



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

**to
SOUTH EASTERN AREA COMMITTEE
22 JULY 2026**

ADDENDUM

AGENDA ITEM NO. 6

Application Number	26/00053/FUL
Location	Land North West 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	Mr Russell Forde – Smart Planning Ltd
Target Decision Date	24 June 2026
Case Officer	Matt Bailey
Parish	Mayland
Reason for Referral to the Committee / Council	Member of the Council / Departure

Background

Following publication of the Committee report, officers have sought advice from Counsel, particularly in relation to the consistency of the proposed approach with the previous planning and enforcement history, the appropriate future enforcement position and the conditions proposed within the report.

Counsel has confirmed that the published report provides an accurate assessment of the site history and the material considerations, and that its conclusion and recommendation are rational in the context of the previous applications and enforcement issues. A minor correction to confirm that the application is partially retrospective has been suggested (see overleaf).

Counsel has advised that, for technical reasons, the issue of a further enforcement notice (EN) alongside the grant of planning permission would not be appropriate at this stage. In technical terms, once the permission is issued, the original EN ceases to have effect to the extent of the permission (s.180(1) TCPA). The permission would also allow the building to remain. So at the point the permission is granted there is no apparent breach of planning control that would justify issuing an EN, other than the historic breach that justified the issue of the 2023 EN but has been regularised by the grant of the 2026 permission

However, the conditions proposed relating to the current proposal would provide the immediate mechanism for securing the required alterations and controlling the future use of the building. Should the required works not be completed within the specified period, or should the building subsequently be used in breach of the permission, the Local Planning Authority would then be able to consider appropriate enforcement action at that point in time.

Counsel has also reviewed the proposed conditions. Those relating to the completion of the approved works and restriction of the building's use are considered appropriate, subject to some simplification. The separate condition restricting domestic facilities is no longer required, as these matters are adequately controlled through the approved plans, the required works and the use restriction. The condition controlling external alterations has been amended to expressly remove the relevant permitted development rights, while the external lighting condition has been revised to address both residential amenity and ecological considerations.

Overall, the suggested amendments made by Counsel do not alter the planning assessment, overall planning balance or recommendation to approve the application subject to conditions.

Report Amendments

The following amendments are therefore made to the published report:

3.2 Proposal

3.2.1 The application is made under Section 73A of the Town and Country Planning Act 1990 and seeks partial 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 proposed associated amendments to the external appearance and internal fittings and fixtures.

5.2 Planning History, Appeals and Enforcement Matters

5.2.6 <DELETED>

8 PROPOSED CONDITIONS

1. CONDITION: Approved Plans

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.

2. CONDITION: Completion of Approved Works

The works required to bring the building into full accordance with the approved plans shall be completed in accordance with the following timescales:

Within 3 months of the date of this permission:

a) the provision and retention of the internal layout shown on drawing 25.8171/P201; and

b) 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.

Within 6 months of the date of this permission:

c) the removal of existing window/door openings and blocking up/replacement/making good with the barn-style panelling/doors shown on drawing 25.8171/P201; and

d) the application of timber trims or vinyl/wood-effect cladding to the existing UPVC frames, as shown on drawing 25.8171/P201.

By 9 months of the date of this permission

e) the works to be completed to the satisfaction of the Local Planning Authority upon inspection

Following completion of the respective works, the approved external appearance and internal layout shall be retained (as completed) 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.

3. CONDITION: Use Restriction

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.

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.

4. CONDITION: No Additional Openings or External Alterations

Notwithstanding the provisions of Schedule 2, Part 6 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 additional windows, doors, rooflights or other external openings shall be inserted into the building and no external alterations shall be made, other than those expressly approved by this permission, unless planning permission has first been granted by the Local Planning

Authority. This condition 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.

5. CONDITION: Mechanical Plant

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.

6. CONDITION: Deliveries, Collections and Loading

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.

7. CONDITION: External Lighting

No external lighting, including security or access lighting, shall be installed unless a lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that all lighting is low-glare, downward directed and appropriately cowed or shielded to prevent light spill beyond the area requiring illumination. It shall also be designed 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 neighbouring amenity and rural character, and safeguard foraging and commuting bats in accordance with Policies D1, D2 and N2 of the approved Maldon District Local Development Plan.