



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
22 July 2026**

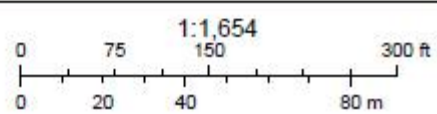
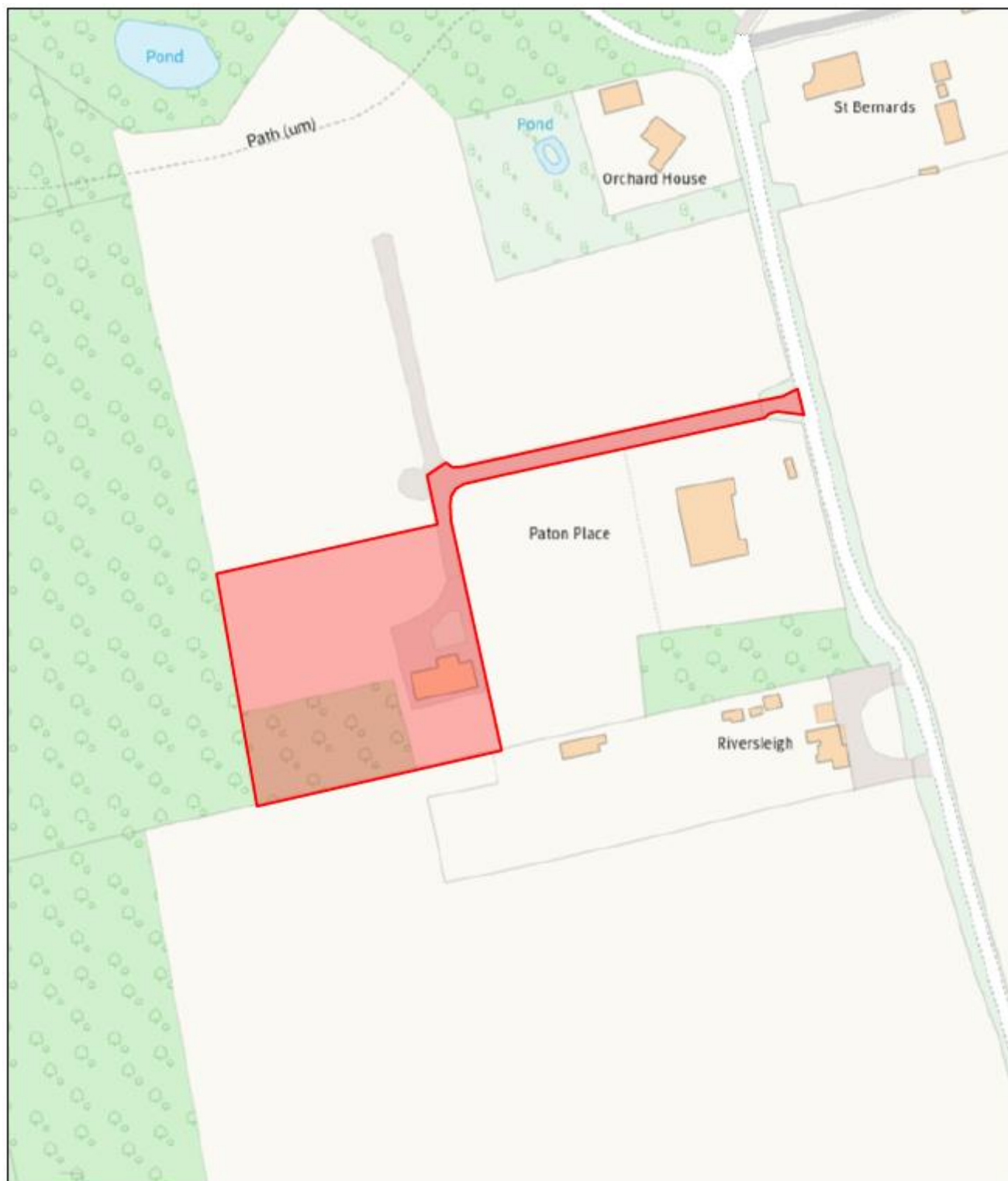
Application Number	26/00053/FUL
Location	Land NorthWest of Riversleigh, Nipsells Chase, Mayland
Proposal	S73A application to retain existing building as an apple storage barn (in common with original planning permission 18/00280/FUL) with associated amendments to external appearance and internal fittings and fixtures.
Applicant	Mr & Mrs Paton
Agent	Smart Planning Ltd
Target Decision Date	24 July 2026 (Extension of Time)
Case Officer	Matt Bailey
Parish	MAYLAND
Reason for Referral to Committee / Council	Member of the Council

