



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 SEPTEMBER 2026**

Application Number	26/00441/FUL
Location	Agricultural Barn at Loddarts Farm Lodge Road Woodham Mortimer
Proposal	Demolition of the existing barn and part of the outbuilding, and erection of a new barn style dwellinghouse with alterations to outbuilding.
Applicant	Mr O'Connor
Agent	Mr Chris Wragg - Arcady Architects Ltd
Target Decision Date	16 September 2026
Case Officer	Jade Elles
Parish	Hazeleigh
Reason for Referral to the Committee / Council	Departure from the Local Plan

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is location on the southern side of Lodge Road, between the villages of Hazeleigh and Woodham Mortimer. The vacant barn proposed for conversion adjoins the existing gated and entrance to the sire from Lodge Road and comprises a steel portal frame system clad in metal sheet cladding and concrete blocks with corrugated sheet roof.
- 3.1.2 The area is rural in character, the sire being surrounded by mixed use fields, with some residential properties to the east of the site at Kinvara Manor and Lodge Farm.
- 3.1.3 The property is not listed, nor located in a Conservation Area.
- 3.1.4 Planning permission is sought for the demolition of the existing barn and outbuilding and erection of a new dwelling. The application is submitted following the recent approval for the same works under reference number 25/00590/FUL which was also taken to the North Western Area Planning Committee. This application has changed from the 2025 application in the way of design which will be assessed separately in this report.
- 3.1.5 Although the constitution states *“where proposals have been advertised as departures under the Town and Country Planning (Development management Procedure) Order 2010 and there the Officers’ recommendation is that permission should be granted. Except where the principle of the development had already been approved through an extant planning permission”* and this is an extant permission due to the significant change in design the application has been brought to the Committee.

3.2 Conclusion

- 3.2.1 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.
- 3.2.2 As explained in 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 permission, the site is considered acceptable.
- 3.2.3 The proposed works are considered acceptable and in keeping with the local area both in terms of scale and design and would not result in harm in terms of residential amenity, highways safety or ecology and biodiversity.
- 3.2.4 It is considered that the proposed development accords with all relevant policies contained within the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and is recommended 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:

- Chapter 3 - Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 - Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S5 Principle of development outside settlements
- Chapter 6 - Delivering a sufficient supply of homes
 - HO7 Meeting the need for homes
 - HO11 Isolated homes in the countryside
- Chapter 12 - Making effective use of land
 - L2 Making effective use of land
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
 - DP4 The design process
- Chapter 14 - Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 - Promoting sustainable transport
 - TR3 Locating development in sustainable locations
 - TR4 Street design, access and parking
 - TR6 Assessing transport impacts
- Chapter 17 - Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution
- Chapter 19 - Conserving and enhancing the natural environment
 - N2 Improving the natural environment
 - N6 Areas of particular importance for biodiversity and geodiversity

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 and Environmental Impact of New Development
- 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 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 Policy DM3 of the National Planning Policy Framework (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.
- 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”*.
- 5.1.5 NPPF policies S3 (Presumption in favour of sustainable development), S4 (Principle of development within settlements) as the site’s access is within the settlement boundary for Maldon, and policy S5 (Principle of development outside settlements) for the main part of the development that lies outside of the settlement boundary for Maldon applies.

Five-Year Housing Land Supply (5YHLS)

- 5.1.6 Policy S5 of the NPPF allows for certain forms of development to be approved outside of settlements through point (j) of the policy this includes development which would address an evidence unmet need including where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (5YHLS). This is subject to the following test relevant to this, which is point (j) (i) being physically well related to an existing settlement and of a scale which can be accommodated taking into account the existing and proposed availability of infrastructure. For this site it is considered the requirements of policy S5 of the NPPF are met.

