



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
5 NOVEMBER 2018**

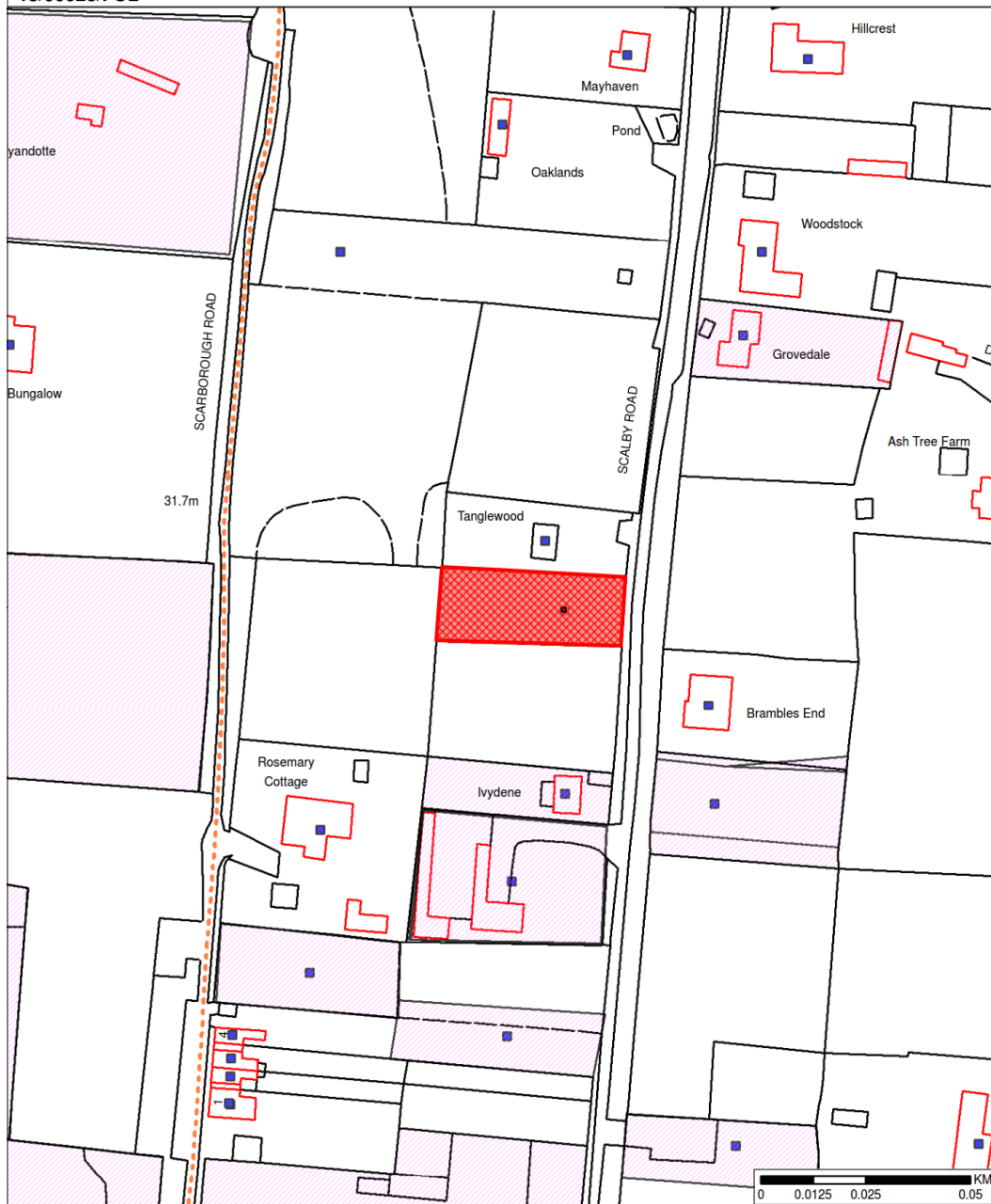
Application Number	18/00623/FUL
Location	Land South Of Tanglewood, Scalby Road, Southminster, Essex
Proposal	Material change of use of land for stationing of caravans for residential occupation by one family with associated development (hard standing and utility building)
Applicant	Mr & Mrs M Pilkington
Agent	Mrs Alison Heine - Heine Planning Consultancy
Target Decision Date	12.09.2018 (Extension of time agreed for 12.10.2018)
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Member Call In The application has been called in by Councillor A S Fluker on the grounds of public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 24/09/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Scalby Road, north of Old Heath Road. The site forms a small parcel of land which is mainly grassed over with hedges planted on its periphery. There is a small hard surfaced area along the northern boundary. According to the statement submitted by the applicant the site was previously used to graze a pony by the owner of Tanglewood to the north of the site.
- 3.1.2 The site is accessed via Scalby Road, a private road. The site lies outside the settlement boundaries at the Maldon District. Within the surrounding area there are plots which have been developed and occupied by single dwellings, while others remain open and are used in the main as paddocks. There are also some small woodland areas in between the open or developed plots. Outbuildings and stables are common features of the surrounding area. The area can be described as countryside with a scattered form of development.
- 3.1.3 To the north of the site is a parcel of land of similar size to the application site, which is an established Gypsy site allowed on appeal on 30th June 2006. According to the submitted Planning Statement this site is occupied by the parents of the applicant. To the south the site is used as a small pasture.
- 3.1.4 Planning permission is sought to change the use of the site for the stationing of a mobile home and a touring caravan for residential occupation by one family with associated hard standing for parking purposes and a utility building. Soft landscaping is proposed to the front of the mobile home.
- 3.1.5 The utility building would be sited to the rear of the mobile home and it would measure 4m deep, 5m wide and it would have a gabled roof with a maximum height of 3.6m. The building would accommodate a utility room, a bathroom and a WC.
- 3.1.6 The proposal is a typical layout and arrangement for a Gypsy site. The application is accompanied by a Planning Statement which states the site would be occupied by a family who complies with the definition of Gypsy Travellers in Planning Policy for Traveller Sites (PPTS) (DCLG, 2015)¹, which is adopted by the Council. In particular it is stated that the family are relatives of the occupants of the adjacent Gypsy site to the north of the application site. It is stated that the family has been travelling mostly in Essex and Cambridgeshire in the last eight years and they wish to settle in the area for various reasons including the health condition of one of the members of the family and also the need of two of the family members to attend school.
- 3.1.7 Although the site itself has no relevant planning history, it is noted that there is other planning history relative to other neighbouring sites, including that of the adjacent site to the north, currently known as Tanglewood and that of the Land known as The Willows.

