considered acceptable.
- 5.2.4 The choice of a mock Tudor façade is not prevalent in the area; however, it provides some character to what would otherwise be a plain principal elevation. Furthermore, the proposed glazing above the front entrance would fit seamlessly with the faux timbers. Overall, the design has a semi-rural character in keeping with the semi-rural nature of Cold Norton.

- 5.2.5 The re-siting of the caravan would be of no further harm to the character of the area than that of which it is currently as no external changes are expected to the caravan. The proposed hardstanding would have no detrimental impact to the character of the area as the existing land is residential amenity space associated with Toad Hall and the proposed access would be in keeping with the other accesses at Toad Hall.
- 5.2.6 On the basis of the above, the development, by reasons of its scale, design, position and appearance, would not result in demonstrable harm to the character and appearance of the existing site and the locality. The proposal accords with policies D1 and H4 of the LDP and the MDDG.

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. Policy H4 points out that a poorly designed scheme can have a significantly detrimental impact to the original character and the street scene in terms of extensions and alterations within the street scene and seeks schemes to complement and even enhance an existing property and its surrounding, including in that, the property's neighbours. This is supported by section C17 of the MDDG.
- 5.3.2 The application site is bordered by Toad Hall to the south and further to that is the neighbouring property of Oakwood Manor. To the west lies the residential dwelling St Andrews, intersected by Station Road. To the north is agricultural land and to the east is the residential property of Almond Bank intersected by Junction Road.
- 5.3.3 In terms of the proposed new dwelling, given its siting to the middle of the application site and its distance from the neighbours due to its positioning further north from the dwellings, there would be no harm to either neighbouring properties in terms of overlooking or loss of privacy. Likewise, there would be no harm in terms of overbearing or visual impact from the dwelling as the area is quite open with moderate to large areas of land between each dwelling which has been replicated with this application.
- 5.3.4 In terms of the re-siting of the caravan, it is a single storey and would be moved further northwards, further away from the neighbouring properties to the east and west and therefore would have no detrimental impact on neighbouring properties.
- 5.3.5 One objection has been received concerning the proposed development however that has not been in regard to residential amenity impact specifically.
- 5.3.6 In consideration of the above, it is considered that the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

5.4 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.

Access

- 5.4.2 The application proposes two new points of access; one to the new dwelling site and one to the site for the caravan. These will be accessed by the existing Station Road. The local highway authority (Essex County Council (ECC) Highways) has been consulted and have no objections in terms of access as they state that the proposal will not alter the existing access arrangements to the local highway network.

Parking

- 5.4.3 The application proposes six car parking spaces with the proposed new dwelling and two car parking spaces for the caravan/Air BnB. The Maldon District Parking standards require two spaces for a three-bedroom dwelling and therefore, the allocated spaces as delineated on the plans are more than sufficient to accommodate the new dwelling.
- 5.4.4 In terms of the parking for the caravan, there is adequate provision and turning space, and as per the previous approved application for this caravan, there are therefore no concerns given the scale of development (one, three-bed dwelling).

Highway Safety

- 5.4.5 The proposal is for a three-bedroom dwelling for residential purposes and there are already dwellinghouses in existence within the locale. Therefore, there would not be a significant increase in vehicular movements to and from the site, nor would it result in a material change in the character of the traffic in the vicinity of the site. In addition, the relocation of the caravan would not change the number of vehicle movements down Station Road from that which is existing. The cumulative impact would be minimal given the scale of the development. Furthermore, the local highway authority (ECC Highways) has raised no objections to the proposal.

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 advises a suitable garden size for each type of dwelling, namely 100sqm of private amenity space for houses with three or more bedrooms.
- 5.5.2 The submitted plans do not delineate a specific area for private amenity or landscaping details; however, these can be conditioned and the space around the proposed new dwelling would be more than the required 100sqm required. Therefore, there are no concerns in regard to this, subject to the appropriate conditions.
- 5.5.3 In regard to the caravan and its re-siting, as above, the plans do not delineate a specific area for private amenity or landscaping details; however these can be conditioned. The space around the caravan is however suitable in size for the two-bedroomed caravan.

