



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 FEBRUARY 2026**

Application Number	25/00446/FUL
Location	Agricultural Building At Wraywick Farm, The Marshes, Southminster
Proposal	Demolition of existing agricultural barns and construction of two residential dwellings, associated access, parking and landscaping
Applicant	Strutt and Parker (Farms) Ltd
Agent	Seth Williams - Smith Jenkins Ltd
Target Decision Date	18 February 2026
Case Officer	Matt Bailey
Parish	Southminster
Reason for Referral to the Committee / Council	Departure from the local plan

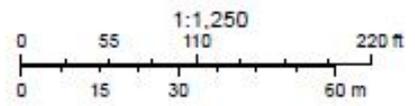
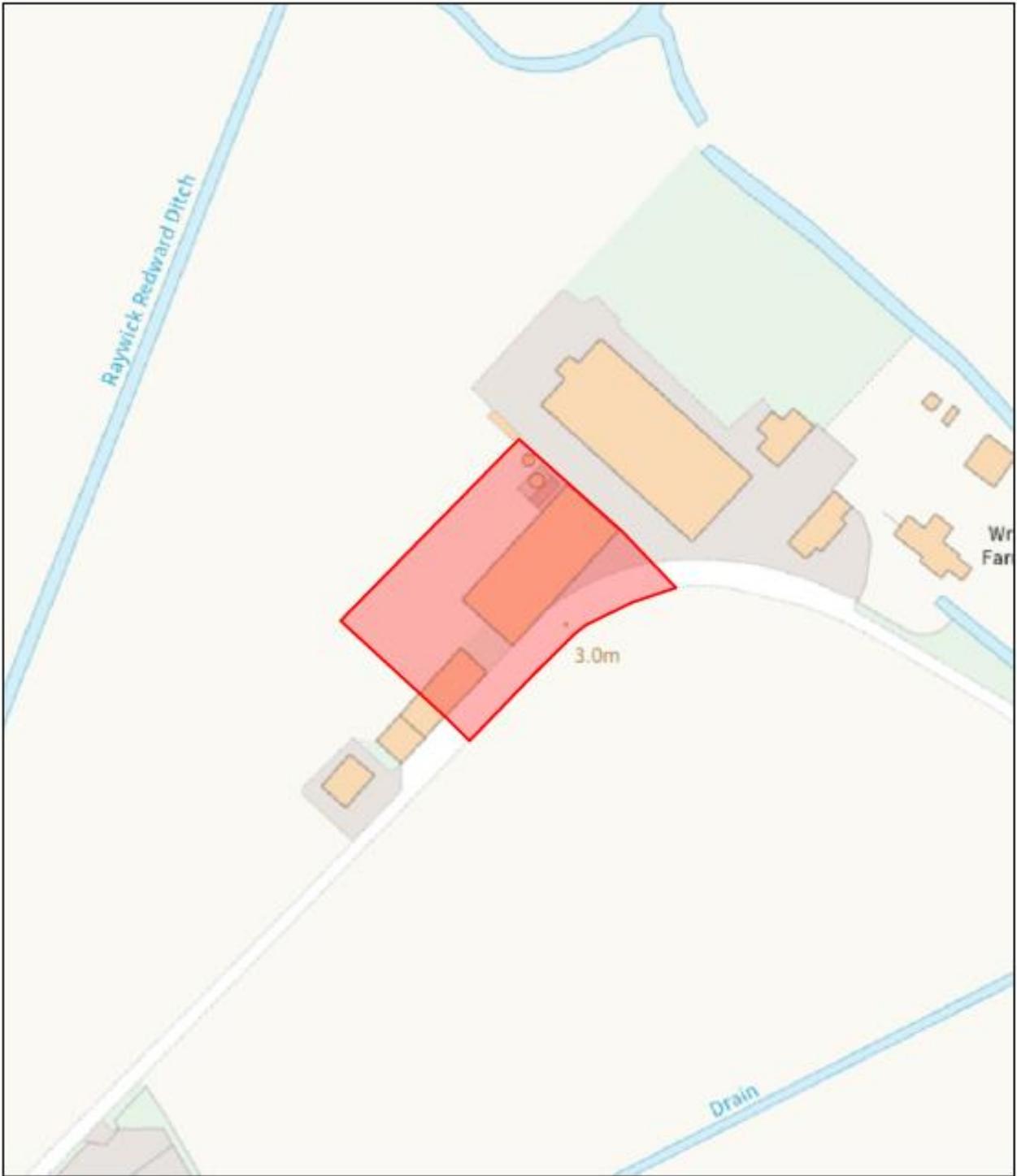
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