¹ 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. (PPTS; DCLG, 2015)

- 3.1.8 With regard to Tanglewood, an appeal for the change of use of the site for the stationing of a mobile home and touring caravan was allowed in July 2006. This was a personal permission with a condition imposed stating *“When the land ceases to be occupied by Mr and/o Mrs Johnson and their son John the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced”*. Although the personal circumstances of the applicant were given significant weight in that appeal, the Inspector considered that the development would have minimal impact on the character of the area and it would be located in a fairly sustainable location.
- 3.1.9 In relation to the site known as The Willows, it is noted that an enforcement notice was served on the occupier for a breach of planning control relating to the change of use of the site from a leisure plot to enable the stationing of a caravan for residential purposes. The harm identified by the Local Planning Authority (LPA) related to the unjustifiable change of use of the site to residential use, resulting in an unsustainable form of development due to the location of the site away from community services and essential support facilities and its impact on the character of the countryside. An appeal on ground (c) that there has not been a breach of planning control was dismissed in November 2015. It is noted though that this appeal only assesses the development on whether there was breach of planning control and not against material planning considerations.

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 highway safety, subject to the imposition of conditions. In the absence of any demonstrable harm, the proposal complies with the relevant Policies of the Approved Local Development Plan (LDP) 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 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places

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 the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- H6 Provision for Travellers
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) SPD
- DCLG's Planning Policy for Travellers Sites, August 2015

5. MAIN CONSIDERATIONS

The primary issues which will require consideration as part of the determination of this planning application are the principle of the development and the impact of the development on the character and appearance of the area. Other relevant matters would be private amenity space and landscaping and highway safety/parking.

