



**PLANNING APPLICATIONS WEEKLY LIST NO.1766**  
**Week Ending 18th July 2025**

**NOTE:**

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee the 31<sup>st</sup> July 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **23rd July 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team [pbctechnicalsupport@rochford.gov.uk](mailto:pbctechnicalsupport@rochford.gov.uk) .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

**Note**

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

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Application No :	25/00409/FUL      Zoning : MGB
Case Officer	Mr Thomas Byford
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	La Vallee Farm Wadham Park Avenue Hockley
Proposal :	External alterations in conjunction with prior notification for the change of use of a former cutting room into a dwelling

## **SITE AND PROPOSAL**

1. The application relates to a cutting room farm building, sited at La Vallee Farm, south of Lower Road, Hockley.
2. The building is one of a row of buildings with access off Wadham Park Avenue.
3. It is noted that an application has been submitted proposing a change of use of the building to a dwelling under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), referenced (25/00404/DPDP3M).
4. This application however should be determined within the current use as that prior approval application has not yet been determined.
5. A number of windows including a set of bifold doors (to the rear) have been proposed to the building. The resultant building would have openings on each elevation.

## **RELEVANT PLANNING HISTORY**

6. Application No. 86/00223/FUL - Erect detached two storey dwelling – Permitted.
7. Application No. 86/00239/FUL – Side extension to form shop – Permitted.
8. Application No. 87/00929/FUL – Detached double garage – Permitted.
9. Application No. 87/01021/FUL – Erect hay and straw barn – Permitted.
10. Application No. 19/00760/DPDP3M - Notification for prior approval for proposed change use of two agricultural buildings into four dwellings – Deemed Consent.

11. Application No. 20/00988/FUL - Replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M). – Permitted.
12. Application No. 22/00257/DPDP3J - Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouse (Use Class C3) - conversion of shop into dwelling – Prior approval not required.
13. Application No. 22/00581/OBL - Modification of a Legal Agreement - Restriction of disposal of estate in connection with the erection of a replacement dwelling under planning reference ROC/223/86 – Agreed.
14. Application No. 24/00019/FUL - The erection of one self-build dwelling in lieu of the prior approval for the conversion of a former farm shop into one dwelling (reference: 22/00257/DPDP3J). – Refused.
15. Application No. 24/00105/FUL - Application to vary condition 3 (approved plans) of planning consent ref. 20/00988/FUL (replacement of agricultural buildings with three bungalows (in lieu of Prior Approval for four dwellings subject of application 19/00760/DPDP3M) to allow for changes to the layout of the site and the design of dwellings to plots 1 and 2. - Permitted.
16. Application No. 24/00292/DOC - Discharge of condition no 2 (Materials ) of planning permission 20/00988/FUL dated 02/11/2021 – Discharged.
17. Application No. 24/00657/DPDP3J - Application for determination as to whether Prior Approval is required for the proposed change of use of the building from former farm office (Use Class E) to a dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). – Undetermined.
18. Application No. 25/00408/FUL - Replacement of agricultural building with a bungalow (in lieu of Prior Approval for one dwelling subject of applications 24/00657/DPDP3J and 24/00651/FUL) – Pending Consideration.
19. Application No. 25/00404/DPDP3M - Application to determine if Prior Approval is required for the proposed change of use of a building from Class E to 1 no. dwelling (Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). – Pending Consideration.

## **MATERIAL PLANNING CONSIDERATIONS**

20. The proposed development must be assessed against relevant planning policy and with regard to any other material planning

considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

21. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

#### Green Belt considerations

22. Section 13 of the National Planning Policy Framework (2024) (as amended) (NPPF) explains that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

23. In this case, it is considered that with the only change to the building being that of fenestration, this would not have a material impact on the openness of the Green Belt. The proposal would therefore be acceptable in Green Belt terms.

