



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

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

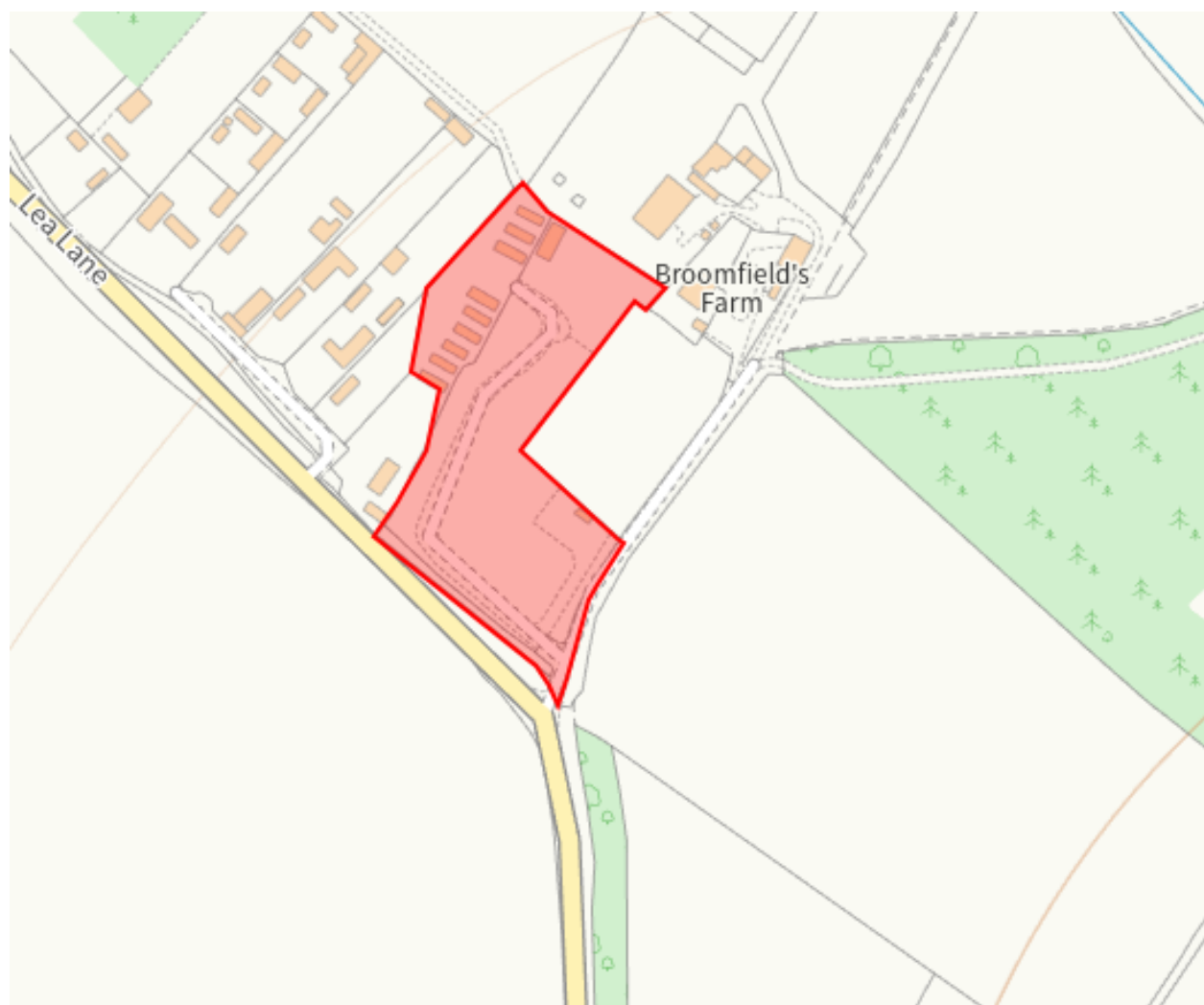
Application Number	25/00421/FULM
Location	Rosedale, Lea Lane, Great Braxted, Witham, Essex, CM8 3ER
Proposal	S73A (retrospective) application for a change of use to create 12 additional Gypsy Traveller pitches including erection of a shared day room, formation of hardstanding and erection of outbuildings and provision of storage container.
Applicant	Mr Dooley
Agent	Ms Sarah Threlfall - TMA Chartered Surveyors
Target Decision Date	16.09.2027
Case Officer	Kie Farrell
Parish	Great Braxted
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