25/00446/FUL



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The site is located on the northern side of The Marshes, accessed via a private drive which serves some residential dwellings, farm buildings and a wind farm. The site is outside of a defined settlement boundary and is in open countryside. Southminster is located 2.5km to the west of the site.
- 3.1.2 The site comprises a single storey, rectangular, steel framed barn building. The building is approximately 36m long by 16m wide. The building is approximately 8.5m high at the highest points, down to 3.2m at eaves level.
- 3.1.3 The site includes tanks and fencing to the rear which are proposed to be removed. Immediately to the northeast of the site is a large agricultural building and a residential dwelling is located further to the east.

The Proposal

- 3.1.4 Planning permission is sought for the demolition of two existing agricultural farm buildings and their replacement with two detached dwellings. The barn to be demolished is subject of prior approval granted in January 2024 under Class Q of the GPDO (ref 23/01136/PACUAR) for the change of use of the agricultural building to two dwellinghouses (Use Class C3) and for associated operational development. This current planning application instead proposes to build two new build dwellings in lieu of the permitted Class Q conversion of the agricultural barn into two dwellings.
- 3.1.5 The existing barns to be demolished have an existing combined footprint of 605sqm and a volume of 3,365m³. The two proposed dwellings will be built over three levels, comprising of an under-croft level, lower accommodation level and upper level. Both proposed dwellings are of a similar size - Plot 1 extending to 252sqm and Plot 2 to 245sqm. The total footprint of the resulting development will be 427sqm and the volume 3,363m³.

All habitable accommodation within the dwellings has been placed at the lower and upper accommodation level, above the undercroft, to ensure there is an appropriate level of resilience to flood risk. Each dwelling will provide four bedrooms, albeit with differing layouts. Plot 1 would have two bedrooms on the lower accommodation level, with two on the upper level, and large kitchen dining space, study, living room and an outside terrace. Plot 2 would have one bedroom on the lower accommodation level and a further three bedrooms on the upper level, together with substantial kitchen/family/dining space, entrance hall, utility, study, a separate living room and two outside terrace areas.

Both plots would benefit from both front and rear gardens, with vehicular access will be provided from the existing metalled track to the front of each plot. Two parking spaces would be provided in the undercroft level of each dwelling, as well as bike

and bin storage. Access to the dwellings will be via stairs leading up to the main front and rear entrances. Photovoltaic panels are also proposed to the rear roof-slopes of the two dwellings.

Conclusion

- 3.1.6 The application site is located outside of a defined settlement boundary and is within the open countryside, and as such the proposed development would constitute a departure from the local plan. However, in the absence of a 5 year housing land supply, 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*”
- 3.1.7 As explained within the report, whilst the site is not considered to be in a sustainable location, due to the fallback position that exists at the site by virtue of the recently granted prior approval for conversion of the barn, and the realistic prospect of that scheme being implemented in any event if planning permission were to be refused, the principle of creating residential units at the site is considered acceptable.
- 3.1.8 The overall design of the replacement structure is different to the original conversion scheme, insofar as the barn is demolished and replaced with two separate, slightly taller structures. However, the total volume of the scheme is almost identical to the existing arrangement, with the overall footprint significantly reduced. The design of the replacement structures remains rural in character with a traditional palette of materials. The development is therefore considered acceptable insofar as it would comprise a sensitive development that is comparative with the current appearance and 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.
- 3.1.9 It is considered that the proposed development accords with all other relevant policies contained within the approved Maldon District Local Development Plan (LDP) and the NPPF and is recommended for approval.

