

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

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
3 DECEMBER 2025**

<b>Application Number</b>	<b>25/00555/FUL</b>
<b>Location</b>	OS Field 6251, Colchester Road, Great Totham
<b>Proposal</b>	The material change of use of land for the stationing of caravans for residential purposes, and dayrooms and hardstanding ancillary to that use
<b>Applicant</b>	William Draper
<b>Agent</b>	Mr Lee Marbury – Green Planning Studio Ltd
<b>Target Decision Date</b>	5 December 2025 (EoT)
<b>Case Officer</b>	Matt Bailey
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan; Called in by Councillor J C Hughes

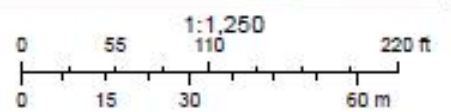
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

25/00555/FUL



### **3. SUMMARY**

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

##### Site Description

- 3.1.3 The site is 0.1 hectare (ha) in size and is located on the eastern side of Colchester Road outside of any defined settlement boundary. It forms part of a wider area of land owned by the applicant. A vehicular access to the site from Colchester Road was approved in 2018 and has been implemented. The surrounding area is rural in nature. The site is bordered by open countryside to the north east and south east and fronts Colchester Road to the north west. A small field lies between the site and the closest existing residential property known as 'The Stables' which is situated approximately 75m to the south west and is within the applicant's ownership together with several large agricultural buildings.

##### The Proposal

- 3.1.4 Full planning permission is sought to change the use of land for the stationing of caravans for residential purposes, and dayrooms and hardstanding ancillary to that use. The proposed static caravan and touring caravan fall under the definition of a caravan under the Caravan Site and Control of Development Act (1960) as they are constructed on a chassis and no significant building operations are proposed.
- 3.1.5 It is noted that Paragraph B of Part 5 of Schedule 2 to the General Permitted Development Order 2015 as amended (GPDO) states that works in relation to a caravan fall under permitted development in accordance with the provisions of the Caravan Sites and Control Development Act 1960. This legislation states in Part 1 Article 5 Paragraph 1(f) that the provision of a sanitary block is a formal requirement of any site license. On this basis, the proposed amenity block would fall under permitted development if planning permission were granted.

##### Conclusion

- 3.1.4 The application site is located outside of any defined settlement boundary and is within the open countryside. As explained above, whilst the site is not considered sustainable in terms of availability of services and public transport, the Planning Policy of Traveller Sites (PPTS) also accepts that traveller sites may be acceptable in rural locations. It is also the case that the nomadic lifestyle of gypsies and travellers varies from that of a settled community and involves the use of private vehicles irrespective of location. Therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. Taking this into account on balance it is considered that the accessibility of the site would be acceptable in principle.
- 3.1.5 In the absence of a Five-Year Housing Land Supply (5YHLS), the "titled balance" as set out in paragraph 11d of the National Planning Policy Framework (NPPF) applies unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"*.
- 3.1.6 Furthermore, the Council is unable to identify a five-year supply of pitches of Gypsy and Traveller Accommodation, and in this respect, the Gypsy and Traveller Accommodation Assessment of 2016 carries no weight. Irrespective therefore of the

unsustainable location of the site, due to the identified shortfall in housing supply, the specific shortfall in Gypsy and Traveller plots. It is considered that the proposed traveller's accommodation is acceptable in principle subject to an occupancy condition. It would not have a significant impact on the character and appearance of the countryside and would not have an adverse impact on the amenity of existing residents and a satisfactory level of amenity would be provided for future occupants. No objection is raised in relation to highway safety subject to the imposition of conditions. Ecological improvements and a contribution towards Recreational disturbance Avoidance and Mitigation Strategy (RAMS) have been secured. Therefore, and in the absence of any demonstrable harm, the proposal complies with Local Development Plan (LDP) Policies S8 and H6 and is recommended for conditional approval accordingly.

- 3.1.7 The design and materials of the proposed development are considered acceptable and would comprise a sensitive development that is in keeping with the local area both in terms of scale and architectural design. It is considered that a dwelling at the site would not result in any harm in terms of residential amenity, highways safety, or ecology and biodiversity; subject to planning conditions.
- 3.1.8 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District LDP and the NPPF and is recommended for approval.