APPROVE and delegate authority to the Director of Place, Planning and Growth to grant planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site has an area of 1.14 hectares and is located on the north-eastern side of Lea Lane in a rural area outside of the Great Braxted (and any other) settlement boundary.
- 3.1.2 To the north-east is Broomfields Farm and to the north-west the site adjoins an existing authorised Gypsy Traveller site, The Orchards, which in turn adjoins a further authorised Gypsy Traveller site, The Oaks.
- 3.1.3 Access to the site is via the existing access from a private lane off Lea Lane.
- 3.1.4 The nearest neighbouring residential dwelling is Broomfields Farm to the north-east. The property also includes agricultural and commercial buildings along with open grazing land.
- 3.1.5 The surrounding area is predominantly open countryside in agricultural use.
- 3.1.6 The application site is in Flood Zone 1 (lowest probability of flooding).
- 3.1.7 There are no foul sewer assets in the vicinity of the site. The existing pitches and neighbouring Gypsy Traveller pitches all have package treatment plants.
- 3.1.8 A public footpath Great Braxted 4 joins Lea Lane at the site entrance. The footpath runs alongside the private driveway to Broomfields Farm and then turns off to the east.
- 3.1.9 Planning permission (10/00900/FUL) was granted at appeal in January 2012 for: *Use of land for the stationing of caravan for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses.*
- 3.1.10 Compared to the 10/00900/FUL application site, the current application site has been enlarged to include an additional area of land in the north-west corner of the site, and this is where the proposed additional twelve caravan pitches are to be located.
- 3.1.11 Planning permission is sought for a change of use to create 12 additional Gypsy Traveller pitches including erection of a shared day room, formation of hardstanding and erection of outbuildings and provision of storage container.
- 3.1.12 This application was validated in May 2025 and, following a site visit by the original case officer, amended drawings and additional documents were provided by the applicant's agent in order to capture all of the elements of the proposed development. Therefore, for the avoidance of doubt, the final application documents that have been considered as part of this assessment are as follows:
- TMA 1045/01 Rev D – Site Block Plan
 - TMA 1045/02 Rev C – Site Block Plan
 - TMA 1045/03 Rev B – Plans and Elevations (Day Room)
 - TMA 1045/04 – Location Plan
 - TMA 1045/04 – Plans and Elevations (Kennels)
 - TMA 1045/10 – Plans and Elevations (Existing Building Used as Temporary Day Room)

- Planning, Design & Access Statement, TMA, April 2025
- Planning Statement – Statement of Personal Circumstances, TMA, July 2025
- Doctors Letter, 7 July 2025
- 10_356-004 – Floor Plan (Previously Approved Day Room)
- 10_356-005 – Elevations (Previously Approved Day Room)
- Flood Risk and Drainage Assessment, TMA, August 2025
- Drainage Strategy, D.J Barton Associates, June 2026 (Rev. 4 August 2026).

3.1.13 Change of Use - Planning permission is sought for a material change of use of the land in the north-west corner of the site where the proposed twelve additional caravan pitches are to be located. This land was formerly in agricultural use.

3.1.14 Caravan Pitches - The Site Block Plans 1045/01 Rev D and 1045/02 Rev C show the 12 proposed caravan pitches laid out in the north-west corner of the site, including a space alongside each pitch for parking a vehicle. All the caravans will meet the definition of a caravan under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) and will, therefore, be capable of being moved.

3.1.15 Proposed Day Room - Drawing 1045/03 Rev B shows the proposed Day Room building which is sited on land falling within the previous consent (10/00900/FUL). The building is single storey measuring 19.75m wide, 10.4m deep with a maximum height of 4.0m. The proposed floor plan shows accommodation comprising a dining/kitchen area a living area, classroom, prayer room, utility room, food storage area, bathroom and entrance area. The building will be constructed from red facing brickwork with a slate roof. A site visit was undertaken by the case officer on 5 August 2026 where it was observed that the building has been constructed but not fitted out internally.

3.1.16 Hardstanding - The proposed hardstanding comprises that laid to serve the proposed pitches and car parking areas. Hardstanding has also been created within the previously consented land which is used for dog kennels and hen coops and storage of waste bins; uses which are ancillary to the occupation of the land as a Gypsy Traveller site. The hardstanding also provides space for additional visitor parking.

3.1.17 Outbuildings - The proposal also includes a timber storage shed which accommodates a washing machine, sited immediately north of Pitch 4.

3.1.18 Storage Container - A storage container also forms part of the proposal. This is located close to the site entrance in the south-east corner of the site on the area of hardstanding which also houses the dog kennels and hen coops. The container measures 6m by 2.4m with a maximum height of 2.6m. This is used to store mowing equipment.

3.2 Conclusion

3.2.1 Having assessed the proposal against all material planning considerations, it is considered that the proposed development would be acceptable in principle, would not have an unacceptable impact on the character and appearance of the area, and would not have an adverse impact on the amenity of existing residents or the future occupants of the site. No objection is raised in relation the impact of the development on the highway safety. Furthermore, the development, subject to conditions, would be acceptable in terms of its impact on ecology and designated sites.