5.1 Principle of Development

- 5.1.1 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (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. It is clearly stated that 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.
- 5.1.2 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)).
- 5.1.3 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.

- 5.1.4 Policy H6 states that *“Proposals for Traveller or Travelling Showpeople sites must meet at least one of the following criteria, and other relevant policies in this Plan, including Part 3 of this policy:*
- 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.”*
- 5.1.5 The application site is located immediately adjacent to the south of Tanglewood, which is used to provide caravan accommodation limited to a personal planning permission. Although the site would not result in the expansion of the existing Gypsy site, as it would create a new independent plot, given that a functional link is proposed to be formed between the existing and proposed Gypsy sites, it is considered that it would largely correlate with the thrust of policy H6 (b).
- 5.1.6 Given the development is not in full compliance with criterion (b), it is considered reasonable that the development is assessed against criterion (d) to establish whether the development is compliant with policy H6.
- 5.1.7 In assessing the development against criterion (d), the Council should have regard to the sustainability/site suitability criteria as set out in the ‘Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection’ August 2016’. These are set out in appendix 3 of the document and assessing the proposal against them the following comments area made:
- 1. In terms of accessibility of the site to services and facilities, the site has access to public footpaths that lead to the nearest main settlement. The future occupiers of the site would have to walk approximately 150m along Scalby Road, which does not benefit from pedestrian footways; however, it is not road with heavy traffic or a road where vehicles can travel at excessive speed. The access to the settlement would not be fully dependent upon the usage of a private vehicle. Furthermore, the nearest bus stop to the site is within less then 800m from the site. A similar assessment was carried out by the Inspector who determined the application for the Gypsy site at Tanglewood and came to a similar conclusion.
 - 2. The development would not result in loss of any indoor or outdoor sporting or recreation facility and it would not be sited within a specified consultation zone of a notifiable installation. Thus, no health issues are raised.
 - 3. The development would not have an impact on community facilities. The proposal is for one Gypsy pitch and thus, due to the limited amount of

development, it is not expected to have an impact on the existing community facilities.

4. The proposed development would be in keeping with the existing uses in the surrounding area (residential and other small scale rural uses). Thus, local occupiers would not suffer from disturbance from noise or odour. The site would have no known effect on the existing surrounding residential amenity, albeit this is further assessed below in the relevant section of the report.
5. The site would have no effect on any designated sites or known protected species.
6. The site is located outside the settlement boundary, though neighboured by other dwellinghouses. The impact of the development on the character of the surrounding area is further assessed below in the relevant section of the report. The site is mainly grassed over with hedgerows at the periphery of the site. The site lies within coastal farmland and it is not considered to be an area of high sensitivity for landscape changes.
7. The development would not have an effect on a designated sites or heritage assets. The site is not known for archaeological activity, albeit it has not been investigated.
8. The development, due to its residential nature, would not have an unduly detrimental effect on air quality.
9. According to the Landscape Character Assessment 2006 the site lies within heavy clay soils and lighter sandy loamy soils where sand and gravel deposits overlie clay and as such it is not expected to impact on quality of ground and surface water resources.
10. The site is outside a designated flood zone 2 or 3 with minimal impact upon areas which are subject to surface water flooding.
11. The site, although separate from the existing Gypsy sites to the north, it would maintain a link between the two sites and as such, it could be considered as an expansion; however not within the parameters of the exact definition of expansion. The site does not contain any high quality agricultural land and there are no known land stability issues in the area.
12. The site is located outside the 250m buffer for land allocated for mineral extraction.
13. The site is located outside of land allocated/ safeguarded for waste infrastructure.
14. There is already an existing cesspit on site. The Environmental Health Team has been consulted and noted that *“Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated under a new appointment or variation. The package sewage treatment plant should offer treatment so that the final discharge from it meets the standards set by the Environment Agency”*. It is noted that subject to the submission of further details in relation to foul drainage scheme, no objection is raised by the Environmental Health Team.
15. The site would not result in the loss of employment land and thus, it would have no impact on employment provision.
16. In terms of physical limitations, the site has no known physical constraints. With regard to utility provision, it is expected to have an average access to service. The site is currently vacant with no current active use and its vehicular access would be suitable with no known constraints.