#### Impact on Character

24. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. It also states that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and the proposals should contribute positively to making places better for people.
25. It is not considered that the proposed additional fenestration would result in harm to character or the appearance of the building sufficient to warrant refusal of the application, particularly in the context of the associated prior approval application for a change of use to a dwellinghouse. The wider site has also been subject to previous applications for residential use, as outlined in the planning history above. The proposal is therefore not considered to conflict with Policies DM1 or DM3 of the Council's Development Management Plan.

## Impact on Residential Amenity

26. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in the Council's Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and that create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
27. It is acknowledged that the adjacent building benefits from prior approval for a change of use to a dwellinghouse; however, it is unclear whether that change of use has yet been implemented. Notwithstanding this, the current application relates to the installation of windows in an existing building that is not presently in residential use, but for which there is a clear intention to convert to a dwelling under a concurrent prior approval application. Taking into account the single-storey nature of the building and the ability to secure appropriate boundary treatments by condition, it is not considered that the proposal would result in unacceptable overlooking impacts. Given the clear link between this application and the associated prior approval, it is considered most appropriate that any necessary safeguards regarding amenity are secured by condition within the prior approval decision.

## Ecology and Biodiversity Net Gain

28. The proposal does not propose the removal of trees, nor does it seek to increase the built form on the site.
29. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.
30. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, with the development stated on the planning application form being de minimis.
31. The applicant has not therefore been required to provide any BNG information.

32. As the proposal is for development to which the statutory biodiversity gain condition would not apply, an informative would advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

#### Equalities and Diversity Implications

33. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

34. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

35. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

#### Other Matters

36. Given the nature of development, it is not considered that the proposal would cause significant impacts relating to foul drainage, flood risk, refuse and waste, highway safety or other issues.

37. It is noted that whilst the submitted plans and floor plan illustrate the building laid out as a dwelling, this application relates solely to the installation of additional fenestration within the building's existing use. The floor plan has been provided for reference only, to maintain consistency with the accompanying prior approval application. For the avoidance of doubt, the granting of this planning permission does not include or grant permission for a change of use of the building to a dwellinghouse.

### **CONCLUSION**

38. APPROVE subject to conditions.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hockley Parish Council – No objections to raise.

Neighbour representations – No comments received.

Essex County Highways – Acceptable subject to conditions.

### Comments on the Consultation Response by Essex County Highways

Although the Highway Authority has recommended conditions relating to parking provision for a new dwellinghouse, it is noted that this application does not grant planning permission for a change of use. This application relates solely to external alterations to a building in its current use. As such, it is not considered that the introduction of additional openings would generate a need for further parking provision. Should the applicant subsequently be granted prior approval for the change of use to a dwellinghouse, any necessary parking requirements can be secured by condition under that separate consenting regime.

### **Relevant Development Plan Policies:**

National Planning Policy Framework 2024 (as amended)

Rochford District Council Local Development Framework  
Core Strategy Adopted Version (December 2011) – Policy CP1.

Rochford District Council Local Development Framework  
Development Management Plan (December 2014) – Policies DM1, DM3.

Essex Planning Officers Association Parking Guidance Part1: Parking  
Standards Design and Good Practice (September 2024) (Adopted 16<sup>th</sup>  
January 2025)

Rochford District Council Local Development Framework  
Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018)

### **RECOMMENDATION: APPROVE**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be undertaken in strict accordance with the plans referenced: Location Plan (undated) and WLF-401 (dated 01/2025).

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with details considered as part of the application.

3. The external facing materials to be used in the construction of the development hereby permitted, shall be those as listed on the application form and or those shown on the approved plans unless alternative materials are proposed in which case details shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

REASON: To ensure the external appearance of the building/structure is acceptable having regard to Policy DM1 of the Council's Local Development Framework's Development Management Plan.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.

Application No :	25/00052/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	The Gables Airport Business Park Southend Cherry Orchard Way
Proposal :	Proposed siting of 3 no. shipping containers on hard standing bases to be used for storage associated with the rugby club.