- 3.2.2 It is considered that the adverse effect of the proposal would not substantially outweigh the benefits and as such the proposal complies with the relevant Policies of the Approved LDP and the NPPF (2026) and it is recommended that planning permission is granted.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) August 2026:

- Chapter 3 - Decision-making policies
 - Paragraph 3 Determining applications
 - DM6 Use of planning conditions and obligations
- Chapter 4 – Achieving Sustainable development
 - S3 Presumption in favour of sustainable development
 - S5 Principle of development outside settlements
- Chapter 6 - Delivering a sufficient supply of homes
 - HO5 Meeting the needs of different groups
 - HO12 Traveller sites
- Chapter 12 - Making effective use of land
- Chapter 14 - Achieving well designed places
- Chapter 15 - Promoting sustainable transport
- Chapter 16 - Promoting healthy communities
- Chapter 19 - Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- H6 Provision for Travellers
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Maldon District Vehicle Parking Standards SPD

- The Ministry of Housing, Communities and Local Government's DCLG's Planning Policy for Travellers Site, December 2024
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy SPD (adopted August 2020) (RAMS)

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and through Government policy, at Chapter 1, paragraph 3 of the NPPF (August 2026).

NPPF (August 2026)

- 5.1.2 On 17 August 2026 the Government published an amended version of the NPPF. Annex A, paragraph 1 of that framework covers any transition arrangements for the new version and states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication."

- 5.1.3 Chapter 4, Policy S3 (Presumption in favour of sustainable development) states:

1. *Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
 - b. *Outside settlements, policy S5 should be applied; and*
 - c. *In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

- 5.1.4 Chapter 4, Policy S5 (Principle of development outside settlements) states:

1. *Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*
 - g. *Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation (footnote 26), provided it meets the criteria in policy HO12;*

- 5.1.5 Footnote 26 states: *Including (but not limited to) where the relevant local planning authority cannot demonstrate a five-year supply of deliverable sites as set out in policy HO3(1)(a) or (b).*

- 5.1.6 Chapter 6, Policy HO5 (Meeting the needs of different groups) states:

1. *The development plan should, at the most appropriate level, set out policies to address the housing needs of different groups (including, but not limited to, those assessed under policy HO1). This should include:*

- c. *Identifying sites which can provide specific types of accommodation where there is an identified need, including (but not limited to):*
- iv. *Sites suitable for gypsies and travellers and travelling showpeople, including sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Sites identified for travelling showpeople should have regard to their need for mixed-use yards with both residential accommodation and space for storage of equipment.*

5.1.7 Chapter 6, Policy HO12 (Traveller sites) states:

- 1. *Development proposals for traveller sites should be located so that they:*
 - a. *Provide a settled base while recognising the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability and may also mean that locations not well-related to existing settlements may be appropriate; and*
 - b. *Enable access to frequently used services, such as education, welfare and health services, including ensuring that children can attend school on a regular basis.*
- 2. *When considering proposals for traveller sites, including for the purposes of considering need under policies S5 and GB7, local planning authorities should take into account the existing level of local provision and need for additional sites and other personal circumstances which may be relevant. Applications from any traveller should be considered and not just those with local connections.*
- 3. *Where development proposals require the permanent or temporary relocation of an authorised traveller site, an alternative site should be identified and provided. Suitable alternative sites should take into account the views of existing residents as well as existing family or community groupings where possible.*

5.1.8 The application site falls outside of a defined settlement boundary and therefore NPPF Policy S5 applies.

5.1.9 The Council cannot currently demonstrate a five-year supply of traveller pitches. In such cases Policy S5 states that development which would address an evidenced unmet need for gypsy, traveller accommodation should be approved provided it meets the criteria in policy HO12 and unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

5.1.10 It is considered that the proposed development meets the criteria of Policy HO12 in that the site would provide a settled base in a location which also allows for access to frequently used services, including schools.

5.1.11 Consideration of the potential adverse effects resulting from the proposed development will be assessed in the following sections of this report followed by a weighting exercise at the conclusion.

Maldon District Local Development Plan (MDLDP)

- 5.1.12 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 as set out in the policy.
- 5.1.13 Alongside policy S1, policies S2 and S8 of the approved MDLDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, Garden Suburbs and 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 when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.14 Whilst Policy S8 restricts development outside settlement boundaries, the policy contains a list of exceptions, of permissible uses in the countryside, which includes Travellers and Travelling Show people accommodation (S8(i)).
- 5.1.15 Policy H6 of the approved MDLDP sets out criteria for the assessment of proposals for travellers. Therefore, the development would be acceptable in principle subject to compliance with the criteria contained in policy H6.
- 5.1.16 Policy H6 states:
1. *There are a limited number of Traveller and Travelling Showpeople sites with planning permission in the District. The Council will protect existing lawful sites, plots and pitches for Gypsies, Travellers and Travelling Showpeople. Proposals that would lead to the loss of an existing Gypsy, Traveller or Showpeople site will only be permitted where it is demonstrated that there is no longer an identified need for the site, or that replacement provision on a site that is of equal or better quality is provided and subject to other policies in this Plan.*
 2. *“Proposals for Traveller or Travelling Showpeople sites must meet at least one of the following criteria, and other relevant policies in this Plan, including Part 3 of this policy:*
 - a) *Whether the site is on an existing site that could provide additional provision through intensification and / or improved orientation; or*
 - b) *Whether the site could provide additional provision through appropriate expansion; or*
 - c) *Whether the site is within existing development boundaries or strategic growth areas; or*
 - d) *If the site is located elsewhere in the District, whether it would form sustainable development. In assessing this, the Council will have regard to the sustainability/site suitability criteria in the ‘Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection’ August 2016.”*
- 5.1.17 The proposal would result in the intensification / expansion of an existing lawful site to provide additional provision and therefore the proposed development is compliant with parts a) and b) of Policy H6 and therefore acceptable in principle subject