17. The last criterion relates to ownership. The applicant states that they bought the site in order to develop it and thus, it is available for development.

5.1.8 Following the above sustainability appraisal in accordance with the criteria as set out in appendix 3 of the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' it has been identified that the sustainability credentials for Gypsy sites are more relaxed to those of development for conventional residential development. In light of the above it is noted that the site has not been identified as being unsuitable for the proposed development. In accordance with the assessment of the sustainability criteria as set out in Appendix 3, a site that has been assessed as having some constraints, as the application site, is not necessarily unsuitable; it just means that mitigation measures will be required. Although there are some constraints relating to its position outside the settlement boundaries and in some distance from services these are not considered to be so substantial to warrant refusal of the application.

5.1.9 The policy also includes seven criteria that the proposal is expected to comply with in order to be granted planning permission, setting the following requirements:

- 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.*

5.1.10 With reference to the abovementioned Policy H6 criteria:

- a) Although the impact of the development on the character of the wider area is further assessed below, given the limited size of the proposed structures on site and the fact that there is other similar development adjacent to the application site, it is considered that the development would be appropriate in scale to the nearest settlement and dwellings and would not dominate them, having regard to factors such as the scale and form of existing Travellers' pitches in the locality. It is considered that the site development related to one additional household would have limited impact on the availability of infrastructure, services and facilities.

- b) The application site is located outside the settlement boundaries. The nearest bus stop is located approximately 650m away from the application site, 1.7km away from the settlement boundary of Southminster and around 2.5 km away from the village centre, where facilities and services are provided. When determining the appeal at the adjacent Tanglewood site, the inspector with regard to the location of the site in terms of sustainability objected stated that the site is linked with *“footpaths across the fields to Southminster from the northern end of Scalby Road and it can be accessed by foot, albeit in dry weather, in about 10-15 minutes”*. It also continued by stating that by road the village can be easily accessed by cycle or car in less than 5 minutes. It was considered that in comparison to other sites in the Maldon District, the site is located close to settlements with access to local services and facilities. The application site is located immediately adjacent to this site and it is therefore considered the same sustainability credentials would apply for the proposed development. Although it is acknowledged that the assessment of the abovementioned appeal was prior to the NPPF was in place, it should be noted that the NPPF (2018) recognises the difference between urban and rural areas in terms of accessibility, stating that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*.

It is also noted that given the nature of the development, the sustainability criteria as set out in the ‘Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection’ August 2016 are more relaxed in relation to those that apply for conventional housing development. Irrespective of that, the accessibility of an immediately adjacent site to local amenities was previously assessed by the inspector and found to be acceptable.

On that basis, and taking into consideration that the LPA has no allocated sites to meet the need for Gypsy sites, which will be discussed further below, it is considered that the proposal would not be poorly related to the existing built-up area and it would be capable of having access to essential services; and allow convenient access, potentially for pedestrian, cycles and public transport, as well as by private car, to key facilities.

- c) The site is located within flood zone 1 and thus, it is supported in that respect.
- d) The site can be accessed safely by vehicles from the public highway.
- e) The site is of sufficient size to provide amenities and facilities for the proposed 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) Whilst position, design and landscaping are further assessed in details below in the relevant section, 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.
- g) Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