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf



3. SUMMARY

Proposal / brief overview, including any relevant background information

3.1 Application site

- 3.1.1 The application site is located on the western side of Nipsells Chase within a rural area outside the defined settlement boundaries of Mayland. The site forms part of the applicant's wider land holding and contains the single storey building known as The Apple Store. The site is accessed from Nipsells Chase by an existing private track that also forms part of Restricted Byway no.17 (Mayland).
- 3.1.2 The wider land holding contains an orchard and additional areas of planted fruit and nut trees to the west, and the applicant's residence to the east. The updated site plan shows the existing orchard to be supplemented by interplanting and identifies planned orchard extension areas to the west and south of the building. The applicant's Planning Support Statement states that the wider holding contains approximately 60 fruit and nut trees, including apple, plum, pear, cherry, hazelnut and walnut trees.
- 3.1.3 The surrounding area is rural and relatively open, although there are residential properties to the north and south. The site has previously been associated with Nipsells Chase Scrub Local Wildlife Site, although ecological information before the Council identifies that the red line site no longer meets the relevant Local Wildlife Site selection criteria.

3.2 Proposal

- 3.2.1 The application is made under Section 73A of the Town and Country Planning Act 1990 and seeks retrospective planning permission to retain the existing building as an apple storage barn, in alignment with the lapsed planning permission granted under application ref 18/00280/FUL, with associated amendments to the external appearance and internal fittings and fixtures.
- 3.2.2 The existing building is single storey and measures approximately 19m in width and 8m in depth, with a front projection of approximately 6m by 2.6m. It has an eaves height of approximately 2.3m and a ridge height of approximately 4.4m. It is finished in brick and timber weatherboarding beneath a tiled roof.
- 3.2.3 The submitted existing plans show an internal layout comprising apple store, office space, apple preparation area, implement store, storage and a WC. The submitted proposed plans omit the designated area of office space and show the building laid out as in its originally approved configuration with an apple store, apple preparation area, implement store, storage and WC. Externally, the works include replacing existing glazing with barn-style aesthetic panelling, reinstating barn-style doors and applying timber trims or vinyl/wood-effect cladding to existing UPVC frames to provide a timber appearance.
- 3.2.4 The stated purpose of the proposal is to return the building to an agricultural storage use with a traditional agrarian appearance. The applicant's Planning Support Statement describes the proposal as a reversion to the original apple storage barn permission and as a means of remedying the domestic and mixed-use features which have been the subject of previous enforcement notices, planning refusals and associated appeal proceedings.

3.3 Background

- 3.3.1 Planning permission was granted by Committee, contrary to Officer recommendation, for the construction of an apple storage barn on 23 May 2018 (application ref 18/00280/FUL). A subsequent Section 73 variation, 20/00574/FUL, was granted on 10 August 2020 and varied the approved plans, including changes to fenestration. Both of these permissions have now expired and are not being relied upon as extant fallback permissions. They are, however, material considerations in understanding the planning history of the site and the originally approved orchard use of the building.
- 3.3.2 An enforcement notice was issued on 29 June 2023 alleging the unauthorised erection of a C3 residential dwellinghouse. The associated enforcement appeal was dismissed on 9 May 2024 and the notice was upheld, subject to correction. The Inspector found that the building, as constructed and completed, was not the approved apple storage barn but amounted, as a matter of fact and degree, to the erection of a C3 residential dwellinghouse. A subsequent challenge to that decision was considered by the High Court in *Paton & Anor v Secretary of State for Levelling Up, Housing and Communities & Anor* [2025] EWHC 245 (Admin), where permission to appeal was refused. The enforcement notice as upheld by the High Court has not been complied with, and therefore remains a significant material consideration in the determination of this application.
- 3.3.3 A subsequent planning application (ref 23/00796/FUL) sought to retain the structure for mixed use comprising agricultural storage, office, reception/rec area and cake and jam making studio. That application was refused and the subsequent appeal was dismissed on 12 August 2025. The Inspector attached significant weight to the harm arising from the domestic appearance of the building and the lack of clear and compelling justification for the mixed uses and for a building of that size in the countryside. The Inspector also expressly distinguished the previous support for the site as an apple store on the basis that the appeal scheme was for a different use and was not justified.
- 3.3.4 The current proposal is materially different from the most recent dismissed appeal scheme, insofar as it removes the wider office, reception and cake/jam studio uses and seeks permission for an apple storage barn only, together with external and internal works intended to secure an agricultural appearance, as with the original approval. The current application is therefore to be assessed on its own merits against the Development Plan, having regard to the appeal decisions and the planning history.