compliance with the seven criteria in Part 3 of Policy H6 and other relevant LDP policies.

5.1.18 Part 3 of Policy H6 states:

The Council will consider applications for planning permission against the other relevant policies in this Plan, and will require sites to be:

- a) appropriate in scale to the nearest settlement or dwelling(s) and do not dominate them, having regard to factors such as the scale and form of existing Travellers' pitches in the locality, and the availability of infrastructure, services and facilities;*
- b) well related to the existing built-up area, where relevant; capable of having access to essential services; and allow convenient access, preferably by pedestrian, cycle or public transport, as well as by private car, to key facilities;*
- c) located away from areas at risk of flooding. Proposals for sites in locations other than Flood Zone 1 will be expected to demonstrate a sequential approach to site selection and be justified by a Flood Risk Assessment (FRA). Due to the highly vulnerable nature of caravans and mobile homes, sites in Flood Zone 3 will not be supported;*
- d) accessed safely by vehicles from the public highway;*
- e) of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas;*
- f) located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents;*
- g) large enough for the storage and maintenance of rides and equipment, in the case of Travelling Showpeople.*

5.1.19 Although the impact of the development on the character of the wider area is further assessed below, given that the proposal involves only up to 12 single storey caravans and a single storey day centre and taking into account the proposed pitches and day centre are located to the rear of the site, resulting in very limited visibility from the highway, it is not considered that the proposal would be inappropriate in scale to the nearest settlement and dwellings and would not dominate them. The proposal would result in an additional twelve households on the site, which would have a limited impact on existing infrastructure, services and facilities.

5.1.20 The application site is outside of any defined settlement boundary. The nearest bus stop is approximately 1 mile away to the south (Finch's, Kelvedon Road) and in this respect the site is not well served by public transport links. However, occupants of the site will have access by private vehicle to essential services in a number of nearby settlements as follows:

- Wickham Bishops, 1.7 miles, 5 mins by car
- Great Braxted, 2 miles, 5 mins by car
- Great Totham, 2 miles, 5 mins by car
- Witham, 3.8 miles, 10 minutes by car
- Maldon, 5.4 miles, 13 minutes by car.

5.1.21 It is clear therefore that the proposed development would have access to essential services and key facilities.

- 5.1.22 Given the lack of public transport links and the lifestyle of Gypsy Traveller communities it is likely that private vehicles would be used to access essential services in one of the nearby settlements listed above.
- 5.1.23 It should be noted that criterion b) states that access to essential services should 'preferably' be by public transport, walking or cycling but acknowledges that private vehicles may also be used which is likely to be the case here. It is considered that the proposal complies with criterion b).
- 5.1.24 The site is located within flood zone 1 and thus the proposal is acceptable in this respect.
- 5.1.25 The site can be accessed safely by vehicles from the public highway using the existing access and the proposal is therefore acceptable in this respect.
- 5.1.26 The site is of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks (in the form of the proposed day centre), play and residential amenity areas, access roads and temporary visitor areas and is therefore acceptable in this respect.
- 5.1.27 Whilst position, design and landscaping are further assessed in detail below in the relevant section of the report, the development would be located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents.
- 5.1.28 Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.
- 5.1.29 In light of all the above, it is considered that the development has been assessed against all relevant national and local plan policies and criteria, and it has been demonstrated that the development would comply with Policies S5 and H12 of the NPPF (2026) and Policies S8 and H6 of the Local Plan. Therefore, it is considered that the principle of the use of the site as a Gypsy/Traveller site and the erection of associated development to support the proposed use of the site are acceptable in principle.
- 5.1.30 Other material consideration relating to the impact of the development on the character of the development on the countryside, the living conditions of the future and neighbouring occupiers and highways issues are assessed below.