- 5.1.11 Paragraph 24 of the Planning Policy for Traveller Sites (PPTS) requires the Local Planning Authorities to consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
- 5.1.12 The existing need for travellers' housing is as identified in paragraph 5.47 of the permeable of policy H6, which is set out as being 9 households (this amount is further explained at paragraph 5.2.3 of the report), whose status is unknown, but who may meet the 2015 definition and 8 households who do not meet the 2015 definition.
- 5.1.13 To respond to criteria (b) and (c) personal information would be required to be discussed and for that reason a separate Green Paper has been prepared, which is not publicly available; however, it should be read in conjunction with the Officer Report by those that are authorised to make a decision as these matters constitute material planning considerations.
- 5.1.14 The personal circumstances of the applicant are discussed in the Green Paper and they should be taken into consideration for the determination and decision making of the application. On the basis of this assessment it is considered that sufficient information has been provided to the Local Planning Authority to demonstrate the need of the applicants and their dependents to settle at the application site.
- 5.1.15 Within the submitted information it is evidenced why the applicants and their family wish to settle, albeit some of the members of the family would still be travelling for economic purposes. The definition of the "Gypsy and travellers" includes persons who on grounds only of their own or their families' or dependants' educational or health needs or old age have ceased to travel temporarily. The words 'or permanently' have been removed from the previous March 2012 definition.
- 5.1.16 The applicant has not specified whether their intention is to settle temporarily or permanently. However, from the details submitted to the authority and the personal circumstances of the applicant and their dependents, it is understood permanent settling on site would be their preference. In these circumstances it is considered reasonable that a similar approach to that taken by the Inspector determining a similar appeal at Rose Stables, Captains Wood Road, Great Totham, Maldon (appeal reference: APP/X1545/W/15/3038212, application reference: FUL/MAL/14/00769) is taken. In his assessment, given that the travelling status of the applicant was not wholly clarified and taking into consideration his personal circumstances, the Inspector considered that a condition restricting the occupation of the site solely by the applicant or any other persons that comply with the definition of "Gypsy and travellers" as defined in Annex 1 of the government's Planning Policy for Traveller Sites document August 2015. A similar approach is considered reasonable and

relevant to be taken in this instance. As a result, a similarly worded condition is imposed to this permission.

- 5.1.17 Regarding criterion (d) the Local Plan does not have an allocation for Gypsy sites and thus, there are no other identified pitches/plots that could meet the need of the District for Gypsy and Travellers' sites. For that reason, local criteria as set out in the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' have been used to assess the suitability of the site to be used as a Gypsy site.
- 5.1.18 In response to criterion (e), although the Local Planning Authority would determine any application for Gypsy and Travellers' sites, in this instance the applicants have stated that they have local connections.
- 5.1.19 In light of all the above, it is considered that the development has been assessed against all relevant policies and criteria and it has been demonstrated that the development would comply with the exception policy H6, as well as the criteria as set out in the appendix 3 of the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' and the requirements of Paragraph 24 of the PPTS. Therefore, it is considered that the principle of the use of the site as Gypsy site and the erection of associated development to support the proposed use of the site are acceptable in principle.
- 5.1.20 Other material consideration relating to the impact of the development on the character of the sparsely developed 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 The PPTS requires local planning authorities to set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of Travellers in their area. The delivery of these targets is to be taken forward through the Local Plan. Where there is no identified need, the PPTS requires that criteria-based policies included in the Local Plan to provide a basis for decisions in case applications come forward. As noted above the Local Plan does not make provision for Gypsies and Travellers pitches, however, it sets the sustainability criteria through the matrix of appendix 3 of the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' as discussed in detail above.
- 5.2.2 The Maldon District Gypsy & Traveller Accommodation Assessment Need Summary Report (Maldon District GTAA) was published in December 2016 and it identified the following level of need:

Type of household	Accommodation need - number of pitches
Traveller households who meet the 2015 PPTS definition	1
Traveller households of unknown status	10
Traveller households not meeting the	8