3.4 Conclusion

- 3.4.1 The proposal would retain a substantial building in the countryside. However, unlike the previously refused and dismissed mixed-use scheme, the use now proposed is limited to an apple storage barn which the applicant states is directly associated with fruit production on the applicant's land. The revised plans also remove or alter the features which gave rise to previous concerns (both from officers and Planning Inspectors) that the building had a domestic character which could not revert to an apple store or agricultural building.
- 3.4.2 Subject to robust conditions requiring the approved works to be completed within a specific timeframe, and restricting the future use of the building, it is considered that the development would address the reasons for previous refusal and the matters identified in the enforcement notice and planning appeal decisions. As per the original permission, the proposal would provide a storage and preparation building associated with the expanded orchard, would

respect the rural character of the area, and would not cause unacceptable harm to neighbouring amenity, highway safety, ecology or flood risk.

- 3.4.3 The application is therefore considered acceptable and in accordance with Policies S1, S8, D1, D2, E4, N2, T1 and T2 of the approved Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 88-89 Supporting a prosperous rural economy
- 96-107 Promoting healthy and safe communities
- 108-117 Promoting sustainable transport
- 131-141 Achieving well-designed places
- 187-201 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan 2014 - 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards 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 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area comprises the approved Maldon District LDP.
- 5.1.2 The site lies outside the defined settlement boundary where Policies S1 and S8 seek to protect the countryside for its landscape, natural resources, ecological value and intrinsic character and beauty. Policy S8 allows specified forms of development in the countryside where the intrinsic character and beauty of the countryside would not be adversely affected. Agriculture and forestry and related development is one such form, subject to Policy E4.
- 5.1.3 Policy E4 supports new buildings or activities associated with agriculture and other land-based rural businesses where there is a justifiable and functional need, where the function is directly linked and ancillary to the existing use, and where the building or activity could not reasonably be located in existing towns, villages or allocated employment areas.
- 5.1.4 The current application seeks permission for the retention and reversion of the existing building to an apple storage barn, for which permission was originally granted under application 18/00280/FUL and subsequently varied under application 20/00574/FUL. The proposed use would comprise the storage and preparation of fruit grown within the applicant's orchard and the storage of associated agricultural machinery, equipment and materials. The submitted proposed floor plan identifies the building as apple store, apple preparation area, implement store, store and WC.
- 5.1.5 Members previously resolved to support an apple storage barn at this location. The earlier committee reports record that the original proposal was supported by information relating to the orchard, the planting and number of trees, expected yields, sustainability and invoices for fruit harvesting machinery. Whilst the earlier permissions have lapsed and do not provide an extant fallback, they remain material considerations and demonstrate that a building of this general size and location was previously considered capable of being acceptable where its use and appearance were properly tied to the agricultural activity on the land.
- 5.1.6 The planning history since that time is also of particular relevance. The enforcement appeal Inspector found that the building, as constructed, was not the approved apple storage barn but a C3 residential dwellinghouse, having regard to matters including the internal layout, domestic facilities and residential character of the building. The subsequent planning appeal against the refusal of application 23/00796/FUL was dismissed, with the Inspector considering whether the development was an acceptable form of development in the countryside, including whether there was a justifiable and functional need for the building and whether it would preserve the character and appearance of the area.
- 5.1.7 The previous 2025 planning appeal was dismissed because the Inspector was not satisfied that the proposed office, reception area, cake and jam making studio and related mixed uses were sufficiently linked to agriculture or to a land-based rural business, or that a building of that size was justified in the countryside. The Inspector also had regard to the domestic appearance and nature of the building in the context of the appeal and enforcement history. The current application is materially different because it removes those wider mixed-use elements and seeks to limit the building to the agricultural apple storage function, as per the original purpose of the building. The works include the removal of kitchen/cooking facilities,

fitted domestic appliances, shower facilities, and domestic fixtures and fittings previously associated with the unlawful residential use.