#### **4. MAIN RELEVANT POLICIES**

##### **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
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, 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
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H2 Housing Mix

- H4 Effective Use of Land
- H6 Provision for Travellers
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure Services
- I2 Health and Wellbeing

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Vehicle Parking Standards Supplementary Planning Document (SPD)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Within the context of addressing the needs of specific groups including travellers, NPPF paragraph 63 refers to Planning Policy for Traveller Sites (2024). This document (hereafter referred to as the PPTS). The PPTS provides the following definition for travellers:

*‘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’.*

- 5.1.2 The PPTS also sets out how travellers’ housing needs should be assessed and includes Policy H which states (paragraph 25) that the Local Planning Authority (LPA) should 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.
- 5.1.3 Paragraph 26 of the PPTS states that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

- 5.1.4 Paragraph 27 of the PPTS states that when considering applications, LPAs should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 5.1.5 Whilst LDP Policy S8 of 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)).
- 5.1.6 LDP Policy H6 deals specifically with provision for travellers and paragraph 5.53 of the supporting text to this policy states that to meet the accommodation needs of 'travelling' households, the Council will actively and positively consider proposals through the development management process, using the criteria set out in policy H6. Reference is also made in the supporting text to the Council's Gypsy and Traveller Availability Assessment (GTAA); the latest version of which was published in 2024. The report highlights that the Council cannot currently demonstrate a Five-Year supply of pitches (see section 5.2 below for further detail). It is therefore appropriate to apply Policy H6 in assessing the acceptability of the proposal subject of this application.
- 5.1.7 LDP 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 – see below):
- 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 (TSADPDDBP)."*
- 5.1.8 The site would not result in the intensification of an existing Gypsy/Travellers site. Whilst in theory the site offers an opportunity to provide additional provision through appropriate expansion, the main consideration in respect of the above criteria is criterion (d) given that the site is located outside the defined development boundaries.
- 5.1.9 The site is located approximately 1km north-east of Great Totham South and its associated services, and 600m to the south-west of Great Totham North. The site is served by the No 75 bus route (hourly services connecting Maldon and Colchester), with bus stops located 300m from the proposed development – albeit with no footpath providing access to from the site access point. It is therefore considered that

future occupiers would be more dependent on private vehicles to access services and facilities.

5.1.10 Whilst the PPTS advises that new traveller sites should be very strictly limited in open countryside away from existing settlements it also accepts that traveller sites may be acceptable in rural locations. It is also the case that the nomadic lifestyle of gypsies and travellers varies from that of a settled community and involves the use of private vehicles irrespective of location. Therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. Taking this into account on balance it is considered that the accessibility of the site would be acceptable.

5.1.11 Part 3 of the policy also includes the following seven criteria that proposals and sites are expected to comply with.

- a) *appropriate in scale to the nearest settlement or dwellings 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.*

5.1.12 With regards to these requirements:

- The proposal would be of a smaller scale to the adjacent residential development at The Stables (to the south of the site) which comprises of a dwelling and mix of ancillary storage buildings, some substantial in size. (criterion 3.a)
- Although the site is not well related to an existing built-up area, paragraph 105 of the NPPF highlights that in rural areas opportunities to maximise sustainable transport solutions will vary and this needs to be taken into account in decision making. Therefore, and for the reasons set out in paragraph 5.1.11 above, criterion 3.b) does not preclude the proposed development.
- The site is located away from an area at risk of flooding (criterion 3.c))
- The site can be accessed safely by vehicles from the public highway (criterion 3.d))

- The site is of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas (see below) (criterion 3.e))
- The development would avoid unacceptable harm to the character of the local area and the living conditions of local residents (criterion 3.f.)
- Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

5.1.13 In conclusion, although future occupants would not be able to access services and facilities by walking, cycling or public transport, given the ability to control occupancy by a condition, the site's close proximity to Great Totham and the nomadic life of the traveller's family that the caravans would serve, the development is considered to accord sufficiently with LDP policies S8 and H6 so as to be acceptable in principle.

## 5.2 Housing Need and Supply

5.2.1 As per Paragraph 78 of the NPPF, the Council as the LPA for the Maldon District should "monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies". As the LDP is more than five years old, paragraph 77 requires LPAs to "identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply". To this end, Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.

