



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

---

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
14 FEBRUARY 2024**

<b>Application Number</b>	<b>23/00796/FUL</b>
<b>Location</b>	Land North West of Riversleigh, Nipsells Chase, Mayland
<b>Proposal</b>	Retain structure for mixed use. Agricultural storage, office, reception/rec area, cake and jam making studio.
<b>Applicant</b>	Mr & Mrs Kenny Paton
<b>Agent</b>	None
<b>Target Decision Date</b>	06.10.2023
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**

**REFUSE** subject to the reasons set out in section 8.


**2. SITE MAP**

Please see below.

**Land North West Of Riversleigh, Nipsells Chase**  
**South Eastern Area**



**Copyright**  
 For reference purposes only.  
 No further copies may be made.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	18/01/2024
MSA Number:	100018588

### **SUMMARY**

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

##### Application site

- 3.1.1 The application is located on the western side of Nipsells Chase within a rural area outside the defined settlement boundaries and it is within a designated local wildlife site. The wider site was an established orchard until the 1970s but was cleared in more recent years of almost all trees and is grassed over.
- 3.1.2 The site comprises the single storey building the subject of this application. The site includes an access track taken from the western side of Nipsells Chase, running east to west and then turning south towards a hardstanding at the front of the building.
- 3.1.3 The area surrounding the application site is largely undeveloped. There is a dwelling to the southeast of the site, Riversleigh, and to the northeast is another dwelling, Orchard House. To the east of the application site, within the applicant's wider land holding, is a dwelling being constructed under planning permission 21/00628/FUL (and subsequent variations). To the west of the site is a woodland.

##### Proposal

- 3.1.4 The application seeks planning permission to retain the existing structure for use as agricultural storage, office, reception/rec area, cake and jam making studio. Note – no further description or explanation has been provided as to what the “rec area” entails.
- 3.1.5 The application building measures 2.3m to the eaves and 4.4m to the ridge of the hipped roof. The building has a rectangular footprint measuring 19m in width and 8m in depth, with a front glazed gable projection measuring 6m in width and 2.6m in depth. Internally, the building is divided into areas/rooms shown on the floor plan as: implement store, apple preparation area, office space, apple store, store, and WC. The submitted plans are the same as that approved under the variation, 20/00574/FUL. However, the building has not been constructed strictly in accordance with the submitted plans as the materials for the external doors to the rooms labelled “implement store” and “apple store” are glazed French doors and not the panelled, solid doors shown in the submitted elevations. The external finishes are black weatherboarding above a brick plinth of the walls, tiles to the roof, glazed doors, and black window and door frames and guttering.
- 3.1.6 The application form states that the work commenced on 1 March 2020 and was completed on 2 June 2021. Officers can confirm that the building has been erected.
- 3.1.7 The building is accessed via the existing access from Nipsells Chase.
- 3.1.8 The application is supported by an Ecology Assessment, dated 19 January 2023. No other supporting information has been submitted.

##### Background

- 3.1.9 Planning permission 18/00280/FUL was granted by Committee, contrary to Officer recommendation, for the “*Construction of an apple storage barn*” on 23 May 2018. A section 73 variation, 20/00574/FUL, was subsequently applied and granted for a ‘*Variation of condition 2 on approved planning permission 18/00280/FUL*’

*(Construction of an apple storage barn)* on 10 August 2020. The amendments included changes to the fenestration of the building.

- 3.1.10 The building was then the subject of a further planning application, 23/00076/FUL, for the *“Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration”*. The application was refused on 15 September 2023 for the following reason:

*“Based on the information submitted and available to the Council, and having regard to the design, appearance, layout, character and purpose of the application building, it has not been demonstrated that the building as constructed constitutes an ‘apple storage barn’ as authorised by the grant of planning permission 20/00574/FUL. Consequently, the building is unauthorised development, and the Council cannot, having regard to relevant Case Law, approve an application for a permission for a ‘change of use’ of a building where the construction of the building is unauthorised.”*

- 3.1.11 A building has been constructed in the location of the barn granted under the variation application 20/00574/FUL. The Council’s findings to date are that the building, having regard to its design, appearance, layout, character and purpose has not been constructed as an ‘apple storage barn’ but as a dwelling. Therefore, it cannot be concluded that the previous permission for an ‘apple storage barn’ has commenced or is extant.

