



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
20 MAY 2019**

Application Number	FUL/MAL/19/00206
Location	Land on South Side Park Wood Lane Little Totham
Proposal	Use of land for provision of a mobile home for Gypsy/Traveller accommodation.
Applicant	Ms Sofie Purdy
Agent	Mr Peter Le Gryns
Target Decision Date	12.04.2019
Case Officer	Hannah Bowles
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In: By Councillor J V Keyes Reason: Public Interest

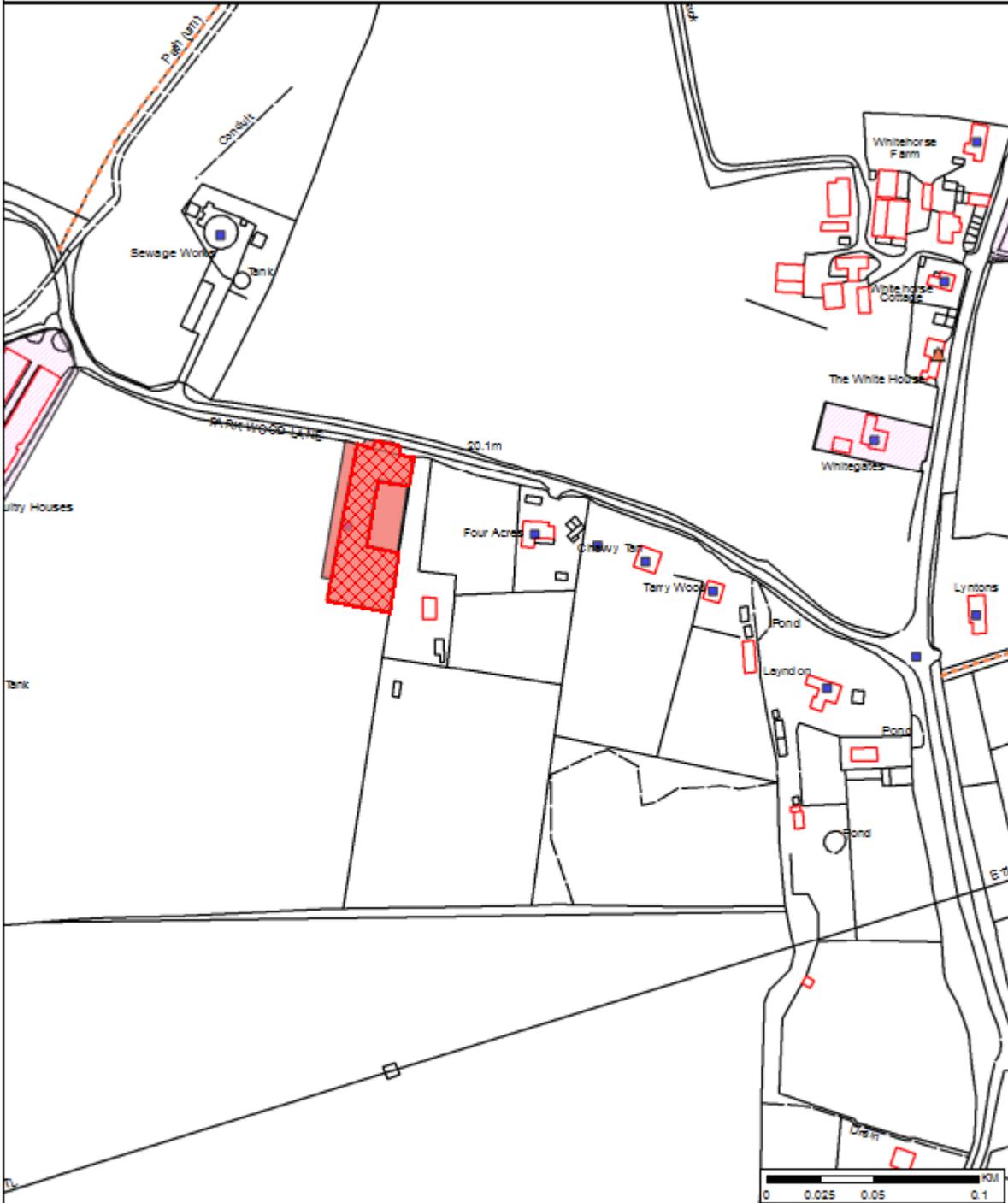
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