5.6 Impact on Ecology and Biodiversity

Ecology

- 5.6.1 Following consultation with Place Services Ecology, the Ecology Officer holds no objection to the proposal, subject to conditions. Assessment of the submitted

'Preliminary Ecological Appraisal' (PEA) notes that mitigation measures for terrestrial mammals and protected species identified in the PEA should be secured by condition. It is also noted that the site has suitable bordering vegetation for use by foraging and commuting bats. Therefore, regarding any external lighting, it is recommended that it follows the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals, 2023) and be secured by condition. Furthermore, should there be a requirement to remove any trees or scrub on site, it is recommended that mitigation measures for nesting birds include removal of vegetation outside of nesting bird season (March – August). If this is not possible, then the vegetation removal should only be completed after a nesting bird check by an ecologist within 48 hours of the vegetation clearance, which should be secured by an informative.

- 5.6.2 Furthermore, the officer also supports the proposed reasonable biodiversity enhancements for protected, priority and threatened species, which have been recommended (one bird and one bat box on the new dwelling and hedgehog access holes for any new fencing). In light of this separate Biodiversity Enhancement Strategy is to be secured by condition.

Biodiversity Net Gain (BNG) and Self Build

- 5.6.3 The Ecology Officer has reviewed the submitted details in regard to mandatory BNG requirements and are satisfied that the proposal is exempt given that the proposal is a self-build. The provisions of self-build will be secured by appropriate conditions.

5.7 European Designated Sites

- 5.7.1 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. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.7.2 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 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 below sites? Yes

Does the planning application fall within the following development types? Yes

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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

- 5.7.3 As the answer is no, it is advised that 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 above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.7.4 As a competent authority, the Local Planning Authority (LPA) 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 of £175.55 per dwelling, is necessary under the 2026-2027 tariff. Despite the updated RAMS fee which came into effect on 1 August 2026, the application was submitted before this date and therefore, the previous fee of £175.55 stands for this application.
- 5.7.5 The necessary fees have been paid and therefore the impact of the development would be mitigated.

5.8 Other matters - Change of Use: Relocation of Caravan

- 5.8.1 The relocation of the caravan further north of the site and subsequent subdivision of the land, would mean that the northern parcel of land would require change of use from residential Class C3 to Class C1 use (Air BnB). An assessment of the re-siting of the caravan in terms of the principle, design and impact on the character of the area, impact on residential neighbouring amenity, access, highway safety and parking, private amenity space, landscaping, ecology and biodiversity have been considered in the relevant headings above.
- 5.8.2 With regard to RAMS, whilst the site falls within the ZOI for one or more of the European designated sites scoped into the RAMS as set out in the SPD, the application type does not require a financial contribution towards mitigating impacts upon the Essex Coast. No financial contribution is therefore required.
- 5.8.3 The relocation of the caravan and change of use of the land to C1 use would therefore be acceptable, considering the existing caravan use established in 2024 on the plot and that the siting would only be 30 metres north of its existing location.

5.9 Planning Balance and Sustainability

- 5.9.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF. Given the position of S5 of the NPPF as discussed in the report above the LPA must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.
- 5.9.2 The key priority 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. In judging whether a residential scheme should be granted planning permission, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current

housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.

Economic Considerations

Job Creation

- 5.9.3 The proposed development may contribute to the provision of some employment in the local area through the construction process – however there is no indication that any measures would be put in place to ensure that the works are carried out by local businesses or jobs offered to local residents. Furthermore, the re-siting of the caravan as its existing use of an Air BnB would contribute nominally to job creation for the owner of the site. Given the limited scale of the proposal for one dwelling in conjunction with the Air BnB, it is considered that the benefits of the scheme in relation to job creation should be afforded **moderate weight** overall.

Support for Local Shops and Services

- 5.9.4 The site is within comfortable walking distance of Cold Norton, sitting just outside the settlement boundary. The number of day-to-day services within the local area are significant, providing some retail options, health services, schools and other benefits within walking distance. Given the scale of development proposed, the potential benefit of trade/revenue from the occupiers and from tourism via the Air BnB, this should be afforded **moderate weight**.

Social Considerations

Housing Delivery

- 5.9.5 Whilst as noted the Council's Housing Land Supply has been significantly reduced following the changes made to the NPPF initially in 2024, the development proposed would result in the provision of only one dwelling. It is considered that the benefits in relation to housing delivery should be afforded only **limited weight**.

Affordable Housing

- 5.9.6 The scheme proposed consists of market housing only and therefore no weight is afforded in respect of affordable housing.

Housing Mix

- 5.9.7 The proposed scheme provides one three-bedroom dwelling. The Council's LHNA has identified a need for these family sized dwellings, however the proposal is only for one dwelling so this would make a small contribution. On balance however, this would be afforded **moderate weight** given the needs identified.