- 5.1.7 As per Annex D of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “identify and update annually a supply of specific deliverable sites”. Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023/2024, which stated there was a 6.3 years’ supply.
- 5.1.8 Currently the Council can only demonstrate 4.1 years’ worth of housing land supply which was officially stated and agreed at the Council meeting on 12 February 2026, however, since then appeal decisions have stated lower figures. This is due to change through the latest NPPF (2026) 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.
- 5.1.9 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 5YHLS and therefore the principle of development proposals on sites such as this shall need to be considered on the basis of whether they are sustainable or not.
- 5.1.10 Given the Council’s current position in regard to not being able to demonstrate an up to date 5YHLS, the NPPF’s presumption in favour of sustainable development applies.

Sustainable Development

- 5.1.11 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 requirements of policy S3 of the NPPF applies. There are three dimensions to sustainable development as defined in Paragraph 17 of the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Environmental Dimensions

- 5.1.12 When considering locational sustainability, consideration must be given to a number of parameters – including (but not limited to) the distance to the nearest settlement; proximity to local shops and services, schools, healthcare; public transport access; safe walking routes/street lighting.
- 5.1.13 Whilst the site in this case is located in a remote rural location, with limited access to services, the existence of planning permission for a new dwelling is a material consideration of significant weight. The planning permission establishes the principle of a residential unit on the site and represents a genuine and realistic fallback position that could be implemented were this application to be refused and the extant consent remains capable of implementation.

- 5.1.14 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 previous planning permission. Given the existence of the 2025 planning permission, this is considered an alternative to the new build scheme now proposed. Therefore, in light of the established 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 minor contribution towards the supply of housing within the District as only a single dwelling is proposed.

Economic Dimension

- 5.1.16 The development would make a minor contribution to the local economy through the construction of a single dwelling and additional custom for existing businesses.

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 LDP, due to the fallback position that exists at the site by virtue of the recently granted planning permission for a new dwelling, and the realistic prospect of that scheme being implemented in any event if this planning permission were to be refused, the principle of creating a single residential unit 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 LPAs to establish their minimum local housing need through a Local Housing Needs Assessment (LHNA), 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 LHNA (October 2025) 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 houses, 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 4+ 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 hectares (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 five-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 a single dwelling, 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 The scale, form and massing of the proposed new build scheme is broadly similar to the granting planning permission in 2025 (25/00590/FUL) as well as the prior approval scheme also granted in 2025 (25/00019/PACUAR). The subject site has changed from the previous granted permission in the way of design.

- 5.3.7 The internal layout is much more extravagant than previously approved however; each room would have sufficient natural lighting.
- 5.3.8 The exterior would change significantly from the previously approved scheme. It would no longer appear like a barn and would be built with red brick, slate roof tiles, timber doors and timber and aluminium windows. There would be very large extravagant windows to the front and side of the dwelling giving it a modern appearance.
- 5.3.9 The proposed materials would be similar to the neighbouring property, Kinvara Manor and therefore no objections would be made in relation to the materials.
- 5.3.10 The design of the proposed dwelling would provide a completely different appearance to the previously approved scheme in 2025, however, there are extravagantly designed dwellings along Lodge Road with some appearing traditional and some more of a modern design. Although the dwellings along Lodge Road are quite a distance from one another, the street itself appears quite an elegant and extravagantly designed area, therefore, the design of the proposed dwelling would not be appeared too different to the existing dwellings along Lodge Road. Furthermore, the effects on the intrinsic character and beauty of the countryside, as referred to by Policy S8, would be small as the building itself would be a similar size to the existing structure which sits on extensive hardstanding and therefore it is considered that the proposal would not result in additional or unacceptable harm beyond that which could occur under the extant consent.
- 5.3.11 The proposed outbuilding which would accommodate a bin store, cycle storage, a workshop and plant room would be a reasonable size for an outbuilding which would accommodate such rooms and would be the same material as the proposed dwelling, therefore, no concerns would be raised in relation to the outbuilding proposed.
- 5.3.12 Overall, it is considered the proposed dwelling would not significantly harm 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 NPPF.