Land on South Side Park Wood Lane Little Totham
Not Set



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	01/05/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the south side of Park Wood Lane and forms the corner of an agricultural field. Part of the site hosts an expanse of hardstanding which is used in conjunction with an unauthorised stable block, just outside of the site boundary (that is currently subject of another application for planning permission FUL/MAL/19/00218). The site is boarded by thick vegetation along the front and eastern boundary of the site.
- 3.1.2 The site is accessed via Park Wood Lane, an unmade road. The site lies outside the settlement boundaries of the Maldon District. Within the surrounding area there are a scattering of residential plots directly to the east is 'Four Season' then 'Chavvy Tann' and further east which is 'Tarrywood'. Tarrywood benefits from a Lawful Development Certificate that was granted in 1992, which confirms the lawful use of the site as 'Use of land for residential, breaking of vehicles, sorting, storage and sale of rags, scrap materials, building and landscaping materials, storage and sale of plant and machinery and sale and distribution of logs.' Moors Poultry Farm is to the west of the site and is now used for the storage of reclaimed building materials. The area can be described as countryside with a scattered form of development.
- 3.1.3 Planning permission is sought to change the use of the site for the stationing of a mobile home for residential occupation by one Gypsy/Traveller family and the associated hardstanding. Part of the associated hardstanding to be utilised for parking purposes is already in situ.

3.2 Conclusion

- 3.2.1 The proposed development would not represent a sustainable form of development, particularly due to the poor accessibility of the site and the visual impact of the residential use of the site. The siting of a mobile home would detract from the character and appearance of the site and the streetscene. Furthermore, it is considered that insufficient information with regards to whether the applicants comply with the 2015 definition of a Gypsy/Traveller has been submitted and minimal evidence to back up the personal circumstances of the applicant have been provided to warrant this development within the countryside location. The proposal is therefore considered to be contrary to policies S8, H6, D1 and T2 of the Maldon District Local Development Plan (MDLDP) and the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 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

5.1 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.

5.2 Principle of Development

5.2.1 Policies S1, 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. 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.

- 5.2.2 Whilst Policy S8 restricts development outside settlement boundaries, the policy contains a list of exceptions, of acceptable uses in the countryside, which includes Travellers and Travelling Show people accommodation (S8(i)).
- 5.2.3 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.
- 5.2.4 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.”*
- 5.2.5 The application site is located outside of a defined settlement boundary and is not an existing site of traveller accommodation. Therefore, the development will need to be assessed against criterion (d) to establish whether the development is compliant with policy H6.
- 5.2.6 In assessing the development against criterion (d), it is stated that 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 are made:
1. In terms of accessibility, the site is not well served by public transport connections and is remote from all shops, services and facilities and employment and education opportunities and as such would be dependent on motorised transport. The settlement of Little Totham is located to the north of the site and is described as a smaller village, within the MDLDP; smaller villages are described as ‘Defined settlements containing few or no services and facilities, with limited or no access to public transport, very limited or no employment opportunities.’ Little Totham has extremely limited facilities and services with The Swan Public House being the closest at walk of around 900m from the application site. However, the roads are unlit and pavements are not present along the walking route. Further, there are no bus stops within a reasonable walking distance of the site. Therefore, it is considered that the application site is unsustainably located as it does not have sufficient resources

to enable day-to-day living and the proposal falls foul of this criterion contrary to policy H6.

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 which include residential, a scrap yard and a farm which is now used for the storage of reclaimed building materials. 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 a dwellinghouse. 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 farmland and it is not considered to be an area of high sensitivity for landscape changes, in this respect.
7. The development would not have an effect on any 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. It is not expected that the proposed development would 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 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. The Environmental Health Team has been consulted and have not raised an objection to the scheme in terms of waste water. Conditions to ensure a surface water and foul water drainage scheme are approved prior to the occupation of the caravan will be implemented should the application be approved.
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 services. The site, as outline in red is currently vacant with the exception of an expanse of hard standing, which was laid to serve a stable building located adjacent to the eastern boundary of the site. Essex County Highways has been consulted and raised no objection to the proposal. Therefore, it is considered that its vehicular access would be suitable with no known constraints.

17. The last criterion relates to ownership. The site is owned by a family member of the applicant, the appropriate notice was served on that person and no objection has been forthcoming. Therefore, it is considered that the land is available for development.

5.2.7 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. Notwithstanding this, in light of the above assessment and the poor accessibility credentials of the site it is not considered that the site is sustainably situated and the proposed development would result in a development with poor sustainability credentials contrary to the policies of the MDLDP and the guidance contained within the NPPF.