- 5.1.8 The applicant has now provided information that the orchard comprises approximately 60 fruit and nut trees and that further interplanting and planned orchard extensions are proposed. The building would be located adjacent to the orchard and would provide a sheltered space for storing harvested fruit, associated equipment and machinery, and for preparing produce from the land. A countryside location is functionally related to that activity because the building would serve the orchard directly and avoid the need to move produce and machinery to and from a separate storage location away from the site.
- 5.1.9 The proposed external and internal amendments are also fundamental to the acceptability of the scheme. The proposed plans show the replacement or treatment of existing glazing and domestic-style finishes with barn-style doors, barn-style panelling and timber or timber-effect finishes. Internally, the building would be laid out as an apple store, apple preparation area, implement store, store and WC. These changes would remove the mixed-use and domestic characteristics that were central to the previous concerns and would give the building a more utilitarian agricultural appearance and function.
- 5.1.10 It is therefore considered that the current proposal responds directly to the previous concerns raised by the Council, the enforcement appeal and the 2025 planning appeal. The proposal is no longer advanced as a dwelling, a mixed-use building, an office/reception space or a cake and jam making studio. It is advanced as an agriculture-related building required for the storage and preparation of fruit from the associated holding. On that basis, the building would have a functional and locational need to be within the countryside and would be directly linked and ancillary to the orchard use of the land.
- 5.1.11 Given the planning and enforcement history of the site, the acceptability of the proposal depends on strict control of the use and the timely completion of the approved remedial works. Conditions are therefore necessary to require the approved works to be completed within a defined period, restrict the use of the building to an apple storage barn only, prevent residential occupation or domestic facilities, and prevent further external alterations or openings without planning permission.
- 5.1.12 Subject to those conditions, it is considered that the principle of development would accord with Policies S1, S8 and E4 of the LDP. The proposal would represent agriculture related development with a functional need to be located within the associated holding, and would address the previous concerns relating to residential use, mixed use and the absence of a justified countryside requirement.

5.2 Planning History, Appeals and Enforcement Matters

- 5.2.1 The Council must determine the current planning application on its own merits. However, the previous enforcement appeal, the High Court proceedings referred to in the later appeal decision, and the dismissed 2025 planning appeal are significant material considerations.
- 5.2.2 The 2024 enforcement appeal established that, as constructed at the time of the enforcement notice, the building was not the approved apple storage barn but amounted to the erection of a C3 residential dwellinghouse. The Inspector referred to the original internal layout, kitchen, heating, shower/toilet facilities and other features which provided the facilities required for day-to-day private domestic existence. The Inspector also rejected the argument that the notice requirements should be varied to allow lesser steps, in part because the original and variation permissions were not extant and could not be implemented.

- 5.2.3 The current application does not seek to implement the lapsed permissions. It seeks a new planning permission for retention of the building as an apple storage barn, with specified works to alter the building and remove the domestic and non-agricultural characteristics. The proposed plans and conditions would therefore create a new planning control position. In particular, the proposed floor plan removes the office space shown on the existing plan and limits the building to apple storage, fruit preparation, implement storage, store and WC.
- 5.2.4 The 2025 application and subsequent planning appeal considered a different mixed-use scheme. The Inspector found that the scale and domestic appearance of the appeal building resulted in an incongruous urbanising form of development and that there was insufficient evidence that the non-agricultural activities were associated with agriculture or another land-based rural business. The Inspector also stated that it was not clear that a building of that size and internal arrangement could revert to an apple store or agricultural building because of its domestic character.
- 5.2.5 The present proposal is specifically designed to address those findings. It removes the mixed uses which the Inspector found were not justified. It includes external changes to reduce domestic glazing and reinstate barn-style doors and finishes. It also includes internal changes to return the layout to a more open agricultural storage arrangement. A condition is recommended to require those works, together with the removal of fixtures, fittings and domestic facilities not shown on the approved plans, to be completed within nine months of permission. This is a reasonable and necessary control, particularly as the enforcement appeal decision found that three months was not an unreasonable period for compliance with the existing notice at the time.
- 5.2.6 In order to further ensure compliance with this time limit, it is proposed that a separate enforcement notice will be issued, subject to the decision on this application, to secure compliance with the approved scheme and to address any outstanding breaches at the site. This does not remove the need for planning conditions.