- 3.1.12 Based on the above, it is pertinent to note that an Enforcement Notice against the alleged unauthorised erection of a C3 residential dwelling house on the Land was served on the 29 June 2023. An appeal was lodged which is due to be heard at a Public Inquiry in March 2024.

- 3.1.13 An application, 23/00798/FUL for the *“Retention of the agricultural building known as The Apple Store to C3 residential, to form a 2 bed bungalow. No external alterations apart from 2 additional windows”* was then submitted. The Local Planning Authority (LPA) declined to determine the application on 23 August 2023, reissued on 21 September 2023, as the proposed development was the subject of an Enforcement Notice.

- 3.1.14 In addition, two further applications were submitted in respect of this building (23/00664/FUL and 23/00782/FUL) both of which sought to ‘renew the existing consent’. The LPA declined to determine both applications for the following reason:

*“There is no extant permission that can be renewed relating to the application building, and the legislation does not allow Local Planning Authorities to extend to the time that a condition imposes for a development to commence. Furthermore, the proposal would involve granting permission for matters relating to the Enforcement Notice as constituting a breach of planning control.”*

- 3.1.15 This application was submitted on 11 August 2023. The LPA issued a decision declining to determine the application under section 70(C) of the Town and Country Planning Act 1990 (as amended) on 23 August 2023. A further decision declining to determine the application was issued on 21 September 2023 which sought to correct an error the previous decision. The applicant sought permission for a judicial review and a High Court Consent Order, dated 9 November 2023, was issued quashing the Council’s decision of 23 August 2023 and the purported decision of 21 September 2023. Accordingly, the application must now be determined by the LPA.

### **3.2 Conclusion**

- 3.2.1 The building, as constructed, does not benefit from an extant planning permission, therefore the proposed development must be considered in full.
- 3.2.2 No evidence has been submitted to demonstrate that the building is required for agricultural purposes or any other existing land-based rural business at the site. Accordingly, the proposal is not acceptable in principle and would result in an unjustified form of development in the countryside which, by virtue of the scale, design and siting of the building within the open countryside, would cause substantial harm to the rural character and beauty of the area.
- 3.2.3 In addition, no information has been submitted with the application regarding the proposed uses of the building, therefore it is not possible to assess the level of activity at the site and within the building and the potential impacts on the amenity of residential neighbours.
- 3.2.4 The proposal is therefore unacceptable and contrary to policies S1, S8, E4 and D1 of the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10 – 12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 58 Planning conditions and obligations
- 88 – 89 Supporting a prosperous rural economy
- 96 – 107 Promoting healthy and safe communities
- 108 – 117 Promoting sustainable transport
- 123 – 127 Making effective use of land
- 131 – 141 Achieving well-designed places
- 157 – 179 Meeting the challenge of climate change, flooding and coastal change
- 180 – 194 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment
- E4 Agricultural and Rural Diversification.
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- I1 Infrastructure and Services

- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (VPS)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

5.1.2 Planning permission has previously been granted for the construction of an apple storage barn at the site under reference no. 18/00280/FUL and subsequently varied by 20/00574/FUL. It is acknowledged that the physical building itself has been constructed largely in accordance with the plans submitted for 20/00574/FUL, with the exception of glazed doors that are not included as part of this application. However, the Council has previously established that the building was not constructed in accordance with the planning permission and that there is no extant planning permission for the building. Accordingly, this application must be assessed as though the building does not exist and must be considered afresh and in accordance with current planning policy. The previous permission, and variation, for an apple store is a material consideration when assessing this current application.

5.1.3 The application site lies beyond the designated settlement boundaries, in a rural area. Policies S1 and S8 of the approved Local Development Plan (LDP) are relevant as they 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.

5.1.4 Given that the application site is located outside the settlement boundaries, it should be demonstrated that there is no adverse impact from the development upon the intrinsic character of the countryside. The impact of the proposed building on the appearance and character of the area is fully assessed below in the relevant 'Design and Impact on the Character of the Area' section below.