5.2 Housing Need and Supply

- 5.2.1 Planning Policy for Traveller Sites (PPTS) (December 2024) sets out how travellers housing needs should be assessed for those covered by the definition in Annex 1 of that document.
- 5.2.2 Policy HO3 of the NPPF (2026) states that Local plans should identify a sufficient supply and mix of sites to meet or exceed the housing requirement figure and pitch and plot requirements for their areas over the plan period, drawing on the land availability assessment in accordance with policy PM9. This should include:
- b. In relation to traveller sites:*
 - i. A supply of specific deliverable sites for five years following the intended date of adoption of the plan (as set out in Annex D); and*

- ii. *A supply of specific, developable sites or broad locations for growth for the subsequent years 6 to 10 and, where possible, for the remaining plan period, where the plan covers more than 10 years.*
- c. *A trajectory showing the expected rate of housing and pitch and plot delivery over the plan period and, where appropriate, the anticipated rate of development for specific sites.*
- 2. *Where an allowance is to be made for windfall sites as part of the identified supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the land availability assessment, historic windfall delivery rates and expected future trends.*

5.2.3 The Maldon District Gypsy and Traveller Accommodation Assessment (GTAA) was published in September 2024 and it identified that there is a need for 55 pitches for households that meet the PPTS definition over the period 2022-2043, including 34 pitches within the period 2022-2026.

5.2.4 The Council acknowledges that it is currently unable to demonstrate a 5-year supply of Gypsy Traveller pitches and therefore Policy S5 of the NPPF is engaged.

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. The NPPF (August 2026) states that:

“Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.” (NPPF 2026, Chapter 14, Policy DP3, Paragraph 1)

“Development proposals should be refused if, without clear justification, they conflict with paragraph 1 of this policy or relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.” (NPPF 2026, Chapter 14, Policy DP3, Paragraph 3)

5.3.3 Similar principles are set out in the approved LDP. 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 in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;

- c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high-quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.3.5 The application site lies outside of any defined settlement boundary. 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.
- 5.3.6 The layout of the site is appropriate for its occupation by Gypsy Travellers. The caravans are proposed towards the rear of the site where they will not be visible from the road as a result of being behind both the established hedgerows and the pitches at The Orchards.
- 5.3.7 A single storey building is proposed to provide a day room to be shared by all residents. Day Rooms are a part of the traditional Gypsy Traveller way of life where cooking and clothes washing can be carried out away from the caravan whilst also providing for additional living space.
- 5.3.8 On some Gypsy Traveller sites individual day rooms are created, and these vary in scale but are usually single storey. A typical day room building for a single Gypsy Traveller pitch might provide around 50sqm of floor area. Day Rooms can, however, be larger or smaller.
- 5.3.9 On the adjacent site at 2A The Orchards a day room of 120 sqm was recently approved (23/00193/FUL) to serve the site which already has approval for occupation by two families. This day room could be considered to provide 60sqm of space for each caravan/pitch.
- 5.3.10 The day room proposed by this application provides 205 sqm of floor area. However, this day room will serve 13 pitches. The building has a large, shared living, dining kitchen area where all the families can come together to socialize. There are also rooms for prayer and a classroom for those children who are home schooled. A large utility room to house shared washing machines is included together with bathrooms and food storage and freezer space.
- 5.3.11 In the context of the day room approved at the neighbouring site 2A The Orchards, the proposed day room of 205 sq metres is considered to be of an appropriate scale to serve the proposed development and 13 pitches in total.
- 5.3.12 Given the single storey nature of the proposed day room along with its siting, existing landscaping screening to the front of the site and use of high-quality materials it is considered that the proposed day room would respect the character and appearance of the site and surrounding area and would not materially harm the intrinsic character and beauty of the countryside.
- 5.3.13 Similarly, the other elements of the development comprising the pitches, hardstanding, outbuildings and storage container are all considered to be of a scale and siting that would respect the character and appearance of the site and

surrounding area and would not harm the intrinsic character and beauty of the countryside.

- 5.3.14 Overall, it is considered that the proposed development would have an acceptable visual impact on the site and surrounding area and would not result in harm that would justify refusal of the application on these grounds.

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 Maldon District Design Guide (2017).

- 5.4.2 Chapter 6, Policy HO5 (Meeting the needs of different groups) states:

1. *The development plan should, at the most appropriate level, set out policies to address the housing needs of different groups (including, but not limited to, those assessed under policy HO1). This should include:*
- c. *Identifying sites which can provide specific types of accommodation where there is an identified need, including (but not limited to):*
- iv. *Sites suitable for gypsies and travellers and travelling showpeople, including sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. Sites identified for travelling showpeople should have regard to their need for mixed-use yards with both residential accommodation and space for storage of equipment.*

- 5.4.3 The nearest neighbouring residential dwelling is Broomfields Farm to the north-east. The dwelling is located approximately 25m from the proposed single storey day centre building and approximately 60m from the closest proposed pitch (Pitch 1). Given the single storey nature of the proposed development, it is not expected that it would result in a detrimental impact on the amenities of this neighbouring dwelling.