Highways

- 5.9.8 Through consultation with the highway authority, and given the proposal is for one dwelling and the re-siting of an existing caravan (Air BnB), the Council is satisfied that the proposal would not result in a detrimental impact on highway safety. The provision of suitable accesses at the site would **neither weigh in favour nor against** the development in the planning balance as suitable access is a basic requirement.

Environmental Considerations

Visual Impact

- 5.9.9 As noted within section 5.2, the proposed single dwelling would not result in an unwelcome addition to the locale and would be in keeping with the residential properties around it. Therefore, any harm would be afforded **limited weight**.

Biodiversity and Impact on Designated Sites

- 5.9.10 The application site would be exempt from BNG obligations as the development is a self-build. RAMS has been secured and there are no concerns from an ecological perspective as the development would not impact and would retain and enhance the existing habitats on the site. Therefore, this is afforded **moderate weight**.

Low Carbon / Renewable Energy

- 5.9.11 The application proposals provide no indication that the scheme would employ specific low carbon building methods or renewable energy sources and as such, no weight is afforded in this respect.

Locational Accessibility

- 5.9.12 As explained in paragraph 5.1.10 above, the location is deemed to be accessible with services and public transport within walking distance and pedestrian footpaths along the main road, where Station Road joins. Therefore, the benefits of the locational accessibility of the application site should be afforded **significant weight**.

Summary

- 5.9.13 In economic terms, there may be some limited support for local trade from the development, the additional housing unit may support local businesses within the wider area and the support in tourism from the relocation of the caravan to remain within the site would overall provide a significant benefit in favour of the development.
- 5.9.14 In social terms the proposal would provide additional housing, though this is afforded moderate weight given the scale of the proposal for one dwelling of this size given the needs identified.
- 5.9.15 In environmental terms there would be limited harm through the impact on biodiversity and designated nature sites due to the RAMS contribution and the Biodiversity Net Gains mitigations to be put in place. The development of the site would be in keeping with the surrounding area and have access to services, facilities and public transport infrastructure to satisfy the requirements of day-to-day living. Therefore, the benefits of being located substantially close by to Cold Norton in regard to environmental impact would be considered significant.
- 5.9.16 Taking all these weightings into account, it is considered that the proposed scheme would comprise sustainable development as the benefits resulting from the proposal outweigh any harms outlined within the report above.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
24/00540/FUL	Change of use of existing static caravan and associated land from C3 to C1 (Airbnb) accommodation, and erection of external decking area and hard standing for access and parking (retrospective).	Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Cold Norton Parish Council	No response	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology Consultant	No objection subject to conditions.	Noted
Essex Highways	No objection subject to conditions.	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	No objection subject to conditions.	Noted

7.4 Site Notice / Advertisement

Notice Type	Posted Date	Expiry Date for Comments	Location
Site Notice x 3	10.06.2026	01.07.2026	Adjacent to the application site, Station Road junction with Latchingdon Road and Junction Road junction with Latchingdon Road.
Newspaper Advertisement	11.06.2026	02.07.2026	N/A

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
Highway safety and access given the width of the access road.	Noted – see body of report
Increase in vehicle movements and traffic	Noted – see body of report
Impact on wildlife and biodiversity	Noted – see body of report
Inadequate water supply and infrastructure	Noted – there is a statutory responsibility for water companies to connect new dwellings to the mains water. Furthermore, one dwelling would not impact the infrastructure significantly enough to be deemed an issue or a material reason to refuse the application.
Harm to the character of the area	Noted – see body of report

7.5.2 No letters were received in support of the application and the reasons for support are summarised as set out in the table below:

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 as 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/ plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.
- 4 Prior to any works above ground level, full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.

3) Details of the aftercare and maintenance programme.

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 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.

Hard Landscape works:

4) Details of walls with brick types, construction design and dimensions

5) Details of paved surfacing, with materials finishing and edgings

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

REASON To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies contained within the Local Development Plan.

- 5 Prior to any works above ground level, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers should be submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be retained and maintained as such thereafter.

REASON In order to safeguard the amenities of neighbouring occupiers and occupiers of the dwelling in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.

- 6 The dwelling hereby permitted, shall, for a period of two years upon the first occupation of the dwelling, only be occupied by the applicants, or a widow, widower or surviving civil partner of such a person, and by any resident dependants, and shall only be occupied as their primary residency.