PPTS 2015 definition	
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- 5.2.3 Since the publication of the Maldon District GTAA, an appeal for two Traveller pitches was allowed at Rose Stables, Captains Wood Road, Great Totham (on 14-12-2016) (FUL/MAL/14/00769). Due to the particular circumstances of that case, the appeal decision required that, except for a named individual, the site is to be occupied by Traveller households who met the PPTS 2015 definition. In the future, if the named individual no longer resides on the site, then the pitch can only be occupied by households who meet the PPTS definition. Therefore this planning permission fully met the identified accommodation need for pitches for households who either meet the PPTS definition and 10% of the need from households of unknown status who may meet the PPTS definition.
- 5.2.4 The Maldon District GTAA recognises that there is a level of uncertainty surrounding how many of the households whose status is unknown, would meet the PPTS definition. Data that has been collected from over 2,000 household interviews that have been completed by Opinion Research Services (ORS) since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the planning definition. This suggests that only 10% of the accommodation need identified for households whose status is unknown could be for households who do meet the PPTS definition. This indicates that the identified need for Traveller households of unknown status could equate to an accommodation need for 1 pitch for households who do meet the PPTS definition.
- 5.2.5 Although the probable need has been met (through applying the 10% proportion to the pitch needs of the ‘unknown status’ households), this does not necessarily mean that the accommodation needs of Traveller households who meet or may meet the PPTS definition have been met in their entirety.
- 5.2.6 The applicant has submitted an appeal decision (Appeal reference: APP/J0405/W/18/3193773, Site: Oaksvew Park, Murcott Road, Arncott, Bicester, Bucks OX5 2RH) where it is found their assessments, which assumed that 10% of those not interviewed met the planning definition, fail to identify the real need.
- 5.2.7 To meet the accommodation needs of Traveller households who meet the PPTS definition, the Council will consider proposals through the development management process, using Policy H6. Policy H6 sets out key locational and site criteria to be considered when assessing a proposal for new Traveller accommodation.’
- 5.2.8 On the basis of the above, whilst there is no current under-provision of Gypsy and Traveller pitches within the District, as the current proposal would comply with Policy H6, Officers are of the view that a refusal of planning permission based on need and supply would not be justified in this case. The abovementioned figures represent a minimum provision rather than a maximum and therefore there is no policy basis to object to increased supply.

5.3 Design and Impact of 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 states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 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 (2017).

- 5.3.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.3.6 The proposed development would introduce a mobile home, a touring caravan, utility room, hardstanding and other ancillary development into a rural area. As noted above the development in the area is scattered. Within the surrounding area there are plots which have been developed and occupied by single dwellings, while others remain open and are used in the main as paddocks. There are also some small woodland areas and the adjacent site to the north of the application site is already used as a Gypsy site.

- 5.3.7 The application site is a plot of land, roughly 44m deep and 17m wide, mid-way along Scalby Road. It is fairly open, grassed over, with low hedges in its periphery, which are proposed to be maintained. Post and rail fence separates the site from the highway. The development would be visible from Scalby Road; however, the scale and size of the structures that are proposed to be located on the site would not be dissimilar to those on the adjacent Gypsy site. Furthermore, a number of dwellings are located in the surrounding area and thus, given the nature of the development, the structures on site would not be larger than the existing dwellings and due to their position well back from the highway they would not appear dominant or visually obtrusive.
- 5.3.8 Whilst it is accepted that the proposal would have some impact on the character and appearance of the area, given the scale of the development it is not considered that it would result in a material harm of the character of the area such that to warrant refusal of the application on those grounds. A similar approach was taken by the Inspector who assessed the application for a Gypsy site at Tanglewood (APP/X1545/A/06/1197463). It was considered that the development of the site would cause minimal, if any harm to the character and appearance of the area.
- 5.3.9 In relation to the site known as The Willows, which is in close proximity to the application site, it is noted that an enforcement notice was served on the occupier for a breach of planning control relating to the change of use of the site from a leisure plot to enable the stationing of a caravan for residential purposes. The harm identified by the LPA related to the unjustifiable change of use of the site to residential use, resulting in an unsustainable form of development due to the location of the site away from community services and essential support facilities and its impact on the character of the countryside. Whilst it is acknowledged that the Council considered harmful the impact of a similar development in close proximity to the site, the notice clearly stated that this was due to the unjustifiable change of use. In this instance, it is considered that the need for the type of accommodation proposed has been justified and for the reasons explained above, it is not expected that the development would be materially harmful to warrant refusal of the application on design grounds.
- 5.3.10 It is recommended that to soften the appearance of the development a landscaping condition should be imposed.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policies D1 and H4 of the approved LDP seek 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 nearest property to the application site would be the Gypsy site to the north. A minimum distance of 4.5m would be maintained between the mobile home and the northern boundary with Tanglewood and an additional 3m to the neighbouring mobile home. Given the single storey nature of the development it is not expected that it would result in a detrimental impact on the amenities of the neighbouring occupiers to the north. Further distance would be maintained between the utility room and the boundary to north, thus, no harmful impact would be caused by this structure to the nearby occupants to the north. Whilst the touring caravan would be located 3m away from the northern boundary, given that this is not a permanent structure and also that it is located at the far back of the site away from the main rooms of the mobile

home of the neighbouring site, it is not considered that it would result in a demonstrable harm in terms of loss of light or domination.