## **SITE AND PROPOSAL**

1. This application relates to Westcliff Rugby Football Club, a long-established rugby club situated off Cherry Orchard Way within the administrative area of Rochford District Council. The proposal seeks full planning permission for the siting of three metal shipping containers, which are to be utilised for ancillary storage purposes directly associated with the day-to-day operational requirements of the rugby club.
2. As detailed within the submitted application forms and accompanying plans, the proposed shipping containers are to be positioned on an existing area of grassland located immediately to the north of the club's existing car park. To the west of the proposed location is the main spectator stand serving the principal rugby pitch. The siting of the containers has been carefully considered in relation to the club's

operational layout to ensure both functionality and minimal visual impact.

3. The application site itself is bounded by a range of land uses that reflect the wider context of the rugby club's grounds. Immediately to the north of the site are the playing pitches associated with the club's sporting activities. To the south lies the existing surfaced car park which provides parking facilities for visitors, staff, and players. To the west of the proposed container location is the main stand that accommodates spectators on match days, whilst the land to the east is characterised by open fields, contributing to the semi-rural setting of the locality.
4. Reference to the Council's Geographic Information System (GIS) confirms that the application site is situated wholly within land designated as Metropolitan Green Belt and Public Open Space as defined in the London Southend Airport and Environs Joint Area Action Plan (2014). As such, consideration has been given within the application to the relevant policies pertaining to development within the Green Belt as set out within both local and national planning policy frameworks.

## **RELEVANT PLANNING HISTORY**

5. No relevant planning history.

## **MATERIAL PLANNING CONSIDERATIONS**

6. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) the London Southend Airport and Environs Joint Area Action Plan (2014) (JAAP) and the Development Management Plan (2014).

### **Principle of Development**

8. The latest version of the National Planning Policy Framework ('the Framework') was recently revised in December 2024 and subsequently amended in February 2025. Like earlier versions it emphasizes that the purpose of the planning system is to contribute to the achievement of sustainable development, through three over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local

circumstances into account, to reflect the character, needs and opportunities of each area. The revision increased the focus on design quality, not only for sites individually but for places as a whole.

9. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 of the Framework explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework (rather than those in development plans) that protect areas (which includes habitat sites and/or land designated as Green Belt) or assets of particular importance, provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
10. Both policies GB1 and GB2 of the Council's Core Strategy seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework but can still attract weight in proportion to their consistency with it. These policies reflect the aims of those parts of the framework which seek to protect the Green Belt from inappropriate development. However, they do not reflect the exceptions listed within the framework which would also be a material consideration. The site is allocated within Area ii(b) to the JAAP and for leisure uses and open space and for the relocation of the Westcliff Rugby Club as set out in Policy ENV2 to the JAAP.
11. Consequently, the main issues are:
  - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the Framework and the Development Plan;
  - The effect of the proposal on the openness of the Green Belt; and
  - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.
12. As previously stated, the application site is located wholly within the Metropolitan Green Belt. Paragraph 142 of the framework states that, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green

Belts are their openness and their permanence. Paragraph 143 repeats the five purposes of the Green Belt, which include:

- i) To check the unrestricted sprawl of large built-up areas;
- ii) To prevent neighbouring towns merging into one another;
- iii) To assist in safeguarding the countryside from encroachment;
- iv) To preserve the setting and special character of historic towns;  
and
- v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

13. Paragraph 153 explains that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

14. Paragraph 154 of the Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) Buildings for agricultural and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

15. The proposal involves the installation of three storage containers to be used for the storage of equipment directly associated with the recreational use of the site. In this context, the development is considered to fall within the scope of Paragraph 154(b) above, which permits “the provision of appropriate facilities” related to outdoor sport and recreation, subject to two key policy tests: (i) the preservation of

the openness of the Green Belt, and (ii) the avoidance of conflict with the purposes of including land within it.