5.1.5 Policy S8 of the LDP includes a number of acceptable uses within the countryside, including agriculture and forestry and related development; however, this is only when the landscape, natural resources and ecological value of the countryside is protected and when the development is for one of the forms of development identified in criteria a) to m) of the policy. In this case, the criteria that are potentially relevant to this application are:

*"b) Employment generating proposals (in accordance with Policy E1)*

*d) Agriculture and forestry and related development (in accordance with Policy E4)*

*f) Rural diversification, recreation and tourism (including equestrian and related activities) proposals (in accordance with Policies E4 and E5)”*

- 5.1.6 Policy E1 encourages employment generating developments and directs new employment uses to designated employment areas and other high quality and sustainable locations, such as town centres.
- 5.1.7 Policy E4 states that *“The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where:*
1. *There is a justifiable and functional need for the building/activity;*
  2. *The function of the proposed building/activity is directly linked, and ancillary to, the existing use; and*
  3. *The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.”*
- 5.1.8 The NPPF, at paragraph 88, states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*. It goes on to state in paragraph 88 that planning decisions should enable:

*“(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; (b) the development and diversification of agricultural and other land-based rural businesses;”*

#### Evidence of need for the building

- 5.1.9 The original application for an apple store, 18/00280/FUL, was supported by information comprising: A design and Access Statement which included information on the need for the building, planting and number of trees, carbon footprint and sustainability; Apple Tree Guide and Yields; Soft Fruit Yield and Sustainability Appraisal; Invoices for fruit harvesting and machinery; Tree Pruning Certificates. Further supporting information was provided by the applicant following the Committee Report being published.
- 5.1.10 Minutes from the South Eastern Area Planning Committee meeting on 21 May 2018, confirm that the Officer recommendation was overturned after *“A brief debate ensued around the size of the site and the need to support rural enterprise”*. Accordingly, it is apparent that Committee Members placed weight on the supporting information submitted to allow the building in the countryside.
- 5.1.11 In this case however, no supporting information has been submitted to justify the need for the building for use as agricultural storage, office, reception/rec area, cake and jam making studio. There is no evidence of who would be using the building for these activities and why the proposed uses (other than perhaps use as an agricultural store) need to take place in the countryside as they are not agricultural uses nor is there any evidence that they are ancillary to any agricultural uses.

#### Evidence that there is no need for agricultural building

- 5.1.12 As set out above, the applicant applied for planning permission for the *“Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration”* (23/00076/FUL) which was refused on 15 September 2023. In the applicant’s planning statement, submitted in support of that application, the applicant states at paragraph 1.6 that the building *“is not fit for the purpose we need it for and all of which will be accommodated in the much larger and higher mixed use*

*agricultural/stable building*". At para. 1.7 the applicant states *"The authority had concerns regarding the ridge height and the apple store was deliberately designed for the ridge to be as low as possible at 4.4 metres, but even with a very shallow pitch, the distance between the eaves and the floor height is unsuitable for a forklift, which means that everything has to be moved by hand"*. And at para. 1.8 the applicant states *"We also needed the ability to wash pip and stone fruits separately prior to storage, but after starting to partition rooms in the existing apple store, we found that they were far too small for any useful purpose"*. At para. 2.3.7 when justifying the residential use of the building the applicant states that *"This building is unused"*.

- 5.1.13 In summary, the applicant has confirmed that the building is not currently in use and it is not fit for purpose as an apple store as the rooms are too small and the roof is too low. Furthermore, the applicant has confirmed that they propose to use an alternative building on the site for the apple store use. The building being *"not fit for purpose"* also appears to contradict the proposed use of the building as an agricultural store, as the same issues of the roof being too low and rooms being too small *"for any useful purpose"*, as stated by the applicant, would likely still be applicable.
- 5.1.14 Notwithstanding the proposed description for this current application, the submitted floorplan is identical to that approved under 20/00574/FUL which shows the building to be used primarily as an apple store and apple preparation area.
- 5.1.15 In addition to this, the applicant has planning permission for a dwelling (currently under construction) on the wider land holding. The most recent variation to the dwelling, 23/00749/FUL includes a kitchenette and home office room (in addition to the kitchen). This same area is retained as a "home office" in the current application, 23/01056/VAR. This area measures approximately 45sqm in area. There is no information as to what the approved kitchenette and home office will be used for and therefore no justification as to why it can't be used as an office, reception/rec area, cake and jam making studio instead of requiring a new building for this purpose.

### Conclusion

- 5.1.16 No information has been submitted in support of this application to demonstrate that the building is necessary for agriculture or other land-based rural businesses. Whilst the description includes the use of the building as an "agricultural store" it provides no details as to the agricultural use this would support or precisely what the building would be used for. Evidence from the previous application to change the use to a residential dwelling makes it clear that the building is not designed for an agricultural use. Accordingly, there is no justifiable or functional need for the building, nor is the function of the building linked to any existing use. Furthermore, the other uses proposed for the building including use as an office, reception area, and cake and jam making studio, are uses that do not need a countryside location i.e. they could reasonably be located in existing towns, villages or allocated employment areas. Accordingly, the principle of development does not accord with Policies S1, S8 and E4 of the LDP.