5.2.2 Currently the Council can only demonstrate 2.7 years' worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government's approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.

5.2.3 In terms of Gypsy and Traveller development specifically, the LDP also makes specific provision for the District's full objectively assessed housing needs including those households which meet the PPTS definition for Gypsy and Travellers. The associated GTAA (2024) identifies a need for 55 pitches for Gypsy and Traveller households that met the PPTS planning definition; up to nine pitches for undetermined Gypsy and Traveller households that may meet the planning definition; and 31 pitches for Gypsy and Traveller households who did not meet the planning definition.

5.2.4 This shortfall has been acknowledged in a recent appeal decision at Longfield, Hyde Chase, Woodham Mortimer (appeal ref APP/X1545/C/23/3319780) where the Inspector noted that *"The Council acknowledges that it does not have a 5-year supply of Traveller sites, no alternative sites have been identified that could accommodate the family, and that there is a substantial unmet need for sites in the District, and indeed in the wider area and nationally"*.

- 5.2.5 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, and furthermore the specific lack of supply of Gypsy and Traveller sites, the NPPF's titled balance of the presumption in favour of sustainable development as set out in paragraph 11d of the NPPF applies unless *"any adverse impacts of doing so would significantly and demonstrably out-weigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination"*.

#### Sustainable Development

- 5.2.6 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

#### Environmental Dimension

- 5.2.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 5.2.8 As explained above, whilst the site is not considered sustainable in terms of availability of services and public transport, the PPTS also accepts that traveller sites may be acceptable in rural locations. It is also the case that the nomadic lifestyle of gypsies and travellers varies from that of a settled community and involves the use of private vehicles irrespective of location. Therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. Taking this into account on balance it is considered that the accessibility of the site would be acceptable in principle.

#### Social Dimension

- 5.2.9 The development would make a limited contribution towards the supply of housing within the District as only a single residential unit is proposed in the context of the wider shortfall in housing supply overall. In specific relation to gypsy and traveller plots the proposal would make a moderate contribution despite the limited scale of the proposal.

#### Economic Dimension

- 5.2.10 The development would make a limited contribution to the local economy in terms of additional custom for existing businesses.

## Summary of Principle of Development

- 5.2.11 Although the site lies outside of any settlement boundary, and access to services by walking, cycling or public transport is limited, due to the nature of the proposed use and therefore the principle of development is considered acceptable subject to compliance with all other policies contained within the LDP.

### **5.3 Impact on the Character of the Area**

- 5.3.1 The 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.
- 5.3.2 The proposed development would introduce a static caravan home and touring caravan and other limited ancillary development into the countryside. However, the site is visually contained from public views by existing vegetation, with further hedgerow and tree planting proposed as part of the scheme. Longer views of the site are possible from the south along Beckingham Road, though these are limited due to the topography of the land between – and in any event the proposal would sit against a backdrop of the existing buildings at The Stable. For this reason it is considered that the proposal would accord with criterion 3.f.) of LDP Policy H6. This is however subject to compliance with the recommended conditions limiting the development to no more than one static mobile home and a tourer caravan and conditions for: siting of the mobile home; separate approval of means of enclosure, the design and location of refuse storage facilities and any external lighting and hardstanding and preventing any unauthorised commercial activities from taking place on the site.

### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site is located adjacent to The Stables, an existing residential dwellinghouse positioned approximately 50m from the proposed caravan plot and hardstanding area. Due to this considerable separation distance, together with the presence of substantial planting to the eastern side of the existing dwelling, it is not considered that the proposed development would result in any harm to this neighbouring property in residential amenity terms.
- 5.4.3 On the basis that there are no further existing residential properties adjacent to the application site and given the residential nature and limited scale of the development proposed, subject to the recommended conditions the proposal would not have an adverse impact on any existing residents and would comply with LDP policy D1 accordingly.

## 5.5 Access, Parking and Highway Safety

- 5.5.1 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District. LDP 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.
- 5.5.2 Vehicular access to the static caravan and touring caravan would be via the existing access from Colchester Road, which Essex County Council (ECC) Highways has confirmed is considered acceptable. The proposed hardstanding area provides a sufficient amount of space for the parking of cars as required by parking standards. On this basis given the residential nature and limited scale of the development and for the reasons provided in paragraph 5.1.9 above the proposals are considered to accord with the relevant provisions of LDP policies T1 and T2.