5.4.3 Sufficient distance would be maintained to the dwelling to the southeast of the site, which would be sufficient to prevent from loss of light, privacy and any obtrusive impact.

5.4.4 On the basis that there are no existing residential properties to the south or west of the application site, it is not considered that the proposal would have an adverse impact on any existing residents.

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 A new access is proposed to be formed to access the site from Scalby Road. The access would be 3.5m wide, which is considered sufficient to allow safe access and egress from the site without obstructing the highway. The Highways Authority raises no objection to the proposal, given that it is a private road. However, it should be noted that sufficient hardstanding would be formed on site, to provide an area of off-street parking for the touring caravan and the other vehicles, as well as turning facilities within the site.

5.5.4 On the basis of the above, and given the residential nature and limited scale of the development proposed, the proposal would comply with the adopted parking standards and would not cause highway safety concerns.

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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

5.6.2 The application site boundary would include sufficient space for use as private amenity space for the residential occupiers of the site (minimum of 150sqm of soft landscaped amenity area). Details of landscaping and boundary treatment could be required by condition.

5.7 Drainage

- 5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk.
- 5.7.2 The Environmental Health Team has requested that details of surface water and foul drainage are imposed if planning permission were to be granted, which is considered reasonable in order to avoid the risk of water flooding and pollution.

5.8 Other Material Considerations

- 5.8.1 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 area 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.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/04/00813**– Change of use of land for the stationing of one residential mobile home and one touring caravan (retrospective application), The Caravan, Scalby Road, Southminster, Essex. Allowed on appeal on 30th June 2006 (APP/X1545/A/06/1197463).
- **OPDEV/MAL/13/00229** - Unauthorised caravan on land opposite Roseville. Appeal dismissed on 10th November 2015 (APP/X1545/C/15/3002444).
- **FUL/MAL/13/00768** - The demolition of existing structure and the erection of 1No. 2 bedroom bungalow with detached single garage and revised access provisions. The application was dismissed on appeal on 19th 2014 (APP/X1545/A/13/2210832) due to it being unacceptable in principle, harmful to the character and appearance of the area and due to the likelihood that it would harm nature conservation interests. **[Officer comment: Whilst it is accepted that the site is located in close proximity to the application site, it relates to a development that it does not fall under the developments allowed by the exception policy S8 and thus, it cannot really be given significant weight.]**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Town Council	Object to the proposed development. The site is located outside the	Comments noted. However, consideration should be had the previous

Name of Parish / Town Council	Comment	Officer Response
	development boundary. There is no precedent for mobile homes.	planning history of the surrounding area and Council's policy a discussed above in the relevant sections of the officer report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highway Authority	No objection.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle. Conditions about surface and foul water drainage shall be applied.	Comments noted.

7.4 Representations received from Interested Parties

7.4.1 Six letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
There is no precedent to allow mobile homes / caravans for permanent residency in this area	This is addressed in section 5.1 of the report.
This is a private road with limited access for the proposed development	Although this is a private road, there are no known specific limitation for accessing the site.
The development would be remote from any community or services	This is addressed in section 5.1 of the report.
The proposal is at odds with the local planning policy and it would not satisfy policy S8	
There are no development plans for either drainage or utilities	
Not a suitable location for the proposed development.	
The Environmental Health Team stated that the existing cesspit is not a satisfactory form of drainage in these circumstances. There is no adequate provision for the treatment of human waste.	It is noted that although some concerns have been raised by the EH team, no objection was raised to the proposed development , subject to compliance with conditions, which are shown below.