16. Although the term “openness” is not formally defined within the framework, it has been interpreted through relevant case law to encompass both spatial and visual elements. In *Timmins and Lymn v Gedling Borough Council* [2014] and *Goodman v Secretary of State for Communities and Local Government* [2017], the courts held that the assessment of openness must take into account not only the physical presence and volume of built form (spatial impact), but also the extent to which that built form affects visual perceptions of openness in the landscape (visual impact). Furthermore, other material considerations such as the permanence of the development, its reversibility, and the level of human activity it may generate are also relevant.
17. In spatial terms, the proposed development is limited in scale. The three containers each measure approximately 9.2m in length, 2.4m in width, and 2.4m in height, equating to a combined footprint of approximately 66.2m<sup>2</sup>. This quantum of development is modest when viewed in the context of the wider site and the prevailing character of the area. The containers would not occupy a prominent or elevated position, nor would they encroach into undeveloped open land, thereby limiting their spatial encroachment and physical intrusion.
18. Visually, the containers would be read in the context of existing built form associated with the lawful recreational use of the site. They would not represent an isolated or incongruous feature within the landscape, and their visual impact would be further mitigated through appropriate siting and potential landscape screening if required. As such, the visual perception of openness would remain largely preserved.
19. In light of the above it is considered that the proposal broadly accords with paragraph 154(b) of the framework. Moreover, it is considered that the proposal does not conflict with the five purposes of including land within the Green Belt, as set out in Paragraph 143 of the framework. Specifically, the proposal would not contribute to urban sprawl, result in the merging of settlements, encroach upon the countryside, undermine urban regeneration, or affect the setting of historic towns.
20. Having regard to the above analysis, it is considered that the proposed development constitutes “appropriate facilities” for outdoor recreation within the meaning of Paragraph 154(b) of the framework. The containers serve a clear and necessary functional role in supporting the established recreational use of the site. Moreover, their limited scale and siting ensure that the openness of the Green Belt is preserved, both spatially and visually, and that no conflict arises with the fundamental purposes of Green Belt designation.

21. Policy DM16 of the Council's Development Management Plan refers to playing pitches and other leisure and recreational facilities. The aforesaid policy confirms that where additional permanent facilities associated with the provision of playing pitches and recreational activities will be required, they will be permitted provided that: -

- (a) They are small scale and it can be demonstrated that such facilities are essential for the functioning of the activity
- (b) They are suitably located as to minimise the impact on amenity for neighbouring properties; and
- (c) Ancillary facilities are modest in size, bulk and height to ensure minimal impact on the Green Belt

22. The applicant has demonstrated the functional need for equipment storage. Given the scale and nature of the development, and considering boundary treatments and separation from neighbouring properties, the proposal is not expected to have any significant adverse impact on residential amenity. As previously stated, the containers are modest in form and situated within a Green Belt designation. In the opinion of the case officer, the proposal broadly complies with the aims and objectives of the Council's policy DM16.

23. In view of the compliance with national Green Belt policy and the absence of demonstrable harm, the development is also considered to accord with relevant policies contained within the adopted Core Strategy and Development Management Plan. Accordingly, the proposal is not inappropriate development and should be supported in principle.

#### Open Space and Recreation

24. Paragraph 104 of the framework provides specific protections for existing open spaces, sports and recreational buildings and land, including playing fields and formal play areas. It states that development on such land should not be permitted unless one of the following exceptions applies:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

25. The application seeks permission for the installation of three storage containers within the grounds of Westcliff Rugby Club. The proposed containers are intended for the secure storage of sports equipment and maintenance machinery directly associated with the operation and

upkeep of the playing field. As such, the development is functionally ancillary to the principal use of the site as a sports facility.