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
- 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
- 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 (VPS) Supplementary Planning Document (SPD)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

- 5.1.2 Policy S1 of the LDP states that ‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’ and apply a number of key principles in policy and decision making set out in the Policy. This includes principle 2 “*Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*”.
- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 Policy S8 of the LDP, flows from Policy S2 and steers new development towards the existing urban areas. Policy S8 does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential dwellings but does allow “*(m) development which complies with other policies of the LDP.*”

Five Year Housing Land Supply

- 5.1.5 As per Paragraph 78 of the NPPF, the Council as the Local Planning Authority (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 5 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 5 Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years’ supply.
- 5.1.6 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.
- 5.1.7 Whilst the proposal is considered contrary to policy S8, in regard to settlement boundaries, the policy cannot be considered an up to date because the Council cannot demonstrate an up to date 5 year housing land supply (5YHLS) and therefore the principle of development proposals on sites such as this, as a windfall site, shall need to be considered on the basis of whether they are sustainable or not. This

means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable.

- 5.1.8 Given the Council's current position in regard to not being able to demonstrate an up to date 5YHLS, 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 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*".

Sustainable Development

- 5.1.9 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.
- 5.1.10 The NPPF's overarching objectives relating to sustainable development are set out in the form of three interdependent dimensions: Economic (supporting a strong and competitive economy); Social (delivering the homes, infrastructure and environments needed for present and future generations); and Environmental (protecting and enhancing the natural, built and historic environment, including addressing climate change). An assessment of the application scheme in relation to each dimension is set out below:

Environmental Dimension

- 5.1.11 A fundamental element of the environmental dimension is the locational sustainability of development, and the degree to which a site is accessible to services, facilities and sustainable modes of transport. Consideration must be given to a number of parameters - including (but not limited to) the distance to the nearest settlement; proximity of local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.12 Whilst the site in this case is located in a remote rural location, with limited access to services, the existence of a lawful prior approval for the conversion of the agricultural building to two dwellings is a material consideration of significant weight. The prior approval establishes the principle of residential units at the site and represents a genuine and realistic fallback position that could be implemented were this application to be refused. The fallback is not merely theoretical: the building is capable of conversion in accordance with the approved Class Q details, and the extant consent remains capable of implementation without any further assessment of the principle of residential use.

5.1.13 National policy and case law (including *Mansell v Tonbridge & Malling BC* along with other more recent appeal decisions) confirm that a fallback may be afforded substantial weight where there is a reasonable prospect that it would be pursued. In this case, there is no evidence to suggest that the applicant would not proceed with the conversion scheme – indeed the applicant has confirmed that the development would go ahead in its approved form in any event. Given the existence of the prior approval and the relatively limited works required to commence development, this is considered realistic alternative to the new build scheme now proposed.

5.1.14 When comparing the proposed new-build dwellings with the prior approval fallback scheme, whilst the overall form and design is different, the total volume is similar – with a reduction in the overall footprint across the site. The design and appearance of the scheme would be slightly more domestic in character but retains rural traditional materials that are appropriate to the setting of the buildings. In terms of landscape and spatial impact it is considered that the minor increase in height of the two dwellings is offset by the removal of the larger barn and adjoining smaller barn. Although the proposal constitutes new buildings rather than a conversion, the resultant effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be broadly comparable to the existing structure. Therefore in light of the established prior approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.

Social Dimension

5.1.15 The development would make a nominal contribution towards the supply of housing within the District as only two dwellings are proposed.

Economic Dimension

5.1.16 The development would make a nominal contribution to the local economy through the construction of two dwellings and additional custom for existing businesses from residents.

Summary of Principle of Development

5.1.17 Whilst the development is considered to be in an unsustainable location, outside of any settlement boundary and contrary to Policy S8 of the LPD, due to the fallback position that exists at the site by virtue of the recently granted prior approval for conversion of the barn, and the realistic prospect of that scheme being implemented in any event if planning permission were to be refused, the principle of creating two residential units at the site is considered acceptable, subject to compliance with all other relevant policies contained within the LDP.

5.2 Housing Provision and Mix

5.2.1 The NPPF requires local planning authorities to establish their minimum local housing need through a local housing need assessment, using the standard method

set out in national planning practice guidance. This assessment forms the starting point for determining how many homes should be planned for, including the mix and types of housing needed for different groups within the community.