- 5.4.4 Immediately to the to the north-west the site adjoins an existing authorised Gypsy Traveller site, The Orchards. Again, given the single storey nature of the caravans that will be sited on the proposed pitches it is considered that the development would not have a harmful impact on the residential amenity of the occupiers of this neighbouring site.

- 5.4.5 For these reasons and subject to appropriate conditions, it is considered that the impact of the proposed development would not be such that the application should be refused on the grounds of an adverse impact on neighbouring residents.

5.5 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.5.1 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. In addition, the adopted MDDG which was adopted to support its policies in assessing applications for residential schemes advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

- 5.5.2 The application site includes a large area laid to grass in front of the proposed day centre building which is sufficient to serve as private amenity space for the residential occupiers of the proposed twelve pitches. Therefore, no objection is raised in relation to outdoor amenity space for the future occupiers.
- 5.5.3 The proposed pitches are set back well into the site, over 30m from Lea Lane. Given this separation distance and the nature of the road it is considered that the proposed development would not be harmfully impacted by noise disturbance from the highway. The neighbouring site to the north of the proposed pitches is an existing residential Gypsy Traveller site and is therefore unlikely to be a source of noise disturbance.
- 5.5.4 The Environmental Health Officer has been consulted on the application proposal and has no objection and has not suggested any conditions.
- 5.5.5 In light of the above, it is considered that the proposed development would provide suitable living conditions for future occupiers

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 The site would utilise the existing access via a private lane off Lea Lane which has been in lawful use since 2012. Essex County Council (ECC) Highways have raised no objection to the proposal.
- 5.6.3 The submitted Site Block Plans show a vehicle parking space alongside each of the 12 pitches and there is space for additional off street vehicle parking on the hardstanding areas. The proposed vehicle parking provision is considered to be sufficient to serve the proposed development.
- 5.6.4 It is considered that the proposal would not result in any demonstrable harm in terms of highway safety and therefore accords with Policy T2 of the Local Plan.

5.7 Ecology, Biodiversity Net Gain (BNG), Trees and Landscaping

- 5.7.1 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.2 ECC Place Services Ecology has reviewed the application proposal and is satisfied that there is sufficient ecological information available to support determination of the application. As no biodiversity enhancements have been proposed Place Services have recommended that a biodiversity enhancement strategy condition is attached in the event of an approval.
- 5.7.3 As this is a retrospective application mandatory Biodiversity Net Gains do not apply.

- 5.7.4 The Council's Arboricultural Consultant has reviewed the application proposal and has commented as follows:

Despite the lack of supporting arboricultural information, it is clear that the proposals will not have a negative impact upon existing trees. I have no objection to the proposals.

- 5.7.5 There is no objection to the proposal in terms of impact on legally protected species, BNG, Trees or Landscaping subject to the suggested biodiversity enhancement strategy and landscaping conditions being attached to any planning permission issued.

5.8 Impact on Designated Sites

- 5.8.1 The application site falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 To accord with Natural England's requirements and standard advice a RAMS Habitat Regulation Assessment (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 planning application relates to 12 pitches.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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

- 5.8.3 As the answer is no, it is advised that 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 above European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.8.4 The Essex Coast RAMS (updated April 2026) has been approved (July 2026). Table 4 (relevant types of development) confirms that Gypsy and Traveller Pitches are a relevant type of development that will have a likely significant effect and therefore mitigation is required in the form of a contribution per new net temporary or permanent pitch.

5.8.5 Mitigation contributions for Gypsy and Traveller Pitches are calculated at the equivalent to per dwelling rate. The flat rate at the time the application was submitted in April 2025 was £169.45 and thus, the developer contribution should be calculated at this figure.

5.8.6 The full contribution for the twelve pitches is therefore £2,033.40 (£169.45 x 12). Subject to mitigation payment being secured by legal agreement, the proposal is acceptable in this respect.

5.9 Flood Risk and Drainage

5.9.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk.

5.9.2 The application site is in Flood Zone 1 (lowest probability of flooding).

5.9.3 The Council's Environmental Health Officer advises that there is no foul sewer close to the site, so the proposed (existing) package treatment works are the most suitable drainage option. The package treatment plant should meet the environment agency's general binding rules for small sewage discharges. If it cannot, then the system should be upgraded to meet the rules or an environmental permit from the environment agency may be required.

5.9.4 Foul water is dealt with by a shared septic tank system (package treatment works).

5.9.5 A Flood Risk and Drainage Assessment, TMA, August 2025 and a Drainage Strategy, D.J Barton Associates, June 2026 (Rev. 4 August 2026) have been submitted with the application.

5.9.6 ECC Sustainable Drainage Systems (SuDS) Team has been consulted and currently maintains a holding objection to the proposal, having requested further information in relation to surface water drainage.

5.10 Unauthorised development / Retrospective planning application

5.10.1 Policy DM8 2. of the NPPF (2026) states:

In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.