REASON To ensure that the dwelling is constructed and occupied as a self-build and custom house build.

- 7 The two-year period of occupancy in condition number six will only start to run once the Local Planning Authority has been informed, in writing, that a lawful occupancy has begun.

REASON To assist the Council in enforcement of the occupancy condition.

- 8 The use of the premises known as the caravan (to the northern parcel of the application site) hereby permitted shall be solely for letting for holiday or visitor accommodation and shall not be occupied by any leasee, tenant or guest for any period exceeding 28 days consecutively.

REASON To ensure the development remains for 'tourism/holiday let' and does not become a permanent residential dwelling, and to comply with Policy S8 of the Maldon District Local Development Plan (2017).

- 9 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facility 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 DM8, Policy D1 of the approved LDP and the Council's adopted parking standards.

- 10 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, March 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 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 National Environment and Rural Communities (NERC) Act 2006 (as amended).

- 11 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal, (Plumb Associates, March 2025), 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, Priority and threatened species and allow the LPA to discharge its duties under s40 of the NERC Act 2006 (as amended).

- 12 Prior to occupation, a "lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the

above species using their territory or having access to their breeding sites and resting places.

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

- 13 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors;
- The storage of plant and materials used in constructing the development;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

REASON To allow the LPA to carry out its duties under Policies D1 and D2 in protecting neighbouring amenity and to ensure construction-phased impacts and local air quality impacts, are minimised and would mitigate any harm or impact to neighbouring amenity prior to the commencement of development, in line with Policies D1 and D2 of the Local Development Plan.

- 14 No construction works, including deliveries, shall take place except between 07:30-18:00 Monday to Friday and 08:00-13:00 on Saturdays, with no works on Sundays or Bank Holidays.

REASON To protect residential amenity in accordance with Policy D1 of the Local Development Plan.

- 15 Should contamination be encountered during works, development shall cease and a remediation scheme be agreed before recommencement.

REASON To safeguard future occupiers and the environment from unforeseen contamination risks, consistent with Policy D2 of Development of the Local Development Plan.

- 16 No development works above ground level shall occur until details of the foul 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.

REASON To ensure that the foul water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan.

- 17 No 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 45% 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)

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

REASON To ensure that the surface water drainage scheme to serve the development is appropriate in accordance with Policy D2 of the Maldon District Approved Local Development Plan July 2017 as well as guidance contained within the National Planning Policy Framework.

- 18 Any external lighting associated with the dwelling, caravan plot or access shall be designed and installed to prevent excessive light spill or glare affecting neighbouring properties, highway users or the surrounding rural environment.
- REASON** To protect residential amenity and the character of the area in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

INFORMATIVES

- 1 There shall be no discharge of surface water from the development onto the Highway.
- 2 All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org
- 3 NESTING BIRDS – The applicant is reminded that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being

built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 SEPTEMBER 2026**

Application Number	26/00441/FUL
Location	Agricultural Barn at Loddarts Farm Lodge Road Woodham Mortimer
Proposal	Demolition of the existing barn and part of the outbuilding, and erection of a new barn style dwellinghouse with alterations to outbuilding.
Applicant	Mr O'Connor
Agent	Mr Chris Wragg - Arcady Architects Ltd
Target Decision Date	16 September 2026
Case Officer	Jade Elles
Parish	Hazeleigh
Reason for Referral to the Committee / Council	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

- 3.1.1 The application site is location 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 sire 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 sire 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 in a Conservation Area.
- 3.1.4 Planning permission is sought for the demolition of the existing barn and outbuilding and erection of a new dwelling. The application is submitted following the recent approval for the same works under reference number 25/00590/FUL which was also taken to the North Western Area Planning Committee. This application has changed from the 2025 application in the way of design which will be assessed separately in this report.
- 3.1.5 Although the constitution states *“where proposals have been advertised as departures under the Town and Country Planning (Development management Procedure) Order 2010 and there the Officers’ recommendation is that permission should be granted. Except where the principle of the development had already been approved through an extant planning permission”* and this is an extant permission due to the significant change in design the application has been brought to the Committee.

