



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

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

Application Number	25/00362/FUL
Location	Land at 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy, Essex
Proposal	Change of use from residential garage store to Class E (for hairdressing business)
Applicant	Mr Sam Cook
Agent	Mr Matthew Lockyer - That Design Co Ltd
Target Decision Date	30.10.2025
Case Officer	Jade Elles
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Departure from the Local Plan

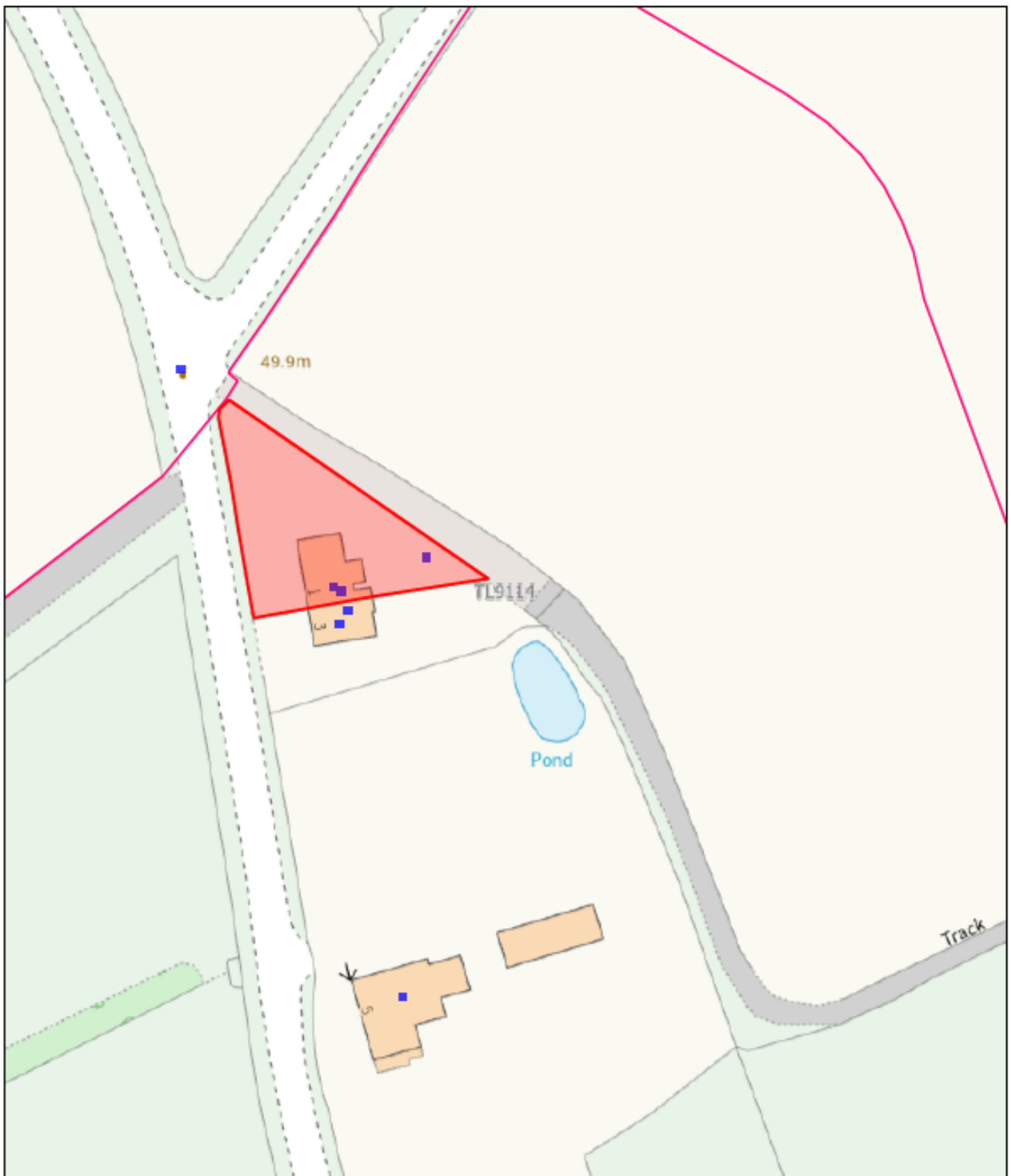
1. RECOMMENDATION

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

2. SITE MAP

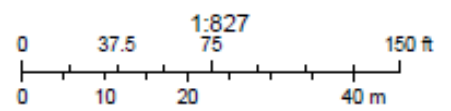
Please see below.

25/00362/FUL



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■ GMS BLPU Points



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located on the eastern side of Oxley Hill at its junction with Top Road and sits outside the defined settlement boundary. The site consists of a semi-detached residential dwelling set back from the highway with a track that runs along the rear of the property to allow access to the rear of this property and the neighbouring property.

3.1.2 The site is situated within a rural residential area with open fields to the front and rear of the site.

3.1.3 The garage store comprises part of the overall garage. The application form describes the existing development site as 'a store to the rear part of an existing double garage' The garage/store was granted permission in 2016 under reference 16/00002/HOUSE. Condition 4 restricting its use was attached to the decision, the condition stated:

"The outbuilding hereby approved within the site shall only be used for those purposes incidental to the use of the dwelling house to which it relates and not for any commercial or business purposes or for any overnight sleeping."

3.1.4 The owners of the house have therefore submitted this application in seeking to use the store element of the garage for work 'commercial or business purposes' (a hairdressers).