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

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



5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF, at paragraph 131, states that:

*“The creation of high-quality, beautiful and sustainable 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”.*

5.2.3 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.

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

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

5.2.6 The application site is located outside the defined settlement boundaries within a rural and relatively undeveloped area. There is some development in the area with the residential properties Riversleigh to the southeast, Orchard House to the northeast and the dwelling under construction on the applicant's wider site to the east. However, the area is largely characterised as rural with sporadic development.

5.2.7 The hedge along the eastern side of the wider site, adjacent to Nipsells Chase, and the dwelling under construction, screen the building to an extent although it is visible from the access to the site, from the Public Right of Way (PRoW). Although the proposed building is single storey it is of a size that would demonstrably change the character and appearance of the area as it would represent a substantial unjustified intrusion of the built development in the countryside.

5.2.8 There is no information submitted as part of the application to justify why a building of the size and scale proposed is necessary in this countryside location.

- 5.2.9 With regard to the design of the building, it is considered that as proposed, including the level of fenestration proposed, it would not be representative of an agricultural storage building, one of the proposed uses. To the contrary, its overall appearance reflects more a residential form of development given the high level of glazing and overall design. This would further weigh against the proposal, as it would result in a form of development that does not reflect its proposed function or the rural character, but rather results in an alien form of development. It is therefore, considered that this exacerbates the harm highlighted above.
- 5.2.10 Accordingly, the proposed development, due to its size, siting and design represents an unjustified built form that would harm the intrinsic character and beauty of the countryside, contrary to Policies S1, S8 and D1 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 No information has been submitted with the application in regard to the proposed uses therefore it is not possible to assess the level of activity at the site and within the building and therefore the potential impacts on the amenity of residential neighbours. Whilst the development may not result in a materially harmful impact on the residential amenity of the neighbours, in the absence of any information it is not possible to confirm this. Accordingly, in the absence of any information, the proposal is contrary to Policy D1 of the LDP.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's VPS do not provide parking numbers for this type of mixed use development. Whilst no set number of car parking spaces is proposed for the development there is ample space of the site for parking to be provided. If the application was considered to be acceptable, car parking provision could be secured via a condition.
- 5.4.3 The Highways Authority have been consulted on the application and have raised no objections to the application. An Informative is requested to ensure the Byway no. 17 (Mayland), which runs along Nipsells Chase, remains free and unobstructed.
- 5.4.4 Therefore, it is considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District VPS SPD.

### **5.5 Ecology**

- 5.5.1 The site is a designated local Wildlife Site and is therefore regarded as a 'sensitive site' where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the

LDP which states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”.

5.5.2 Paragraph 170 of the NPPF (2021) states that “planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity”.

5.5.3 The application is supported by an Ecological Assessment prepared by Plumb Associated, dated 19 January 2023. The Council's Ecology Consultant (Place Services) has assessed the submitted assessment and advised that there is sufficient ecological information available for determination of this application. No objection is raised by the Ecology Consultant subject to a condition requiring the submission of a Biodiversity Enhancement Strategy.

## **5.6 Flood Risk and Drainage**

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

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

5.6.3 No objection is raised in respect of flood risk.

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

- **23/00798/FUL** - Retention of the agricultural building known as The Apple Store to C3 residential, to form a 2 bed bungalow. No external alterations apart from 2 additional windows. Declined to Determine issued 23.08.2023 and reissued 21.09.2023
- **23/00782/FUL** - Renewal of existing consent. Declined to Determine issued 18.08.2023 and reissued 21.09.2023
- **23/00664/FUL** - Renewal of existing consent. Declined to Determine issued 02.08.2023 and reissued 21.09.2023
- **23/00076/FUL** - Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration. Refused 15 September 2023
- **20/00574/FUL** - Variation of condition 2 on approved planning permission 18/00280/FUL (Construction of an apple storage barn). Approved 10.08.2020
- **20/05040/DET** - Compliance with conditions notification 18/00280/FUL (Construction of an apple storage barn) Condition 3 – Materials. Discharged 23.07.2020
- **18/00280/FUL** - Construction of an apple storage barn. Approved 23.05.2018