- 5.2.2 The recently published Local Housing Needs Assessment (October 2025) (LHNA) is an assessment of housing need for Maldon District as well as sub areas across the District. The LHNA is wholly compliant with the latest NPPF and up to date Planning Practice Guidance and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build.
- 5.2.3 The LHNA concludes that the District has an increasing need for smaller dwellings, with the biggest requirement for three bed dwellings; specifically, 10% one bedrooms, 35% two bedrooms, 35% three bedrooms and 20% for four+ bedroom market dwellings.
- 5.2.4 The Council's Technical Advice Note on Housing Mix (November 2025) (TAN) explains that for small sites (developments of 1-9 homes or less than 0.5 ha) the LHNA guidance will be used to influence a mix of unit sizes, but notes that the delivery of a precise mix on such schemes is not always achievable – due to the often constrained nature of small site development.
- 5.2.5 The proposal in this case would provide for an additional four bedroom dwelling. Whilst this is considered a benefit in planning balance terms (and meets the requirement for dwellings of the largest identified group within the LHNA), given that the net increase in housing is two dwellings, this factor is considered to carry only limited to moderate beneficial weight in the consideration of the merits of the scheme.

5.3 Design and Impact on the Character of the Area

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

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, 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. Policy H4 of the LDP requires development which includes alteration, extension and / or addition to a building to maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area; be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, amongst other things, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The site is located outside of a defined settlement boundary, and therefore countryside policies apply. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 As noted above, whilst the overall form and design of the proposed two dwellings is different to the existing barn (and the prior approval scheme), the total volume is similar – with a reduction in the overall footprint across the site. The design and appearance of the scheme would be slightly more domestic in character by virtue of the creation of two detached properties – however the architectural approach incorporates traditional materials that are appropriate to the setting of the buildings in its agricultural context.
- 5.3.7 In terms of landscape and spatial impact it is considered that the minor increase in height of the two dwellings is offset by the removal of the larger barn and adjoining smaller barn. Although the proposal results in the creation of two new dwellings than a conversion of the larger barn structure, the resultant effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be broadly comparable to the existing barn. Therefore in light of the established prior

approval fallback, it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.

- 5.3.8 On this basis it is considered that the proposal would not result in any harm to the character and appearance of the area, and would therefore accord with Policies S1, S8, D1 and H4 of the LDP, and the policies and guidance in the National Planning Policy Framework.

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 proposed dwellings would be sited approximately 50m to the west of an existing residential property known as Wraywick Farmhouse. Given the considerable separation distance between the proposed dwellings and the presence of a retained larger barn structure to the north, no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents in terms of loss of privacy or overlooking. Although the proposed dwellings are slightly taller than the converted barn scheme, this would not result in any overshadowing due to the separation distance between the properties.
- 5.4.3 Overall it is considered that the proposal would not materially harm the amenity of the occupiers of existing or proposed residential properties, in compliance with the NPPF and Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted VPS SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 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 and cycle routes.

- 5.5.4 In accordance with the Council's Parking Standards (2018), a dwelling with 4 no. bedrooms must provide 3 no. parking spaces. Each dwelling in this case would provide two undercroft spaces and two additional spaces to the front driveway (four in total) and as such satisfies this requirement.
- 5.5.5 Essex County Council Highways have been consulted on the proposal and have raised no objection to the proposal subject to proposed conditions relating to the provision of cycle parking prior to occupation.
- 5.5.6 For the reasons set out above it is therefore considered that the proposed development is in accordance with policy T2 of the LDP and the Maldon District VPS SPD.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon District Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with 3 bedrooms or more.
- 5.6.2 The gardens proposed in this case would far exceed this requirement and as such the scheme is considered to be acceptable in terms of amenity space provision.
- 5.6.3 The amended layout of front garden landscaping would increase the amount of soft landscaping following the removal of the larger barn structure existing hardstanding areas surrounding (along with removal of superfluous structures and tanks adjacent to the proposed dwellings).

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwellings of approximately 252sqm and 245 sqm respectively, which would comply with the minimum gross internal floor area as specified in the Nationally Described Space Standards (March 2015). There is also acceptable light and ventilation proposed for all the habitable rooms.
- 5.7.2 It is therefore considered that in relation to living conditions the proposal accords with the NPPF and Policies S1, S8, D1, H4 of the approved LDP and the MDDG SPD

5.8 Flood Risk

- 5.8.1 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).