5.2.8 Policy H6 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.*

5.2.9 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 and concerns are raised, it is considered that given the limited size of the proposed structure on site and given the presence of other larger developments within the immediate vicinity, it is considered that the development would be appropriate in scale to the nearest settlement and dwellings and would not dominate them. It is considered that the site development for the provision of one pitch would have a limited impact on the availability of infrastructure, services and facilities.

- b) The accessibility of the site has been discussed in detail above and concerns are raised in this respect, given that the site is not well served by public transport connections and is remote from all shops, services and facilities and employment and education opportunities and as such would be dependent on motorised transport. Therefore, it is not considered that the site is situated in a sustainable location and the proposal falls foul of this criterion contrary to policy H6.
- c) The site is not located within a flood zone.
- 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 caravan; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas.
- f) As stated above, concerns are raised, in a below section, in relation to the impact of the development on the character and appearance of the area. Whilst no concerns are raised in relation to the living conditions of local residents, it is considered that the proposal falls foul of this criterion contrary to policy H6.
- g) Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

5.2.10 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.

5.2.11 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.

5.2.12 In relation to criteria (b) the planning statement provides the following statements:

- The school attended by the applicant's child is relatively close by, with no other sites immediately available closer to Maldon.
- It is acknowledged that the site does not have the benefit of access to public transport, but it is available to meet the specialist needs of the applicant's family and no other site has been identified as being available which has greater social sustainability credentials.

Further to this, there are no allocated sites within the MDLDP, therefore, it is not considered unreasonable to object to the application on these grounds.

- 5.2.13 The personal circumstances of the applicant are discussed in the planning statement. The need for the family to settle is due to their eldest child reaching school age. 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 eased to travel temporarily. The words ‘or permanently’ have been removed from the previous March 2012 definition.
- 5.2.14 In this respect whilst it has been stated within the planning statement, that the family meet the updated definition, this has not been backed up with any evidence.
- 5.2.15 The agent has specified the following in their planning statement regarding the personal circumstances *‘The applicant is a member of a well-known local family with gypsy status who has married into a travelling family from Surrey and have been together for 6 years. Sofie is 26 years old and with her partner, Shane, who is 29, have three children (the ages of the children have been redacted). Shane and his parents have spent most of their life on the road, although Shane has realised that for his children’s benefit it is necessary to forego travelling in order to provide a fixed base to ensure a stable education can be achieved. This has followed the recent acceptance of the oldest daughter into a School in Maldon (the name of the school has been redacted).’*
- 5.2.16 Again, the above specified need has not been backed up with any evidence by way of official documentation from educational bodies.
- 5.2.17 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.
- 5.2.18 In response to criterion (e), although the Local Planning Authority (LPA) would determine any application for Gypsy and Travellers’ sites, in this instance the applicants have stated, within the planning statement accompanying the application, that they have local connections.
- 5.2.19 In light of all the above and the concerns raised it is not considered that the proposal would comply with the policy H6 of the MDLDP.

5.3 Housing Need and Supply

- 5.3.1 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.

- 5.3.2 Although it is considered that insufficient evidence has been provided to demonstrate the need of the applicants and their dependents to settle at the application site, it is considered necessary to discuss the current need.
- 5.3.3 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 PPTS 2015 definition	8

- 5.3.4 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.
- 5.3.5 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.
- 5.3.6 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.
- 5.3.7 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. This sets out key locational and site criteria to be considered when assessing a proposal for new Traveller accommodation.

5.3.8 On the basis of the above, whilst there is no current under-provision of Gypsy and Traveller pitches within the District, subject to an assessment in relation to 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.

5.4 Design and Impact of the Character of the Area

5.4.1 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.

5.4.2 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”.

5.4.3 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.

5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.4.5 The application site lies outside the defined settlement boundaries of the District. 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.