5.10.2 Whilst the proposed is currently unauthorised and this application for planning permission is retrospective it is noted that an application for six additional pitches was submitted in November 2021 although for various reasons was never validated before being closed in February 2025 just prior to the submission of the current application. It is therefore noted that attempts have been made to regularise the development and the unauthorised development was not intentional to the degree that it would be reasonable to consider refusing planning permission on this basis.

5.10.3 Furthermore, the proposed development would assist in complying with the NPPF requirement to meet the needs of different groups, specifically gypsy and travellers for which there is currently an unmet need.

5.11 Equality Act 2010

5.11.1 With reference to the Equality Act 2010, the Public Sector Equalities Duty comes in three parts: first, the decision must have due regard to the need to eliminate discrimination and harassment of Gypsies, Travellers and Roma people; secondly, the decision maker must also have due regard to their need to advance equality of opportunity for Gypsies, Travellers and Roma people; and thirdly, there is a duty to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This latter aspect may involve treating some persons more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equalities Act. Information regarding the intended occupiers have been submitted with the application and are discussed above. Therefore, it is not considered that there is conflict in this report with the duty under section 149 to eliminate discrimination and advance equality of opportunity for persons with a protected characteristic or the European Convention on Human Rights, as incorporated into the Human Rights Act 1998.

5.12 Planning Balance

- 5.12.1 Policy S5 of the NPPF 2026 states that development outside of settlement boundaries which would address an evidenced unmet need for gypsy traveller accommodation should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.
- 5.12.2 The benefits of the proposed development would be the provision of 12 Gypsy Traveller pitches on a site which already lawfully accommodates one pitch, contributing to the Council's land supply for Gypsy Traveller pitches.
- 5.12.3 Whilst it is acknowledged that the development is currently unauthorised and this application for planning permission is retrospective, this in itself is not considered to be an adverse effect or a reason for refusal given that the application has now been assessed and found to be acceptable when assessed against relevant national and local plan policies.
- 5.12.4 Overall, it is considered that the benefits of the proposed development would not be outweighed by adverse effects and therefore planning permission should be granted.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
10/00900/FUL	Use of land for the stationing of caravan for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses.	Refused 10.01.2011. Allowed at Appeal 16.01.2012.
13/00181/FUL	A material amendment to FUL/MAL/10/00900 relating to a revised position of the access hard standing.	Refused 06.06.2013
13/00789/FUL	Enlarged utility day room to previous application allowed on appeal (FUL/MAL/10/00900).	Refused 10.10.2013
14/05059/DET	Compliance with Conditions Notification: Condition 6 - Samples of the materials (Use of	Condition cleared 09.06.2014

Application Number	Description	Decision
10/00900/FUL	Use of land for the stationing of caravan for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses.	Refused 10.01.2011. Allowed at Appeal 16.01.2012.
13/00181/FUL	A material amendment to FUL/MAL/10/00900 relating to a revised position of the access hard standing.	Refused 06.06.2013
13/00789/FUL	Enlarged utility day room to previous application allowed on appeal (FUL/MAL/10/00900).	Refused 10.10.2013
	land for the stationing of caravan for residential purposes for 1no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use and stabling for the applicant's horses - 10/00900/FUL)	
21/01195/FUL	6 No. additional traveler static caravan plots and area of hardstanding.	Application closed 24.02.2025

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council	Objection for the following reasons: 1. Unsustainable location 2. Overdevelopment 3. Highway safety 4. Impact on Heritage assets 5. Visual Impact 6. Lack of supporting Infrastructure 7. Lack of play area 8. Conflict with nearby gravel extraction 9. Unauthorised development 10. Lack of community engagement 11. Drainage/Flooding concerns 12. Human rights of local settled community.	Noted
Little Braxted Parish Council	Objection for the following reasons: 1. Scale and dominance 2. Conflict with Local Plan policies H4 and H6 3. Unsustainable location, highway safety 4. Site size, pitch capacity	Noted

Name of Parish / Town Council	Comment	Officer Response
	5. Lack of safe play area 6. Commercial storage on site 7. Retrospective, unauthorized development 8. Human rights of local settled community. 9. 5-year supply for traveller sites	
Wickham Bishops Parish Council	Whilst not in our parish, we believe the proposals could have an impact on Wickham Bishops. We therefore recommend REFUSAL due to over-development of the site.	Noted

7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection. The information submitted in association with the application has been fully considered by the Highway Authority. The retrospective proposal is accessed via a private lane and will not alter the existing access arrangements to the local highway network. Therefore: From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance, Policy T2 of the approved Maldon District Local Development Plan, and the NPPF.	Noted
Ecology Places Services	No objection subject to condition.	Noted
SuDS	Holding objection (further information requested on surface water drainage)	This is currently being addressed by the applicant and likely to be resolved by committee. Relevant Condition has been added to the recommendation.
Arboricultural Consultant	Following a review of the submitted information along with aerial imagery (if applicable) this office has the following arboricultural comments to make: Despite the	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	lack of supporting arboricultural information, it is clear that the proposals will not have a negative impact upon existing trees. I have no objection to the proposals.	
Education Department	No response received.	Noted
NHS Property	No response received.	Noted