3.2 Conclusion

- 3.2.1 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.
- 3.2.2 As explained in 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 permission, the site is considered acceptable.
- 3.2.3 The proposed works are considered acceptable and in keeping with the local area both in terms of scale and design and would not result in harm in terms of residential amenity, highways safety or ecology and biodiversity.
- 3.2.4 It is considered that the proposed development accords with all relevant policies contained within the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended 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:

- Chapter 3 - Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 - Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S5 Principle of development outside settlements
- Chapter 6 - Delivering a sufficient supply of homes
 - HO7 Meeting the need for homes
 - HO11 Isolated homes in the countryside
- Chapter 12 - Making effective use of land
 - L2 Making effective use of land
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 - Promoting sustainable transport
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
 - TR6 Assessing transport impacts
- Chapter 17 - Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution
- Chapter 19 - Conserving and enhancing the natural environment
 - N2 Improving the natural environment
 - N6 Areas of particular importance for biodiversity and geodiversity

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
- 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 Policy DM3 of the National Planning Policy Framework (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.
- 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”*.
- 5.1.5 NPPF policies S3 (Presumption in favour of sustainable development), S4 (Principle of development within settlements) as the site’s access is within the settlement boundary for Maldon, and policy S5 (Principle of development outside settlements) for the main part of the development that lies outside of the settlement boundary for Maldon applies.

Five-Year Housing Land Supply (5YHLS)

- 5.1.6 Policy S5 of the NPPF allows for certain forms of development to be approved outside of settlements through point (j) of the policy this includes development which would address an evidence unmet need including where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (5YHLS). This is subject to the following test relevant to this, which is point (j) (i) being physically well related to an existing settlement and of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure. For this site it is considered the requirements of policy S5 of the NPPF are met.

- 5.1.7 As per Annex D of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “identify and update annually a supply of specific deliverable sites”. 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.
- 5.1.8 Currently the Council can only demonstrate 4.1 years’ worth of housing land supply which was officially stated and agreed at the Council meeting on 12 February 2026, however, since then appeal decisions have stated lower figures. This is due to change through the latest NPPF (2026) 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.
- 5.1.9 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 shall need to be considered on the basis of whether they are sustainable or not.
- 5.1.10 Given the Council’s current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF’s presumption in favour of sustainable development applies.

Sustainable Development

- 5.1.11 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 requirements of policy S3 of the NPPF applies. There are three dimensions to sustainable development as defined in Paragraph 17 of 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 Dimensions

- 5.1.12 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.
- 5.1.13 Whilst the site in this case is located in a remote rural location, with limited access to services, the existence of planning permission for a new dwelling is a material consideration of significant weight. The planning permission 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 and the extant consent remains capable of implementation.

- 5.1.14 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 previous planning permission. Given the existence of the 2025 planning permission, this is considered an alternative to the new build scheme now proposed. Therefore, in light of the established 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 minor 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 minor 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 planning permission for a new dwelling, and the realistic prospect of that scheme being implemented in any event if this 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 houses, 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 five-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 The scale, form and massing of the proposed new build scheme is broadly similar to the granting planning permission in 2025 (25/00590/FUL) as well as the prior approval scheme also granted in 2025 (25/00019/PACUAR). The subject site has changed from the previous granted permission in the way of design.

- 5.3.7 The internal layout is much more extravagant than previously approved however; each room would have sufficient natural lighting.
- 5.3.8 The exterior would change significantly from the previously approved scheme. It would no longer appear like a barn and would be built with red brick, slate roof tiles, timber doors and timber and aluminium windows. There would be very large extravagant windows to the front and side of the dwelling giving it a modern appearance.
- 5.3.9 The proposed materials would be similar to the neighbouring property, Kinvara Manor and therefore no objections would be made in relation to the materials.
- 5.3.10 The design of the proposed dwelling would provide a completely different appearance to the previously approved scheme in 2025, however, there are extravagantly designed dwellings along Lodge Road with some appearing traditional and some more of a modern design. Although the dwellings along Lodge Road are quite a distance from one another, the street itself appears quite an elegant and extravagantly designed area, therefore, the design of the proposed dwelling would not be appeared too different to the existing dwellings along Lodge Road. Furthermore, the effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be small as the building itself would be a similar size to the existing structure which sits on extensive hardstanding and therefore it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.
- 5.3.11 The proposed outbuilding which would accommodate a bin store, cycle storage, a workshop and plant room would be a reasonable size for an outbuilding which would accommodate such rooms and would be the same material as the proposed dwelling, therefore, no concerns would be raised in relation to the outbuilding proposed.
- 5.3.12 Overall, it is considered the proposed dwelling would not significantly harm 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 50m southwest of an existing residential property known as Kinvara Manor, which is screened by dense vegetation along the site's northern boundary. Whilst as stated above there are large extravagant windows proposed, these windows would not be facing this neighbour and would have limited windows facing them compared to the rest of the proposed dwelling. Given the separation distance and the limited visibility 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.
- 5.4.3 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 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 100m² 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 layout of rear garden landscaping would increase the amount of soft landscaping following the removal of the existing hardstanding area to the south of the site. All other existing hedgerows and trees surrounding the barn would be retained.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 322sqm 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 conditions relating to construction environmental management, operating hours and unexpected contamination. No conditions were recommended for surface water and foul water drainage details like there were in the previous application in 2025, however, due to the proposal being near on identical, except for design, we consider these conditions to still be relevant for this application and therefore, would be implemented if the application were to be granted.