26. The containers are to be located on a section of the playing field adjacent to the clubhouse and the overflow car park. This area is not marked out or used for formal sporting activity and does not currently serve as a playing pitch. Due to its constrained dimensions situated between the car park and the perimeter fencing enclosing the nearest rugby pitch its potential to accommodate future pitch provision is considered to be highly limited.
27. The proposal would not result in the loss of any existing playing pitches or formal recreational space. Furthermore, it would not prejudice the use or functionality of any part of the site currently used for sport. The development is therefore not considered to constitute a substantive loss of playing field provision in either quantitative or qualitative terms.
28. Sport England, as a statutory consultee on developments affecting playing fields, has been consulted on the application. Their assessment concludes that the proposed development is compliant with exception 2 of Sport England's Playing Fields Policy, which permits development on playing fields where:  
  
*"The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or adversely impact their use".*
29. In addition, Sport England considers the proposal to be consistent with the requirements of Paragraph 104 of the framework. On this basis, they have raised no objection to the application and have not recommended any planning conditions.
30. In conclusion, having regard to the limited physical and functional impact of the proposed storage containers on the existing sports provision at Westcliff Rugby Club, and given the support from Sport England, it is considered that the development satisfies the policy tests set out in Paragraph 104 of the framework. Specifically, the proposal falls within the scope of criterion (b), in that any marginal loss of open space is offset by the provision of necessary ancillary facilities which will support the ongoing use and maintenance of the playing field. Moreover, the development aligns with Sport England's established policy framework for protecting playing fields. Accordingly, there is no policy basis for resisting the application on grounds of harm to open space or sporting provision.

## Design

31. The main thrust of National Planning Policy and Local Policy is to achieve a high standard of design, respect the pattern, character and form of the surrounding environ, whilst not adversely affecting the streetscene by reason of scale, height, proportions or materials used.
32. Guidance advocated within the framework places a greater emphasis upon Local Planning Authorities to deliver good designs and not accept proposals that fail to provide opportunities to improve the character and quality of an area. It specifically states that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*” (para. 134). Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. Furthermore, this point expanded in Policy DM1 of the Development Management Plan (2014), which states that “*Design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative*”.
33. The application proposes the installation of three steel storage containers, each measuring approximately 2.4m in width, 9.2m in length, and 2.4m in height, resulting in a combined footprint of circa 66.2m<sup>2</sup>. The containers are to be sited next to each other on an area of unused grassland, located adjacent to an existing storeroom, in a location that benefits from proximity to existing infrastructure, including electrical connections. The proposed positioning appears to be functionally and visually logical, minimising disruption to the wider site and enabling operational efficiencies.
34. In terms of materials and finishes, the containers are to be painted forest green in colour, a choice which demonstrates an intention to visually integrate the units with their semi-rural setting. Furthermore, each container will incorporate a green roof system planted with native wildflowers and diverse substrates. This is a positive design measure that contributes to biodiversity net gain and helps mitigate the ecological impact associated with the loss of grassland beneath the containers.
35. The scheme also includes the planting of approximately 12m<sup>2</sup> of shrubbery around the perimeter of the containers. This additional landscaping would provide a visual screen that will assist in assimilating the development into its surroundings and reducing its visual impact from key public and private viewpoints.

36. The application site lies within designated Green Belt land and is located immediately north of an existing overflow car park, west of the clubhouse, and south of a rugby pitch. While the proposed development constitutes built form within the Green Belt, it is modest in scale, functionally associated with existing facilities, and well-contained by adjacent structures and landscape features.
37. In Green Belt policy terms, the proposal must be assessed against the principles of openness and the prevention of urban sprawl. Given the scale, location, and temporary nature of the proposed structures, and the proposed mitigation through landscaping and design detailing, the development is not considered to result in a significant adverse impact on the openness or visual amenity of the Green Belt.
38. On balance, the proposal is considered to demonstrate compliance with the overarching aims of the framework, particularly in relation to good design and enhancement of the local environment. The scheme has been developed with consideration for local design policies, incorporate measures to minimise visual impact and contribute to environmental enhancement through green infrastructure.
39. To safeguard the long-term visual and environmental integrity of the site, it is recommended that a condition be imposed requiring the removal of the containers when they are no longer required for operational use. Subject to the imposition of this and other appropriate conditions, the proposed development is considered acceptable in planning terms and capable of being supported.