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 dwelling would be sited approximately 50m southwest of an existing residential property known as Kinvara Manor, which is screened by dense vegetation along the site's northern boundary. Whilst as stated above there are large extravagant windows proposed, these windows would not be facing this neighbour and would have limited windows facing them compared to the rest of the proposed dwelling. Given the separation distance and the limited visibility from this property due to the planting (to be retained as part of the proposal), no concerns are raised in respect of potential impacts upon the living conditions of neighbouring residents in terms of loss of privacy or overlooking. No additional massing is proposed that would result in any overshadowing.
- 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 Vehicle Parking Standards 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 a dwelling with four-bedrooms must provide three parking spaces. The proposed driveway area indicates that three parallel parking spaces will be provided; together with a vehicle turning area, and as such satisfies this requirement.
- 5.5.5 Essex County Council (ECC) Highways has been consulted on the proposal and has raised no objection to the proposal subject to proposed conditions relating to the provision of cycle parking prior to occupation and travel information packs prior to occupation of the development.
- 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 Vehicle Parking Standards 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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three-bedrooms or more.
- 5.6.2 The garden 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 layout of rear garden landscaping would increase the amount of soft landscaping following the removal of the existing hardstanding area to the south of the site. All other existing hedgerows and trees surrounding the barn would be retained.

5.7 Living Conditions for Prospective Occupiers

- 5.7.1 The submitted plans show a floorspace for the dwelling of approximately 322sqm 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 located entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.8.3 With regard to drainage, the proposal has been reviewed by the Council's Environmental Health Officer, who has raised no objection to the scheme subject to conditions relating to construction environmental management, operating hours and unexpected contamination. No conditions were recommended for surface water and foul water drainage details like there were in the previous application in 2025, however, due to the proposal being near on identical, except for design, we consider these conditions to still be relevant for this application and therefore, would be implemented if the application were to be granted.

5.9 Ecology

- 5.9.1 The presence of protected species is a material consideration, in accordance with the NPPF (2026), Natural Environment and 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 are 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' (ZOI) 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 Local Planning Authority should prepare a Habitat Regulation Assessment (HRA) 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 one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). 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 (ZoI) 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 1 no. dwelling (i.e. net increase of dwellings at the site is 1 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. NE does not need to re-consult on this Appropriate Assessment.
- 5.9.5 The Essex Coastal RAMS has been adopted. This document states that the flat rate for each new dwelling has been calculated at a figure of £175.55 and thus, the developer contribution should be calculated at this figure. A contribution of £163.86 towards RAMS has already been paid by the applicant in relation to the dwelling permitted under the prior approval scheme, therefore, as the RAMs fee has since gone up a top up of £11.69 must be paid.
- 5.9.6 Due to the nature of the existing site and coverage by hardstanding, the proposal would be exempt from Biodiversity Net Gain (BNG) requirements. The applicant has nonetheless submitted a Preliminary Ecological Assessment prepared by ACJ Ecology (Feb 2025), which identifies opportunities for ecological mitigation, compensation and enhancements at the site, as well as considering the likelihood of impact upon protected species. The Council's appointed Ecology Consultant has confirmed that there is sufficient ecological information available to support determination of this application; and has recommended a series of planning conditions 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.

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 an additional dwelling. There would also be economic activity associated with the prospective occupier of the dwelling. Whilst the dwelling would be located outside of a defined settlement boundary, as set out above in light of the fallback, the principle of development is considered acceptable. 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 an additional dwelling 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.

5.11 Other Matters

5.11.1 As part of the application an Arboricultural Impact Assessment and Method Statement was submitted which stated the condition of all trees surrounding the site and confirmed no trees were to be removed as part of this application.

5.11.2 Place Service: Arboriculture were consulted and advised they have no objections to the proposed works, or the works related to the existing trees however, recommended pre-commencement conditions to be implemented relating to retention and protection of existing trees and hedges/shrubs. The Council agrees with the pre-commencement condition which was put forward to the agent to be agreed. The agent agreed to these conditions on 17.08.2026.