5.9 Ecology

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2026), 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 are 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 (ZoI) 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 £175.55 and thus, the developer contribution should be calculated at this figure. A contribution of £163.86 towards RAMS has already been paid by the applicant in relation to the dwelling permitted under the prior approval scheme, therefore, as the RAMs fee has since gone up a top up of £11.69 must be paid.
- 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, the principle of development is considered acceptable. 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.

5.11 Other Matters

- 5.11.1 As part of the application an Arboricultural Impact Assessment and Method Statement was submitted which stated the condition of all trees surrounding the site and confirmed no trees were to be removed as part of this application.
- 5.11.2 Place Service: Arboriculture were consulted and advised they have no objections to the proposed works, or the works related to the existing trees however, recommended pre-commencement conditions to be implemented relating to retention and protection of existing trees and hedges/shrubs. The Council agrees with the pre-commencement condition which was put forward to the agent to be agreed. The agent agreed to these conditions on 17.08.2026.

6. ANY RELEVANT SITE HISTORY

- **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 on 15.04.2025.
- **25/00509/FUL** – Demolition of the existing barn and outbuilding and erection of a new dwelling in the style of the original barn, went to Northwest Area Committee on 03.12.2025 with officer recommending approval. Members agreed with officers' recommendation to approve and was Approved on 05.12.2025.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer and Hazeleigh Parish Council	No comments were made at the time of writing this report	N/A

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services: Ecology	No objections subject to conditions relating to ecological appraisal and biodiversity enhancement strategy	Noted
Place Services: Arboriculture	Support subject to conditions relating to retention and	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	protection of existing trees, and retention and protection of existing hedges/shrubs	
ECC Highways	No objections subject to conditions relating to cycle parking and travel information pack	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions relating to construction environmental management, construction house and unexpected contamination	Noted

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 6 August 2026 (with an expiry date for comments set at 27 August 2026). The notice was affixed at eye level to a telegraph pole immediately adjacent to the site.
- 7.4.2 Notice was also given by way of a newspaper advertisement posed in the Maldon and Burnham Standard, published on 23 July 2026 (with an expiry date for comments set at 13 August 2026).

7.5 Representations received from Interested Parties (*summarised*)

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

8. **PROPOSED CONDITIONS**

- 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).
- 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.
- The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans.
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 The development shall be undertaken using appropriate measures to minimise noise, dust, smoke, vibration and mud generated during demolition and construction activities.

REASON To protect the amenity of neighbouring occupiers in accordance with policies D1 and D2 of the Local Development Plan.

- 7 No demolition or construction works shall take place except between 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays, with no works on Sundays or Bank Holidays.

REASON To safeguard the amenities of neighbouring occupiers in accordance with policies D1 and D2 of the Local Development Plan

- 8 If previously unidentified contamination is encountered during the development, works shall cease and a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development recommences.

REASON To ensure the site is suitable for its proposed residential use and to protect human health and the environment in accordance with policy D2 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 mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (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 conserve protected and Priority species and allow the Local Planning Authority 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).
- 12 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Assessment (ACJ Ecology, February 2025), 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.
- 13 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.

- 14 No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree 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. The tree protection measures shall be carried out in accordance with the approved detail.

REASON To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017). The Tree Protection Plan is required prior to the commencement of development to ensure that the trees are protected from the outset of the construction phase.

A pre-commencement condition is required in this instance to ensure that trees are protected in advance of construction works

- 15 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 ensure that appropriate hedge protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017). The Tree Protection Plan is required prior to the commencement of development to ensure that the trees are protected from the outset of the construction phase.

A pre-commencement condition is required in this instance to ensure that trees are protected in advance of construction works

- 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 Highway Works

- There shall be no discharge of surface water from the development onto the Highway.
- All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org

2 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.

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