5.3 Design and Impact on the Character of the Area

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. Policy D1 of the approved LDP seeks to ensure that development respects and enhances the character and local context and makes a positive contribution in terms of architectural style, materials, scale, form, landscape setting and the natural environment. Similar support for high-quality design is found within the Maldon District Design Guide (MDDG).

- 5.3.1 The building is substantial and is located within a rural and relatively open setting. That matter weighed significantly against the previous mixed-use scheme, with extensive glazing and domestic appearance. However, the acceptability of the building is closely related to its use and appearance. Agricultural buildings are not, in principle, unusual in the countryside, and the previous permissions and the 2025 appeal decision recognise that an apple store at this site is materially different from a building used for residential or mixed commercial/studio purposes.
- 5.3.2 The existing building includes substantial glazing and UPVC finishes which have contributed to its domestic appearance. The current proposal would replace existing glazing with barn-style aesthetic panelling, reinstate barn-style doors and treat the UPVC frames with timber trims or vinyl/wood-effect cladding to provide a more traditional timber appearance. These

works would reduce the domestic character of the building and result in a more agricultural appearance consistent with its originally proposed function as an apple storage barn.

- 5.3.3 The amended site plan also shows orchard interplanting and planned orchard extensions. Whilst landscaping and orchard planting would not by itself overcome harm from an unjustified building, it reinforces the relationship between the proposed barn and the orchard use of the surrounding land. The building would therefore be read in association with the orchard it serves rather than as an isolated domestic or mixed-use structure.
- 5.3.4 Subject to the recommended condition requiring completion of the approved external and internal works within nine months and thereafter retention of the approved appearance and layout, it is considered that the proposal would not result in unacceptable harm to the character and appearance of the area. The development would therefore accord with Policies S1, S8 and D1 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 of the approved LDP seeks to ensure that development protects the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The current proposal is for agricultural storage and preparation associated with fruit grown on the land. It would not introduce a residential use, a separate office, a reception area, a cake and jam making studio or a general commercial visitor use. The Council previously did not pursue the second reason for refusal in the 2025 appeal following additional information, and the Inspector found no substantive evidence to disagree that there would be no harm to the living conditions of nearby occupiers.
- 5.4.3 Environmental Health raises no objection in principle, subject to conditions relating to mechanical plant, delivery/loading hours, external lighting and unexpected contamination. Given the limited and land-based nature of the proposed use and the separation to neighbouring residential properties, it is considered that the proposal would not result in unacceptable harm to neighbouring amenity, subject to the recommended conditions.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards. Policy D1 also seeks to ensure safe and secure vehicle and cycle parking and maximise connectivity within development and to surrounding areas.
- 5.5.2 The proposal would use the existing access arrangements from Nipsells Chase and would not alter the relationship with the local highway network. The Highway Authority has fully considered the application and raises no objection, noting that the site is accessed via a private section of Nipsells Chase which is shared with Restricted Byway no.17 (Mayland). An informative is recommended to ensure that the public's rights and ease of passage over the restricted byway are maintained free and unobstructed.
- 5.5.3 The proposal would not generate a level of vehicle movement that would be materially harmful to highway safety, capacity or efficiency. Sufficient space exists within the site for parking and manoeuvring associated with the agricultural storage use. The development therefore accords with Policies D1 and T2 of the LDP.

5.6 Ecology and Biodiversity

- 5.6.1 Policy N2 of the LDP seeks to conserve and enhance the natural environment. The site has historically been associated with Nipsells Chase Scrub Local Wildlife Site and is within an ecologically sensitive rural setting.
- 5.6.2 Place Services has reviewed the application form and plans and advises that there is sufficient ecological information available to support determination. The building is recently constructed and is very likely to be of negligible ecological value. The proposed plans do not affect the roof and no compensation or enhancements are required for protected or Priority species.
- 5.6.3 The site has suitable bordering vegetation for use by foraging and commuting bats. A wildlife-sensitive lighting condition is therefore recommended if any external lighting is proposed. Place Services also advises that the application is exempt from Biodiversity Net Gain because there is no vegetation removal and the application is retrospective. Subject to the recommended condition, the proposal is acceptable in ecological terms and accords with Policy N2 of the LDP.

5.7 Flood Risk and Drainage

- 5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires development to be safe and flood resilient. The site is within Flood Zone 1 and is at low risk of flooding. The proposal relates to the retention and modification of an existing building and would not materially affect flood risk or drainage arrangements. No objection is raised in respect of flood risk.