- 5.8.2 The site is entirely within Flood Zone 3 and presents a high risk of flooding. The application is supported by a Flood Risk Assessment, Flood Warning and Evacuation Plan and Structural Survey Addendum.
- 5.8.3 The Environment Agency (EA) has reviewed the submitted documents and raised no objection to this application. Reference is made by the EA to the Sequential and Exception Tests – however as noted above the fallback position of two dwellings and hence the principle of residential development at the site is already established.
- 5.8.4 The submitted plans and FRA demonstrate that the residential accommodation would be accommodated on the first floor of the building, above flood levels, to provide safe refuge.
- 5.8.5 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has stated that a condition should be imposed requiring the submission of a surface water drainage scheme and to ensure provision of appropriate foul drainage. These conditions are included in the recommendation.

5.9 Ecology

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2021), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, as well as Circular 06/05. In the UK, the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9 (5) of the Conservation Regulations 2010, which states "a competent authority, in exercising any of their functions, must have regards to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."
- 5.9.2 The site falls within the 'Zone of Influence' for one or more of the European sites scoped into the Essex Coast RAMS. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. and such effects should be mitigated against. The LPA should prepare a Habitat Regulation Assessment (HRA) assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites.
- 5.9.3 A development proposing an additional 2 no. dwellings falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and strategy advice, an Essex Coast RAMS HRA record has been completed 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 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 below sites? Yes

Does the planning application fall within the following development types? Yes, the development is for an additional 2 no. dwellings (i.e. net increase of dwellings at the site is 2 no. dwellings)

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.

5.9.4 As the answer is no, it is advised that, should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered ‘in combination’ with other development. Natural England does not need to re-consult on this Appropriate Assessment.

5.9.5 The Essex Coastal Recreational Avoidance and Mitigation Strategy has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £169.45 and thus, the developer contribution should be calculated at this figure. Since a contribution towards RAMS has already been paid by the applicant in relation to the dwellings permitted under the prior approval scheme, adequate mitigation has already been secured for the creation of new dwellings at the site and no further contributions are required.

5.9.6 With regard to site specific ecological matters, the applicant has submitted a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment followed by the Bat Presence and Absence Surveys (Crossland Ecology). The Council’s appointed Ecology Consultant have confirmed that there is sufficient ecological information available to support determination of this application – and has recommended a series of planning conditions are proposed which would ensure that the development is carried out in accordance with the recommendations set out within the above reports in respect of ecology and biodiversity, and requiring the submission of a Biodiversity Enhancement Strategy and sensitive lighting scheme.

5.10 Planning balance and sustainability

5.10.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of ‘sustainable development’ providing for an economic, social and environmental objective as set out in the NPPF.

5.10.2 The proposal would deliver social and economic benefits including contributing towards the housing mix through the creation of two additional dwellings. There would also be economic activity associated with the prospective occupier of the dwellings. Whilst the dwellings would be located outside of a defined settlement boundary, as set out above in light of the fallback position set by the recent grant of prior approval for conversion of the existing barn to residential use, the principle of development is considered acceptable – particularly given the broad similarities between the prior approval scheme and the current design. As also outlined above it is not considered that the proposed development would result in a detrimental impact on the character and appearance of the area, nor would the design and layout of the proposal result in harm to neighbouring amenity. The proposal would provide adequate car parking, cycle parking, amenity space and living conditions for prospective occupants.

5.10.3 Whilst the contribution that two additional dwellings would make towards housing land supply is considered limited, it is not considered that there are any harms caused by the development that would significantly and demonstrably outweigh these benefits - and as such the development is considered sustainable. The proposal therefore accords with policies S1, S8, D1, H4 and T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

Ref	Proposal	Decision
23/00774/PACUAR	Proposed conversion of an agricultural building to form 5 dwellings.	Withdrawn
23/01136/PACUAR	Prior notification for the change of use of an agricultural building to two dwellinghouses (Use Class C3) and for associated operational development	Prior Approval Granted

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Parish/ Town Council (summarised)

Name of Parish/Town Council	Comment	Officer Response
Southminster Parish Council	Recommend refusal – site is in an unsustainable location	Reference made to fall back position of prior approval scheme – see section 5.1 for response