#### Impact on Residential Amenity

40. Paragraph 135(f) of the National Planning Policy Framework (NPPF) sets out that planning decisions should promote places that are safe, inclusive, and accessible, and which support health, well-being, and a high standard of amenity for existing and future users. This national objective is reinforced at the local level through Policy DM1 of the Development Management Plan, which requires that development proposals must not result in any material harm to the amenity of neighbouring occupiers. Specifically, Policy DM1 seeks to avoid overlooking and loss of privacy, prevent an overbearing sense of enclosure, and safeguard visual amenity.
41. In assessing residential amenity, it is well established that individuals have a reasonable expectation to enjoy conditions that are free from undue loss of daylight or sunlight, direct overlooking into private habitable spaces or gardens, or the sense of over-dominance from nearby built form. Where development proposals are in proximity to residential or sensitive uses, careful consideration must be given to the relationship between the scale, massing, siting, and orientation of the new development relative to existing built form.

42. The subject site is situated in a context that is inherently low in sensitivity from a residential amenity perspective. To the south lies London Southend Airport, with a separation distance in excess of 100m. Similarly, to the west is Cherry Pips Nursery, also located at a distance greater than 100m from the application site. To the north, the site is separated from the nearest residential dwellings by the substantial intervening area of a golf course. To the east, the nearest residential properties are situated over 400m away. These distances far exceed what would ordinarily be required to mitigate any direct amenity impacts arising from modest-scale development.
43. In terms of visual containment, the site also benefits from existing screening elements. Notably, the rugby club's existing clubhouse provides a visual barrier from western viewpoints, while the surrounding landscaping and boundary treatments further contribute to visual mitigation.
44. The proposal itself involves the siting of storage containers, which are of limited height and scale and are not positioned adjacent to any shared or sensitive boundary. The proposed units are of a non-habitable and non-intrusive nature, with no openings or features that would give rise to direct overlooking, nor are they of sufficient height or bulk to result in overshadowing or an overbearing relationship with neighbouring uses. Furthermore, no letters of representation have been received, whilst this is not a determinative factor, it is an important material consideration.
45. Given the nature, form, and location of the proposed development, as well as the context of generous spatial separation and existing screening measures, it is concluded that the proposal would not result in any material loss of residential amenity. The development would not give rise to adverse impacts in relation to privacy, light, outlook, or visual intrusion. Accordingly, the proposal fully accords with the objectives of Policy DM1 of the Development Management Plan and the relevant provisions of the framework.

#### Trees

46. Policy DM25 of the Council's Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -

*“Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.*

*Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.”*

47. There are no trees of significance located on or close to the proposed development which would be affected by the proposed works.

#### Highways

48. Policy DM1 of the Council's Development Management Plan (DMP) sets out a requirement for all development proposals to ensure that sufficient car parking is provided to meet the needs of future users and to avoid adverse impacts on the surrounding highway network. In addition, Policy DM30 of the DMP seeks to promote and maintain an accessible environment, stating that development proposals must deliver appropriate levels of parking provision in accordance with the Council's adopted parking standards.
49. National guidance, as set out at paragraph 116 of the framework, clarifies that development should only be refused on highways grounds where there is clear evidence that the cumulative impact on the road network would be severe, or where there would be an unacceptable impact on highway safety.
50. The submitted plans and accompanying planning application documentation confirm that the existing site access and egress arrangements are to remain unchanged. This suggests that the development would not introduce any new vehicular movements that could compromise highway safety or disrupt the operational efficiency of the surrounding road network. Furthermore, the proposal involves the installation of storage containers on an area of presently unused grassland situated adjacent to the existing car park. Crucially, the applicant has confirmed that the proposal would not result in the loss of any existing car parking spaces, nor would it generate additional parking demand beyond what can be accommodated on-site.
51. Given these factors, it is considered that the proposal would have a neutral impact on the functioning of the local highway network. There is no evidence to suggest that the development would lead to increased congestion, on-street parking pressures, or obstruction of access routes. Equally, no alterations are proposed to vehicular or pedestrian access arrangements that would raise safety concerns.