## 5.6 Ecology, and Impact on Designated Sites

### Biodiversity Net Gain

- 5.6.1 Biodiversity Net Gain (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. The application is supported by a BNG Assessment – Matthew Game, January 2025) and accompanying BNG Metric, which confirm that the proposed development can achieve the required uplift of 10%. Further to clarifications received during the course of the application, the Council's Ecology consultant has confirmed that the information submitted is sufficient to allow for assessment at this stage. Any permission should be subject to a conditional requirement for submission of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP).

### Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

- 5.6.2 The application site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast RAMS.
- 5.6.3 The development of a dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed (below) to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

#### HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coast RAMS with respect to the previously listed sites? **Yes** (Blackwater Estuary SPA and Dengie SPA)

Does the planning application fall within the specified development types? **Yes** (new dwellings)

#### HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**.

Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites provided that mitigation, in the form of a financial contribution or Unilateral Undertaking to secure payment has been received

- 5.6.4 Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse impact on the integrity of the European sites from recreational disturbance, when considered in combination with other development. NE does not need to be consulted on this Appropriate Assessment.
- 5.6.5 A flat rate tariff of £169.45 per new dwelling is currently the appropriate fee as the contribution to mitigate the impact of a new residential property with regard to the Coastal RAMS. A contribution to this effect has been paid by the applicant in relation to the application and therefore adequate mitigation has been secured.
- 5.6.6 For the reasons above it therefore considered that the proposal accords with Policies S1, D1, N1 and N2 of the Local Plan and Government advice contained in the NPPF.

#### Landscaping, Trees and Ecological Mitigation

- 5.6.7 The existing site comprises a mix of hard landscaping along the northern boundary of the site and open rough grassland to the southern side. The drawings and accompanying Preliminary Ecological Assessment submitted as part of the application indicate that additional planting is proposed in the form of additional hedgerows and trees to the centre of the site, which will serve to meet the requirements of BNG (as above) and in addition provide screening and privacy to the caravan plots.
- 5.6.8 The County Ecologist has advised that the information provided sufficiently addresses ecology matters at the site, subject to compliance with a condition requiring the identified enhancements to biodiversity are undertaken in accordance with the report, and sensitive lighting scheme details being approved prior to installation. It is therefore considered that proposals accord with the relevant requirements of LDP policy N2.

### **5.7 Private Amenity Space**

- 5.7.1 LDP Policy D1 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.7.2 The application site boundary includes sufficient space for use as private amenity space for the occupiers of both the static caravan and touring caravan.

### **5.8 Drainage and Ground conditions**

- 5.8.1 LDP Policy D5 sets out the Council's approach to minimising flood risk. Due to the proposed increase in hard surfacing and introduction of residential uses to the site, Officers have recommended that conditions requiring details of surface water and foul drainage are imposed if planning permission were to be granted.

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

Reference	Proposal	Decision
23/00375/OUT	Outline application with all matters reserved except for access and the erection of 1no. 150m <sup>2</sup> detached bungalow	Refused
19/00076/FUL	Change of use of land to form three gypsy pitches with associated access road and hard and soft landscaping.	Refused - Appeal Dismissed
18/00632/FUL	Application for new field access and associated hardstanding	Approved
OUT/MAL/93/0615	Outline application for a detached 3 bedroom bungalow and detached garage.	Refused - Appeal Dismissed