7.2 Statutory Consultees and Other Organisations (summarised)

Statutory Consultee	Comment	Officer Response
ECC Highways	No objection, subject to condition relating to cycle parking provision	Noted - see Section 5.5
Environment Agency	We have no objection to the proposed development but strongly	Noted – see Section 5.8

Statutory Consultee	Comment	Officer Response
	recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA), referenced ECL1055-2 and dated March 2025, are adhered to. More information on flood risk is available below.	
Natural England	Appropriate Assessment required	Noted – AA completed and set out in section 5.9

7.3 Internal Consultees (summarised)

Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to foul and surface water drainage	Noted, see section 5.8
Ecology	No objection subject to conditions requiring compliance with submitted PEA, submission of Biodiversity Enhancement Strategy and Sensitive Lighting Strategy	Noted, see section 5.9

7.4 Representations received from Interested Parties (summarised):

- 7.4.1 The application was advertised by way of a site notice posted on the 6th August 2025 (with expiry date for comments set at 28th August 2025. The notice was affixed in a prominent position at eye level to a wooden stake 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 12th June 2025 (with expiry date for comments set at 3rd July 2025).
- 7.4.3 No third-party comments have been received in relation to the proposals

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.
Reason: To ensure that the development is carried out in accordance with the details as approved.

- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans and Design and Access Statement.

Reason: To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

- 4 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)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Reason: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Local Development Plan.

- 5 Prior to the first occupancy, the foul drainage for the dwellings must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the dwellings. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General binding rules: small sewage discharge to the ground" guidance at the time of installation.

Reason: To ensure the adequate provision of foul water drainage in accordance with Policy D5 of the Maldon District Local Development Plan (2017).

- 6 The development hereby submitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA), referenced ECL1055-2 dated March 2025, and associated Flood Warning and Evacuation Plan referenced ECL1055-2b dated July 2025. The approved mitigation and flood resilience measures contained within the FRA shall be fully implemented prior to first occupation (or first use) and retained thereafter.

Prior to first occupation of the development, a copy of the approved Flood Warning and Evacuation Plan (FWEPP) shall be provided to the occupier(s) of each unit and shall thereafter be made available to all subsequent occupiers/tenants.

Reason: To ensure safe management of flood risk and safe evacuation/refuge during flood events, in accordance with Policy D2 of the Local Development Plan.

- 7 Prior to first occupation of the development, cycle parking shall be provided in accordance with Maldon District Council's Parking Standards. The approved facilities shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy D1 and T2 of the Local Development Plan.

- 8 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Crossland Ecology, March 2025) and Bat Emergence Survey Report (Crossland Ecology, August 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 and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 9 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 spaces and habitats in accordance with Policy N2 of the Maldon District Approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 10 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 SAC and the Crouch and Roach Estuaries SPA, Ramsar & 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 & 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1, Classes A to H of the Order shall be carried out to the dwellinghouse hereby approved without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future extensions, alterations, or outbuildings in the interests of protecting the character of the area, residential amenity, and the design integrity of the development, in accordance with Policy D1 and D3 of the Local Development Plan.

INFORMATIVES

1 Contamination

Should any land or groundwater contamination be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof should be re-assessed by a competent person in accordance with the Essex Contamination Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

2 Highway Works

- All highway related details shall be agreed with the Highway Authority;
- There shall be no discharge of surface water from the development onto the Highway;
- 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 at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org

3 General Good Practice Mitigation to avoid Ecological impacts during the construction phase

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

4 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

APPLICATION PLANS

- ASC.25.079 - Elevations, Sections & Internals
- ASC.22.764 - Elevations And Sections
- ASC.25.078 - Topographical Survey
- 22055-PE0120 - Site Elevation
- 22055-L0001 - Location Plan

- 22055-PP0010 - Proposed Site Layout
- 22055-PP0100 - Plot 01 - Plans And Elevations
- 22055-PP0200 - Plot 02 - Plans And Elevations
- 22055-SKS0130 - Proposed Sections
- Planning Statement
- Design and Access
- Preliminary Ecological Appraisal
- Bat Survey Report
- Draft Biodiversity Gain Plan
- Flood Risk Assessment
- Flood Warning and Evacuation Plan