- 5.4.6 The proposed development would introduce a mobile home and other ancillary development into a rural area. Directly to the north, south and west of the site is open and undeveloped land, whilst to the east are the residential properties 'Four Acres', 'Chavvy Tan', which is also used a scrap yard and contains mobile homes, and 'Tarrywood'. Moors Poultry Farm is located around 140m to the west of the site and is now used as a building yard.
- 5.4.7 The application site is a plot of land which measures around 0.1Ha. Part of the site is subject to a retrospective application for the existing expanse of hardstanding, post and rail fence and an unauthorised stable block which is outside of but directly adjacent to the site.
- 5.4.8 Park Wood Lane is largely undeveloped and rural in nature. The developments that have taken place along the Lane are considered to have eroded some of the intrinsic character and beauty of this part of the countryside and therefore, it is considered that the residential urbanisation of this site would add to the sprawl of domestication into the countryside further harming the visual amenity of this part of Park Wood Lane. Furthermore, the development would be visible from Park Wood Lane, through the access exacerbating the harm.
- 5.4.9 Whilst a caravan would be of a scale that is in keeping with other structures within the vicinity of the site. The proposed development would result in the inherent domestication of the site, with domestic parking, amenity space and the traditional appurtenances of residential living, which would detract from the character and rural tranquillity of the site and its surroundings.
- 5.4.10 The existing large expanse of hard standing (which has been laid in connection with the stable building which is just outside of the site boundary) is also considered to detract from the surrounding rural area, due to its scale and proximity to the highway. However, on balance, given the residential developments to the east of the site, which are all served by an expanse of hard standing adjacent to the highway, this aspect is not objected to.
- 5.4.11 Therefore, given the above assessment it is considered that the proposed development would be contrary to policy D1 of the MDLDP.

5.5 Impact on Residential Amenity

- 5.5.1 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).
- 5.5.2 The nearest and most affected property to the application site is 'Four Acres' located to the east of the site. The dwelling Four Acres is around 55m from the eastern boundary of the site. 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 in terms of overlooking, a loss of light and domination.

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

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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.6.3 Essex County Council Highways have been consulted and raised no objection to the proposal in terms of highways safety. The access is considered to be adequate and sufficient hardstanding is present on the site to provide an area of off-street parking for a touring caravan and the other vehicles, as well as turning facilities within the site.
- 5.6.4 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.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

5.7.2 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, should the application be approved.

5.8 Drainage

5.8.1 Policy D5 of the LDP sets out the Council’s approach to minimising flood risk.

5.8.2 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.

5.9 Other Material Considerations

5.9.1 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 is 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/19/00218** – Section 73 application for the retention of stables and use of land for keeping of horses with related hardstanding. – PENDING CONSIDERATION

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Little Totham Parish Council	The Parish Council objects to this application for the following reasons: Impact of LDP rural location, outside boundary S1, S2, H1 Design and impact BE1 Sustainable transport T1 Settlement boundaries S8 Design quality and impact	Comments noted and the issues raised are dealt with in this report. However, some policies quoted (BE1 and CC6) formed part of the superseded local plan and consideration of policy H6 (Provision for Travellers) should be given

Name of Parish / Town Council	Comment	Officer Response
	on environment D1 Unsustainable development CC6 landscape protection Impact of site and surroundings	as 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.	Comments 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.
Policy	If the application is from a household that meets the PPTS definition (i.e. they are a 'travelling' traveller household) (definition is on page 92 LDP), policy H6 would apply. The second table on page 93 of the LDP, shows there is an identified need for 9 pitches for households whose status is unknown (i.e. we don't know if they are travelling travellers or nontravelling travellers). Their travelling status is something the applicant needs to demonstrate. Effectively, that will be the head of the household; not all family members need to be travelling for work (eg husband travels for work, wife stays at the site raising the children).	Comments noted.

7.4 Representations received from Interested Parties

7.4.1 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
This will adversely affect the quiet enjoyment of a property in Sheepcotes Lane due to the coming and going of numerous temporary residents and increased traffic in Sheepcoates Lane.	The proposal is for a mobile home for one family. It is not considered that this would generate an unacceptable level of traffic movements.
Potential harmful effects of horse waste on the water supply, adverse smell from manure and it may attract more flies to the area.	There are no equestrian activities proposed under the terms of this application.
The value of a property located in Sheepcotes Lane will be adversely affected.	This is not a material planning consideration.

8. **REASON FOR REFUSAL**

1. The proposed development would not represent a sustainable form of development, particularly due to the poor accessibility of the site and the visual impact of the development which results in a development which is remote from essential support facilities, community services, is inaccessible by a range of transport and is located where the need to travel would be maximised and the use of sustainable transport modes would be minimised. Further, the siting of a mobile home would detract from the character and appearance of the site and the streetscene. Furthermore, it is considered that insufficient information with regards to whether the applicants comply with the 2015 definition of a Gypsy/Traveller has been submitted and minimal evidence to back up the personal circumstances of the applicant have been provided to warrant this development within the countryside location. The proposal is therefore considered to be contrary to policies S8, H6, D1 and T2 of the Maldon District Local Development Plan and the National Planning Policy Framework.