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

### 7.1 **Representations received from Parish / Town Councils** *(summarised)*

Name of Parish / Town Council	Comment	Officer Response
<b>Great Totham Parish Council</b>	<p>The proposed development lies outside the designated settlement boundary for Great Totham, as shown on the Maldon District Local Development Plan (LDP) Policies Map. This placement is contrary to the Plan's spatial strategy, which seeks to strictly control new development in rural areas to protect the character of the countryside.</p> <p>The proposal does not accord with the policies outlined in the Maldon District LDP (notably S1, S8, D1) and any relevant made Neighbourhood Plans for the area, which together prioritise managed growth, preservation of rural character, appropriate siting of new development, and protection of greenfield site.</p> <p>This application concerns a greenfield site, which is afforded increased protection under both local and national planning policies that aim to steer development towards previously developed (brownfield) sites first.</p> <p>The site is not suitable for further residential development given the</p>	See section 5.1 for response.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>current lack of local infrastructure, particularly the limited availability of doctors and dentists, with existing services reportedly at full capacity. The area has poor public transport provision, being served by only one bus per hour, which ceases operation after 8.00pm. This restricts sustainable travel options and access to essential services for future residents.</p> <p>The development is likely to generate additional demand for local school places, in an area where there is already insufficient capacity, adversely impacting the provision of education for existing and future residents.</p> <p>Change from original consent and subdivision: Parish Council Members highlight that previous planning permission was initially granted for the whole plot of land to accommodate a single mobile home, whereas the current proposal subdivides the plot, representing an intensification of use that falls outside the scope and intent of the original decision.</p>	

## 7.2 Statutory Consultees and Other Organisations (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection	Noted - see Section 5.5

## 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No response	Noted, see section 5.8
Ecology	No objection, subject to securing agreed mitigation, Biodiversity Enhancement Strategy, sensitive lighting and BNG condition	Noted, see section 5.9

## 7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 18 July 2025 (with expiry date for comments set at 12 August 2025). The notices were affixed at eye level to a telegraph pole immediately adjoining the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 24 July 2025 (with expiry date for comments set at 14 August 2025).

## 7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 Two letters of objection and one letter of support have been received in response to the public consultation.

Comment	Officer Response
Development outside of settlement boundary	Noted – addressed at section 5.1
Unsustainable location – no pavement	Noted – addressed at section 5.1
Encroachment of built form into countryside	Noted – addressed at section 5.2
Overdevelopment of site between two villages	Refused
Impact on highway safety/visibility	Proposal utilises existing approved vehicular access – ECC Highways have confirmed proposal is acceptable in this regard
Support for annexe/supporting accommodation	Noted (generic comment submitted from external consultant)

## 8. PROPOSED CONDITIONS

- 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).
- The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- The 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 (2024).  
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 (2024).
- No more than one static caravan and Touring caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 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 Maldon District Local Development Plan (2017).

5. The static caravan referred to within condition 4 above shall be sited in the positions that are demarked "Proposed Static Caravan" on the approved site plan. Any material change to its position, or replacement by another in a different location, shall only take place in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.  
REASON: In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Maldon District Local Development Plan (2017).
6. 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 Maldon District Local Development Plan (2017).
7. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Matthew Game, January 2025) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an Ecological Clerk of Works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.  
REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the National Planning Policy Framework and Section 40 of the NERC Act 2006 (Priority habitats & species).
8. No development shall take until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the National Planning Policy Framework and Section 40 of the NERC Act 2006 (Priority habitats and species).

9. Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.  
REASON: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in order to ensure that the interests of ecology and Biodiversity or protected species are addressed in accordance with policy N2 of the Maldon District Local Development Plan.
10. No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan (2017).
11. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.  
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the approved Maldon District Local Development Plan (2017).
12. 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).

**REASON:** To ensure the effective management of known flood risks on the site and in accordance with the policy D5 of the approved Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

13. No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

**REASON:** To minimise the risk of pollution in accordance with Policies D1 and N2 of the approved Maldon District Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

### **INFORMATIVES**

1. In order to satisfy the surface drainage condition (12) 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.
2. There shall be no discharge of surface water from the development onto the highway.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority. All details shall be agreed before the commencement of works and the applicant is advised to contact the development management team by e-mail at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
4. Caravans/Mobile Homes:
  - (a) The applicant must contact the Council's Environment Services Department to discuss the need to apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960/Mobile Homes Act 2013.
  - (b) There must be at least 6 metres between caravans on the site and any other structure.
  - (c) Fire appliance access should be available to within 45 metres of every point within the mobile home or to 15% of the perimeter of the mobile home whichever is the less onerous.

### **Application Drawings**

- 24\_1345-001 Rev P01 – Site Location Plan
- 24\_1345-002 Rev P02 – Existing Site Plan
- 24\_1345-003 Rev P01 – Proposed Site Plan
- 24\_1345-005 Rev P01 – Proposed Dayroom Plans and Elevations

- Planning Statement
- BNG Assessment
- Supplementary BNG Habitats Plan
- Preliminary Ecological Appraisal and Preliminary Roost Assessment