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection. There is no foul sewer close to the site, so the proposed (existing) package treatment works are the most suitable drainage option. The package treatment plant should meet the environment agency's general binding rules for small sewage discharges. If it cannot, then the system should be upgraded to meet the rules or an environmental permit from the environment agency may be required.	Noted

7.4 Site Notice / Advertisement

- 7.4.1 The application was advertised by way of two site notices posted on 4 June 2025 (with expiry date for comments set at 25 June 2025). The site notices were affixed to a tree and a post at in prominent positions to the front of the site.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 29 May 2025 (with expiry date for comments set at 19 June 2025).
- 7.4.3 The application was re-advertised by way of a site notice (Amended Plans / Documents received) posted on 5 August 2026 (with expiry date for comments set at 19 August 2026). The site notice was affixed to a telegraph pole on Lea Lane to the front of the site.

7.5 Representations received from Interested Parties (summarised)

- 7.5.1 Three objections to the application have been received. The issues raised can be summarised as follows:

Objection Comment	Officer Response
Impact on Local Infrastructure	The concerns raised are addressed within the main body of the report.
Traffic and Highway Safety	
Environmental Concerns	

Objection Comment	Officer Response
Impact on Residential Amenity	
Unsustainable location	
Conflict with existing settled community	
Site overdevelopment	
Lack of safe play area	
Unauthorised retrospective development	
Human rights and community balance	

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- RAMS Mitigation contribution £2,033.40 (£169.45 x 12)

PROPOSED CONDITIONS:

1. The development hereby permitted shall be carried out in complete accordance with the approved plans as set out on the Decision Notice.
REASON To ensure that the development is carried out in accordance with the details as approved and with Policy D1 of the Maldon District Local Development Plan and the NPPF.
2. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
REASON Given the nature of the proposal the permission should be limited to occupation by Gypsies and Travellers as defined post *Smith 2022* within Annex 1 of Planning Policy for Traveller Sites (PPTS), December 2024.
3. The twelve pitches and twelve vehicle parking spaces shall be laid out and retained in accordance with Site Block Plans TMA/1045/1 Rev D and TMA/1045/2 Rev C.
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the Maldon District Local Development Plan and the NPPF.
4. No more than twelve caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended shall be stationed on the land at any time.
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the Maldon District Local Development Plan and the NPPF.
5. The caravans referred to within condition 4 above shall be sited on the pitches shown on the Site Block Plans TMA/1045/1 Rev D and TMA/1045/2 Rev C. Any material change to their position, or replacement by another in a different location, shall only take place in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Maldon District Local Development Plan and the NPPF

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the Maldon District Local Development Plan and the NPPF.
7. No commercial activities shall take place on the land, including the storage of materials.
REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the Maldon District Local Development Plan and the NPPF.
8. Within 3 months of the date of this decision details of the external lighting scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation and shall be retained as approved.
REASON To protect the character and appearance of the countryside and the amenity of local residents, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
9. Should the use hereby permitted cease, within three months of such cessation all caravans, hard-standings, structures, buildings, materials and equipment brought on to or erected upon the land in connection with the use shall be removed in their entirety and the land restored to its former condition.
REASON To protect the character and appearance of the countryside and the amenity of local residents, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
10. Within 3 months of the date of this decision details of the foul drainage scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation and shall be retained as approved thereafter.
REASON To ensure that appropriate foul water drainage is available on site in accordance with Policy D2 of the Maldon District Local Development Plan and the NPPF.
11. Within 3 months of the date of this decision details of the surface water drainage scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include a timetable for its implementation.

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).

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 it will be necessary to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To ensure that appropriate surface water drainage is provided, in accordance with Policy D5 of the Maldon District Local Development Plan and the NPPF.

12. Within 3 months of the date of this decision details of landscaping scheme to serve the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land; details of any to be retained, together with measures for their protection in the course of development; and a timetable for the implementation of the scheme. The approved scheme shall be retained and maintained as approved.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved timetable; any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan.

14. Within 3 months of the date of this decision a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified, 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, Priority and threatened species and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (as amended).

15. Within 3 months of the date of this decision a scheme providing details of the design and location or refuse and storage facilities to serve the development shall be submitted for the written approval of the Local Planning Authority.

The scheme shall include a timetable for its implementation. The development shall be carried out in accordance with the approved details and retained thereafter.

REASON To protect the character and appearance of the countryside and the amenity of local residents, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.

INFORMATIVES:

1. 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 PRow is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 4 (Great Braxted) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
2. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team via email at development.management@essexhighways.org.