Applications within the wider site:

- **23/01056/VAR** - Variation of condition 1 & 12 of approved application 23/00749/FUL (Amendment of condition 2 of 21/01240/VAR. Alterations to scale of the dwelling, the fenestration, design and materials). Current application
- **23/00749/FUL** - Amendment of condition 2 of 21/01240/VAR. Alterations to scale of the dwelling, the fenestration, design and materials. Approved 21.09.2023
- **23/00564/NMA** – Non-material amendment following grant of planning permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)). Amendment sought: Alterations to fenestration and external. Refused 24.07.2023
- **23/00266/VAR** - Variation of condition 2 (plans) and removal of condition 13 (dormer windows) on approved Planning Permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)). Withdrawn 23.05.2023
- **23/05015/DET** - Compliance with conditions notification 21/01240/VAR Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling) Condition 3 - Materials, Condition 4 - Hard and soft Landscaping, Condition 5- Boundary Treatment, Condition 6 -Cycle Parking, Condition 7 - Parking spaces, Condition 9 - Surface water drainage, Condition 15- Biodiversity Enhancement and Mitigation. Condition 16- Biodiversity Enhancement Strategy for Protected and Priority species. Condition cleared 03.04.2023.
- **22/05055/DET** - Compliance with conditions notification 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)) Condition 3 - Materials, Condition 4 - Landscaping, Condition 5- Boundary Treatment, Condition 6 - Cycle Parking, Condition 7 - Parking Spaces, Condition 8 - Surface Water Drainage, Condition 9 - Foul Drainage, Condition 15 - Biodiversity Strategy, Condition 16 - External Lighting. Conditions part discharged part refused 25.08.2022
- **21/01240/VAR** - Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling). Approved 08.04.2022
- **21/00628/FUL** - Proposed construction of a single storey self build live/work dwelling. Approved 15.10.2021
- **21/00102/FUL** - Construction of a single storey dwelling. Withdrawn 26.05.2021
- **20/00733/FUL** – An equestrian arena to ride in the wet winter months. The arena is to be made of an equestrian sand mix. Approved 12.11.2020
- **20/00345/FUL** - Variation of condition 2 and 8 on approved planning permission 18/00839/FUL (Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses). Approved 10.07.2020
- **18/00839/FUL** - Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses. Approved 20.06.2019
- **18/00816/HRN** - Hedgerow removal notice for clearance either side of entrance. Area 1 (Southern side) - 2.5m. Area 2 (Northern side) - 3m. Allowed to proceed 21.09.2018

- **17/01060/DD** - T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day D&D **\*\*5 Day Notice\*\***. Approved 16.10.2017
- **17/01043/AGR** - Prior notification for permeable hardstanding, with edging stones. Refused 12.10.2017
- **17/00736/FUL** - Proposed construction of a new detached single storey dwelling. Application withdrawn 05.09.2017

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	Object – The applicants are continually trying to modify the planning permission already granted for this site which is that an apple store is built here. If this is changed it undermines Maldon District Council's original decision.	Noted. This application must be considered afresh however the original planning permission is a material consideration

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highways Authority	No objections to the proposal. An Informative regarding the Restricted Byway no.17 (Mayland) being maintained free and unobstructed at all times is recommended.	Addressed at section 5.4

### 7.3 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No comments to make.	
Ecology	No objection subject to a condition securing Biodiversity mitigation and enhancement measures.	Noted. If the application were to be approved these matters could be secured by a condition.

### 7.4 **Representations received from Interested Parties**

7.4.1 No letters of representation have been received.

## **8. PROPOSED REASONS FOR REFUSAL**

1. The site is outside of a defined settlement boundary and is in open countryside. The proposed development would result in an unjustified intrusion in the countryside which, by virtue of the scale, design and siting of the building within the open countryside, would cause substantial harm to the intrinsic rural character and beauty of the area. The proposal is therefore unacceptable and contrary to policies S1, S8, E4 and D1 of the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework.
2. No information has been submitted with the application regarding the proposed uses of the building, therefore it is not possible to assess the level of activity at the site and within the building and the potential impacts on the amenity of residential neighbours. Accordingly, in the absence of any information, the proposal is contrary to Policy D1 of the approved Maldon District Local Development Plan (2017) and the National Planning Policy Framework.