6. ANY RELEVANT SITE HISTORY

- APP/X1545/W/24/3349715 - Appeal against refusal of 23/00796/FUL. Appeal dismissed 12 August 2025.
- APP/X1545/C/23/3326403 and APP/X1545/C/23/3326404 - Appeals against enforcement notice alleging unauthorised erection of a C3 residential dwellinghouse. Notice corrected and upheld; appeals dismissed 9 May 2024.
- 23/00798/FUL - Retention of the agricultural building known as The Apple Store to C3 residential, to form a two bed bungalow. No external alterations apart from 2 additional windows. Declined to Determine issued 23 August 2023 and reissued 21 September 2023.
- 23/00796/FUL - Retain structure for mixed use. Agricultural storage, office, reception/rec area, cake and jam making studio. Refused 19 February 2024.
- 23/00782/FUL - Renewal of existing consent. Declined to Determine issued 18 August 2023 and reissued 21.09.2023.
- 23/00664/FUL - Renewal of existing consent. Declined to Determine issued 02 August 2023 and reissued 21 September 2023.
- 23/00076/FUL - Change of use from agricultural building to two bedroom bungalow (C3 Use) and alterations to fenestration. Refused 15 September 2023.

- 20/00574/FUL - Variation of condition two on approved planning permission 18/00280/FUL (Construction of an apple storage barn). Approved 10 August 2020.
- 20/05040/DET - Compliance with conditions notification 18/00280/FUL (Construction of an apple storage barn) Condition three - Materials. Discharged 23 July 2020.
- 18/00280/FUL - Construction of an apple storage barn. Approved 23 May 2018.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish Council	Comment	Officer Response
Mayland Parish Council	Object. The Parish Council comments that the property is currently under an enforcement notice, that the notice should be adhered to, and that further planning applications to stop this from happening should be refused. The Parish Council also fears that the application has been submitted to circumvent the rules of Maldon District Council.	The comments are noted. The enforcement and appeal history is addressed in sections 3 and 5.2 of this report. The application must be determined on its own planning merits. Subject to conditions requiring the approved works to be completed within 9 months and restricting the future use of the building, it is considered that the proposal would address the previous enforcement and appeal concerns and would not circumvent the planning process.

7.2 Statutory Consultees and Other Organisations

Name of Consultee	Comment	Officer Response
Highway Authority	No objection. The Highway Authority notes that the site is accessed via a private section of Nipsells Chase shared with Restricted Byway no.17 (Mayland) and recommends an informative requiring the public's rights and ease of passage over the restricted byway to be maintained free and unobstructed.	Addressed at section 5.5. An informative is recommended.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle, subject to conditions relating to mechanical plant / ventilation	Addressed in sections 5.4 and 8. Conditions are recommended where

	noise, delivery/loading hours if frequent vehicle movements are anticipated, external lighting and unexpected contamination.	necessary and proportionate.
Ecology	No ecological objection subject to condition if external lighting is proposed. Place Services advises that the building is likely to be of negligible ecological value, that the roof would not be affected and that the application is exempt from Biodiversity Net Gain because there is no vegetation removal and it is retrospective.	Addressed at section 5.6. A lighting condition is recommended.

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of site notice posted on 4 November 2025 (with the expiry date for comments set at 25 November 2025). The notices were affixed to a telegraph pole and a gate to the north of the site along Nipsells Chase, immediately adjacent to the application site.
- 7.4.2 Notice was also given by way of newspaper advertisement in the Maldon and Burnham Standard, published on 12 February 2026 (with expiry date for comments set at 5 March 2026).

7.5 Representations received from Interested Parties

- 7.5.1 One letter of representation was received noting no objection to the application.

8. PROPOSED CONDITIONS

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents as set out by the decision notice.

REASON: To ensure that the development is carried out in accordance with the details as approved.

Completion of Approved Works

2. The works required to bring the building into full accordance with the approved plans shall be completed in full within 9 months of the date of this permission. The works shall include:
 - a) the replacement or treatment of the existing glazing and doors with the barn-style panelling/doors shown on drawing 25.8171/P201;
 - b) the application of timber trims or vinyl/wood-effect cladding to the existing UPVC frames, as shown on drawing 25.8171/P201;
 - c) the provision and retention of the internal layout shown on drawing 25.8171/P201; and
 - d) the removal from the building of all internal partitions, kitchen/cooking facilities, fitted domestic appliances, bath or shower facilities, and domestic fixtures or fittings not shown on the approved plans.