6. ANY RELEVANT SITE HISTORY

- **25/00019/PACUAR** – Prior approval for conversion of agricultural barn to one dwellinghouse and for building operations reasonably necessary for the conversion, Prior Approval Granted on 15.04.2025.
- **25/00509/FUL** – Demolition of the existing barn and outbuilding and erection of a new dwelling in the style of the original barn, went to Northwest Area Committee on 03.12.2025 with officer recommending approval. Members agreed with officers' recommendation to approve and was Approved on 05.12.2025.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer and Hazeleigh Parish Council	No comments were made at the time of writing this report	N/A

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services: Ecology	No objections subject to conditions relating to ecological appraisal and biodiversity enhancement strategy	Noted
Place Services: Arboriculture	Support subject to conditions relating to retention and	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	protection of existing trees, and retention and protection of existing hedges/shrubs	
ECC Highways	No objections subject to conditions relating to cycle parking and travel information pack	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions relating to construction environmental management, construction house and unexpected contamination	Noted

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of a site notice posted on 6 August 2026 (with an expiry date for comments set at 27 August 2026). The notice was affixed at eye level to a telegraph pole immediately adjacent to the site.
- 7.4.2 Notice was also given by way of a newspaper advertisement posed in the Maldon and Burnham Standard, published on 23 July 2026 (with an expiry date for comments set at 13 August 2026).

7.5 Representations received from Interested Parties (*summarised*)

- 7.5.1 No third party comments have been received in relation to the proposal.

8. **PROPOSED CONDITIONS**

- 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 and Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the approved plans stated on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
- The materials used in the construction of the development hereby approved shall be as set out within the application form/approved plans.
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 Supplementary Planning Document.

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

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

- 6 The development shall be undertaken using appropriate measures to minimise noise, dust, smoke, vibration and mud generated during demolition and construction activities.

REASON To protect the amenity of neighbouring occupiers in accordance with policies D1 and D2 of the Local Development Plan.

- 7 No demolition or construction works shall take place except between 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays, with no works on Sundays or Bank Holidays.

REASON To safeguard the amenities of neighbouring occupiers in accordance with policies D1 and D2 of the Local Development Plan

- 8 If previously unidentified contamination is encountered during the development, works shall cease and a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority before development recommences.

REASON To ensure the site is suitable for its proposed residential use and to protect human health and the environment in accordance with policy D2 of the Local Development Plan.

- 9 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.
- 10 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport, as approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the dwelling free of charge.
REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies D1 and T2 of the Local Development Plan.
- 11 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (ACJ Ecology, February 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 conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).
- 12 Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Assessment (ACJ Ecology, February 2025), 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.
- 13 Prior to installation of any external lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning

authority. The scheme shall identify how lighting impacts will be avoided upon the Essex Estuaries Special Area of Conservation (SAC) and the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar and Sites of Special Scientific Interest (SSSI) and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that lighting will not result in impacts upon the statutory designated sites. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the Natural Environment and Rural Communities Act 2006 (NERC) (Priority habitats and 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.

- 14 No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017). The Tree Protection Plan is required prior to the commencement of development to ensure that the trees are protected from the outset of the construction phase.

A pre-commencement condition is required in this instance to ensure that trees are protected in advance of construction works

- 15 No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made

and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON To ensure that appropriate hedge protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Approved Local Development Plan (2017). The Tree Protection Plan is required prior to the commencement of development to ensure that the trees are protected from the outset of the construction phase.

A pre-commencement condition is required in this instance to ensure that trees are protected in advance of construction works

- 16 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 Highway Works

- There shall be no discharge of surface water from the development onto the Highway.
- All work within, or affecting, the highway shall be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority (Essex County Council), with all details being agreed before the commencement of any highway works. Failure to secure the necessary approvals and relevant permits for works within the highway may result in enforcement action by the Highway Authority against, but not limited to, the owner of the land or the person causing, or responsible for, the damage to the Highway. To start the process to obtain the relevant permissions the applicant should contact the Essex Highways Development Management Team by email at development.management@essexhighways.org

2 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.