Objection Comment	Officer Response
The change of use will set an undesirable precedent and will have negative impact the character of the area.	Addressed in sections 5.1 and 5.3 of the report.
The application is trying to use the H6 policy to ignore conditions that other conventional planning developments need to adhere to and this would be discriminatory to those applications and that of the local residents.	Addressed in section 5.1 and 5.8 of the report.
The previous development at Tanglewood does not set precedent for any similar development, as the permission is tied to the needs of the current occupiers and will be ceased after occupiers have relinquished their need.	Matters are addressed in section 5.1 of the report.
Dominating effect of the proposed development.	Addressed in section 5.3 of the report.
The Planning Inspector at the time of the appeal relating to the next door plot made the following comments : <i>"Similar proposals within this "plot land" area, the cumulative effect of such development would be seriously damaging to the rural character of this area."</i>	No such statement it was found within the Appeal Letter. Within his decision letter stated that the development was compliant with policy H16 (Gypsy Sites - Public or Private Residential Caravan Sites) and it was considered to have minimal, if any, impact of the area.
This area should not become an unofficial traveller site by default, when sufficient official traveller sites have already been identified within the LPD.	It should be noted that the LDP has no identified land for such type of development. Any development for Gypsy sites should be compliant with policy H6.
The personal circumstances of the applicant are not a material planning consideration.	Addressed in section 5.1 of the report.
Inaccessible by a range of transport and remote from community services	
Site unsuitable for development	
Flooding is already an issue in the area	Details of surface drainage scheme are conditioned to be submitted and agreed with the LPA.
Appeal (APP/X1545/A/06/1197463) was allowed on basis there was no H6 policy. It should be considered that Council has now a policy in place.	It should be noted that a similar policy was in place at the time (H16) and the decision was based on that policy. The current proposal is assessed against the LDP and in particular the requirements of policy H6.
The trees on the site are newly planted and do not provide any cover for the plot. The adjacent plot was only allowed on appeal (APP/X1545/A/06/1197463) on	The comments are noted. A landscape condition for further details to be submitted is imposed.

Objection Comment	Officer Response
character issues due to there being taller hedge and trees providing an effective visual screen.	
Previous applications for dwellings in this area have been rejected on the grounds of unsustainability.	It is noted that such type of development is not treated the same as conventional housing developments. This is set out in policy S8, where exceptions are made for development that can be acceptable outside the settlement boundaries.
The access is unadopted.	Please refer to section 5.5 of the report.
The development would set a precedent for the land opposite to Ivydean to be allowed.	It is noted that each application is assessed on its own merits.

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Plan 1 (Location Plan), Plan 2 (Proposed site layout plan, Annotated with dimensions) and Plan 3 (Proposed Utility Block Elevations and Floor Plans).
REASON To ensure that the development is carried out in accordance with the details as approved.
3. Apart from Michael and Leanne Pilkington and their children, the application site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Government's Planning Policy for Traveller Sites.
REASON Given the nature of the proposal the permission should be limited to occupation by Gypsies and Travellers as defined in the Planning Policy for Traveller Sites.
4. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan) shall be stationed on the site at any time.
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
5. The proposed static caravan referred to within condition 4 above shall be sited in accordance with Drawing No. Plan 2 (Proposed site layout plan, Annotated with dimensions), in the positions that are demarked "mobile home". Any material change to its positions, or its replacement by another in a different location, shall only take place in accordance with details that shall 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 Local Development Plan.

6. No works relating to the construction of the proposed utility room shown on drawing Plan 3 (Proposed Utility Block Elevations and Floor Plans) shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the those building have been submitted to the Local Planning Authority for approval in writing. Only the approved materials shall be used in the erection of those two buildings.
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.
7. No works above ground level hereby permitted shall take place until there has been submitted to and approved in writing by the local planning authority a scheme providing details of any means of enclosure, the design and location of refuse storage facilities , together with details of any additional hardstanding. The development shall be implemented in accordance with the approved details and the refuse storage facilities shall be provided prior to the commencement of the use hereby permitted.
REASON In order to safeguard the visual amenities of the surrounding area and to help integrate the proposal with the surrounding countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan and guidance contained within the Maldon District Design Guide.
8. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
9. No commercial activities shall take place on the land, including the storage of materials.
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.
10. 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)

It is 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 Maldon Local Development Plan (2017).

11. No development works above ground level shall occur 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 Maldon Local Development Plan (2017).

12. Prior to the occupation of the development details of both hard and soft landscape works, to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

INFORMATIVES

1. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

2. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
3. It is noted that the applicants have yet to apply for a caravan site licence. This is a legal requirement under the Caravan Sites and Control of Development Act 1960, the applicant must apply without further delay, and the current cost is £581.