Following completion of the works, the approved external appearance and internal layout shall be retained thereafter.

REASON: To ensure that the development is made acceptable in planning terms, to remove domestic and non-agricultural features, to secure the intended agricultural appearance and use of the building, and to safeguard the character and appearance of the countryside in accordance with Policies S1, S8, D1 and E4 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

Use Restriction

3. The building hereby permitted shall be used only as an apple storage barn for the storage and preparation of fruit grown within the associated holding shown on the approved site plan, and for the storage of agricultural machinery, tools, equipment and materials reasonably necessary for that use. The building shall not be used as a dwellinghouse, for any residential purpose, for overnight accommodation, as an office, reception area, cake or jam-making studio/kitchen, general commercial storage, general business use, or for any other use outside the scope of the approved apple storage barn use.

REASON: The application has been assessed and found acceptable only on the basis of the stated agricultural apple storage barn use. Other uses would require separate assessment and could cause harm to the character and appearance of the countryside, residential amenity and the objectives of Policies S1, S8, D1 and E4 of the approved Maldon District Local Development Plan.

Restriction on Domestic Facilities

4. The building hereby permitted shall not be used at any time for residential accommodation or overnight accommodation. No kitchen, cooking facilities, fitted domestic appliances, bath, shower, washing machine, domestic hot-water installation, sleeping accommodation, or fixtures or fittings associated with residential occupation shall be installed or retained within the building. This condition shall not prevent the retention of the WC and hand basin shown on the approved plans, or the use of moveable agricultural, storage or fruit-preparation equipment reasonably necessary for the approved apple storage barn use.

REASON: To ensure that the building is not capable of use as residential accommodation and to secure the agricultural nature of the development in accordance with Policies S1, S8, D1 and E4 of the approved Maldon District Local Development Plan.

No Additional Openings or External Alterations

5. No additional windows, doors, rooflights or other external openings shall be inserted into the building, and no external alterations shall be made to the building, other than those expressly approved by this permission, unless planning permission has first been granted by the Local Planning Authority. This shall not prevent like-for-like repairs or maintenance using matching materials and finishes.

REASON: To protect the agricultural appearance of the building and the rural character of the area in accordance with Policies S1, S8 and D1 of the approved Maldon District Local Development Plan.

Mechanical Plant

6. No mechanical ventilation, refrigeration plant, extract system, compressor or similar fixed plant associated with the approved use shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include the location, design, noise rating and any mitigation measures. The plant shall thereafter be installed and operated only in accordance with the approved details. The rating level of noise emitted from any fixed plant shall not exceed the

existing background sound level by more than 5dB at the nearest noise-sensitive receptor, when measured and assessed in accordance with BS 4142:2014+A1:2019, or any subsequent replacement standard.

REASON: To protect neighbouring amenity from operational noise in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan.

Deliveries, Collections and Loading

7. No deliveries to, or collections from, the site by commercial vehicles, and no loading or unloading associated with the approved use, shall take place outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank/Public Holidays.

REASON: To protect neighbouring occupiers from disturbance in accordance with Policy D1 of the approved Maldon District Local Development Plan.

External Lighting

8. No external lighting, including security or access lighting, shall be installed unless a lighting design strategy for biodiversity has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with Guidance Note 08/23 Bats and Artificial Lighting at Night (Institute of Lighting Professionals) and shall include details of the location, height, design, luminance, colour temperature, direction, cowling/shielding, hours of operation and any motion sensors or timers. The lighting shall thereafter be installed and operated only in accordance with the approved details.

REASON: To avoid light nuisance, protect rural character and safeguard foraging and commuting bats in accordance with Policies D1, D2 and N2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

9. INFORMATIVES

Public Right of Way

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of Public Rights of Way is considered to be a breach of this legislation. The public's rights and ease of passage over Restricted Byway no.17 (Mayland) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

10. APPLICATION PLANS

- 25.8171/M001 - Location Map
- 25.8171/M002 Rev A - Location Plan
- 25.8171/E101 Rev A - Existing/Proposed Site Plan
- 25.8171/E102 - Existing Plans & Elevations
- 25.8171/P201 - Proposed Plans & Elevations
- Planning Support Statement
- Drawing Register dated 04 June 2026