52. In conclusion, the proposal is considered to be acceptable in highway and parking terms. It complies with the requirements of Policies DM1 and DM30 of the Development Management Plan and is consistent with paragraph 116 of the NPPF. There is no substantive justification to warrant a refusal of planning permission on highways or transportation grounds.

#### On site ecology

53. Paragraph 180 of the framework indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation to offset the identified harm is required. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.

54. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.

55. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

56. No ecological appraisal has been submitted in support of the application. However, following a review of the submitted plans and a site visit by the case officer, it is noted that the proposed containers would be sited on an area of underused grassland adjacent to the existing clubhouse and rugby pitch. This area is regularly maintained, with grass frequently cut and no features typically associated with habitats for protected species—such as hedgerows, mature trees,

watercourses, or undisturbed ground. The site appears to be actively used and holds limited ecological value in its current state.

57. Given the small scale of the proposal (with a combined footprint of approximately 66.2m<sup>2</sup>), the developed and urbanised context of the site, and the absence of any apparent ecological receptors, it is considered highly unlikely that the development would result in harm to protected species or habitats. Therefore, in this instance, the absence of an ecological appraisal is not viewed as a constraint to determining the application, and no adverse ecological impacts are anticipated.

## BNG

58. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023.
59. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
60. The case officer considered it prudent to consult Essex County Council Place Services Ecology regarding the proposal and they stated that *“we have reviewed the Statutory Small Sites Metric – Calculation tool (February 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:*
- *A habitat map of the pre-development baseline has not been supplied in line with the Biodiversity Net Gain PPG. This should ideally be in line with UK Habitats Classification v2 criteria.*
  - *We are not sure on the area defined as the red line boundary for this application. As a result, the applicant is reminded that habitats for on-site baseline relates to all habitats within the red line boundary, in line with the Small Sites Metric – User Guide. Therefore, the Small Sites Metric – Calculation Tool should be updated accordingly if necessary.*

*As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:*

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

*In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: other woodland mixed & native hedgerow. However, the presence of significant on-site enhancements is ultimately up to the LPA.*

*The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

*As the post intervention values have been submitted, it is indicated that the following measures need to be addressed as part of the biodiversity gain plan as well:*

- The proposed woodland creation is larger than the area of habitats to be lost. In addition, it is not considered likely the hedgerow creation will be recorded within the current site boundary. It is highlighted that all off-site enhancements within blue line boundary land must be registered on the biodiversity gain site register, which will be required to be secured by a legal agreement with the Council or a responsible body. In addition, it is highlighted that the Small Site Metric –*

*Calculation Tool cannot be used where off-site habitats are proposed, as no off-site option is available within this metric”.*

61. In conclusion, the proposed development is subject to the statutory requirement to deliver a minimum 10% measurable Biodiversity Net Gain (BNG) in accordance with Schedule 7A of the Town and Country Planning Act 1990, as amended by subsequent legislation. The applicant has not yet provided sufficient information to satisfy the requirements of the Biodiversity Net Gain Planning Practice Guidance, particularly in relation to the provision of a baseline habitat map and clarity regarding the red line boundary.
62. Given the statutory nature of the biodiversity gain condition, it will be necessary to secure this requirement as a pre-commencement condition of any planning permission granted. This will include submission and approval of a Biodiversity Gain Plan supported by an updated metric calculation tool, habitat plans, and legal agreements as necessary. If off-site habitat enhancements are proposed, these must be properly registered and secured through a legal agreement in accordance with the regulations, noting that the Small Sites Metric cannot accommodate off-site measures.
63. Furthermore, any significant on-site enhancements should be secured through a Habitat Management and Monitoring Plan (HMMP), with appropriate mechanisms in place to ensure management and monitoring over a 30-year period. Monitoring reports should be provided at specified intervals, with provision for remedial action to ensure the intended biodiversity outcomes are achieved.
64. Until the outstanding information is provided and these matters are adequately addressed, the local planning authority cannot be satisfied that the application complies with the statutory BNG requirements.