3.2 Conclusion

3.2.1 The proposal would not harm the appearance or character of the locality as it would be contained within an existing building, within the curtilage of the site. The only external visual changes would be the comings and goings of patrons vehicles, however, given the size and scale of the space, vehicle movements is unlikely to result in excessive vehicle movement, nor would compete with the established vehicle allocation of the host property. The use it self is not a noise generating use for the operations and as such there is unlikely to be an impact on adjoining parties by way of excessive noise and disturbance. The scale and impact of the development is minimal and therefore, there are no objections in relation to the change of use. The proposal is therefore in accordance with the relevant policies set out in the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations

- 124-130 Making effective use of land
- 131-141 Achieving well-designed places

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
- H4 Effective Use of Land
- 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)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 The Council's LDP contains clear policies regarding the location of employment uses. Policy **E1** explains that *"new employment development will be directed to the District's main settlements, existing employment sites and designated areas, in order to promote sustainable patterns of growth and reduce the need to travel by private car"*.
- 5.1.3 Similarly, Policy **S8** seeks to protect the countryside from inappropriate forms of development, stating that *"the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission will only be granted for development in the countryside where it is for a use identified within the policy"*.
- 5.1.4 A proposal for separate employment uses within a rural residential curtilage, without a demonstrated need, would run contrary to the above policy objectives and potentially impacting upon local traffic and resulting in activity that would be out of character with the surrounding and rural environment and potentially impact on residential amenity.
- 5.1.5 The application site is located within a residential area. The proposal is to change the use of the garage store from residential to Class E and would not be altering the external appearance. However, the NPPF states *"Planning permission will not normally be required to home work or run a business from home, provided that home working or a business use is incidental to the use as a dwellinghouse"*. The proposed

change of use is considered to result in a small and relatively discrete change to an existing space within the garage. Given its size, position and the nature of the business, the proposal is akin to an ancillary use.

- 5.1.6 The proposed hairdressers would therefore not result in any harm to the character or surrounding area and would be supported in principle. However, this would be on the provision that a condition is attached restricting further use of this unit or it spilling out into the larger garage area. This is to ensure that the unit remains able to operate on an ancillary basis to the dwellinghouse.

5.2 Impact on Residential Amenity

- 5.2.1 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).
- 5.2.2 The application site is bordered one neighbouring property to the south, 3 Oxley Hill.
- 5.2.3 Hairdressers are not known for any strong odour or significant amount of noise. However, it is acknowledged some noise will be made but, given the scale of the development and its position, it is unlikely to impact upon the neighbouring property.
- 5.2.4 The proposed opening hours are 0900 to 1800 weekdays and 0900 to 1300 on Saturdays. Environmental Health has stated they have no comments to the proposed opening hours. These times are typical for the commercial units and therefore it is considered that the proposed opening hours are acceptable.
- 5.2.5 Therefore, subject to conditions, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

5.3 Access, Parking and Highway Safety

- 5.3.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regards 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.
- 5.3.2 The site does benefit from off road parking. There is off road parking to the front of the dwelling allowing use for the residents of the dwelling and two additional car parking spaces in front of the garage at the rear allowing use for customers of the proposed hairdressers. It is not considered the proposed hairdressers would result in demonstrable increase in car parking, furthermore, the application is for 0.5 Full Time Equivalent (FTE) hairdresser resulting in one part-time person working there at any one time and although it is noted there can be some overlap with clients at times, the parking to the rear of the site allows for at least two car parking spaces. Therefore, the development would be acceptable in terms of parking and highway safety.

6. ANY RELEVANT SITE HISTORY

- **16/00002/HOUSE** – Two storey side extension and double garage – Approved on 18.05.2016

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt D'Arcy Parish Council	Support	Noted
Tolleshunt Knights Parish Council	Support	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	No objections	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments	Noted

7.4 Site Notice / Advertisement

7.4.1 The application was advertised by way of a site notice posted on 17 April 2025 (with an expiry date for comments set at 8 May 2025). The notice was affixed on a telegraph pole outside the property.

7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 17 April 2025 (with expiry date for comments set at 8 May 2025).

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
No indication where the customers will park	Discussed in section 5.3

8. **PROPOSED CONDITIONS**

Conditions:

1 The development hereby permitted shall be carried out in accordance with the approved plans as shown on the decision notice.
REASON To ensure that the development is carried out in accordance with the details as approved.

2 The hairdressers use hereby approved shall be carried out only within the existing store of the garage as identified on approved Location Plan drawing

no. LOCATION, and shall be used solely in connection with and ancillary to the residential use of the dwellinghouse known as 1 Oxley Cottage, 1 Oxley Hill, Tolleshunt D'Arcy. The store of the garage shall not be used as a separate planning unit or for any other commercial purpose (including any use within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to the Class in any statutory instrument revoked and re-enacting that order. For the avoidance of doubt, the building shall not be let, rented, managed or sold independently to the main dwelling.

REASON To ensure that the development remains ancillary to the residential use of the dwellinghouse and does not result in an independent commercial use, and to satisfactorily protect the residential amenities of nearby occupiers and the visual amenity of the surrounding countryside to comply with Policies D1 and S8 of the Approved Local Development Plan.

- 3 No separate or additional access, hardstanding, boundary fences or curtilage shall be formed to create a distinct plot separation to the main dwelling of 1 Oxley Cottage, 1 Oxley Hill.

REASON To ensure that the character of the site itself and the countryside of which it forms part, are protected by ensuring the hairdressers would be ancillary to 1 Oxley Cottage, 1 Oxley Hill, in compliance with Policies D1 and S8 of the Approved Local Development Plan.

- 4 No noise shall be generated from within the building to cause a statutory nuisance to the residential amenities of neighbouring properties.

REASON To protect the amenities of the neighbouring properties in accordance with Policy D1 of the Approved Local Development Plan

INFORMATIVES

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team via email at development.management@essexhighways.org

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.