#### Equalities and Diversity Implications

65. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
66. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

67. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **CONCLUSION**

68. Refuse.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Rochford Parish Council : No comments received.

London Southend Airport: No objections.

Sport England: Raise no objection to this application as it is considered to meet exception 2 of our Playing Fields Policy and accord with Paragraph 104 of the National Planning Policy Framework (NPPF). No conditions are requested on this occasion.

Essex County Council Place Services Ecology: We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

Neighbour representations: No comments received.

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024 revised in February 2025).

London Southend Airport and Environs Joint Area Action Plan (2014) (JAAP) – Policy ENV2.

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – Policies GB1, GB2, CP1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) - Policies DM1, DM16, DM30.

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025).

The Essex Design Guide (2018).

Natural England Standing Advice.

## **RECOMMENDATION: REFUSE**

1. The application fails to demonstrate compliance with the statutory requirement to deliver a minimum 10% measurable Biodiversity Net Gain (BNG), as set out under Schedule 7A of the Town and Country Planning Act 1990 (as amended) and the associated Biodiversity Gain Requirements (Exemptions) Regulations 2024. Insufficient information has been provided to enable the Local Planning Authority (LPA) to assess the proposal against these requirements. Specifically, the applicant has failed to submit a habitat map of the pre-development baseline in accordance with the Biodiversity Net Gain Planning Practice Guidance, nor has adequate clarity been provided regarding the red line boundary and its relationship to the submitted Small Sites Metric – Calculation Tool.

Furthermore, the application does not include a robust Biodiversity Gain Plan or supporting evidence such as pre- and post-development habitat plans, completed metric calculations, or necessary legal agreements to secure any off-site enhancements. In the absence of this information, the Local Planning Authority cannot be satisfied that the proposals will achieve the mandatory biodiversity net gain, or that the long-term management and monitoring of habitats will be properly secured.

The proposal is therefore contrary to the statutory requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended), the Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024, the Biodiversity Gain Requirements (Exemptions) Regulations 2024, and the guidance set out within the Biodiversity Net Gain Planning Practice Guidance.

The local Ward Members for the above application are Cllr. Angelina Marriott, Cllr. M. J. Steptoe and Cllr. A. L. Williams.

Application No :	25/00204/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	Horseshoe Stables Blountswood Road Hullbridge
Proposal :	Proposed erection of 50m x 20m horse menage.

## **SITE AND PROPOSAL**

1. The application site comprises a parcel of land situated within the Metropolitan Green Belt, as identified in the Rochford District Council Local Development Framework Allocations Plan (2014). The site forms part of the existing Horseshoe Stables, located off Blountswood Road,

Hullbridge. The land is currently undeveloped, relatively flat, and predominantly laid to grass. It is typical in appearance of the wider rural setting, which is characterised by a mix of equestrian uses, sporadic residential development, and expansive open fields.

2. To the east of the site is a neighbouring ménage and a modest stable block, both of which are visually contained by boundary treatments and landscaping. To the west lie a cluster of domestic outbuildings serving adjacent properties, beyond which there are further ancillary structures associated with rural and residential uses. Open agricultural fields extend to both the north and south, reinforcing the site's rural and Green Belt setting.
3. A linear strip of mature trees lines the western boundary of the site, providing an element of natural screening and contributing positively to the rural character of the locality. This tree belt helps visually contain the site from the adjoining outbuildings and wider views to the west. Additionally, Public Right of Way Footpath No. 39 (Hockley) runs in close proximity to the site.
4. The current application seeks planning permission for the construction of a new ménage measuring 50m in length by 20m in width within the confines of the existing Horseshoe Stables. The proposed ménage is intended to provide an all-weather riding arena to support the ongoing equestrian use of the site. It will facilitate safer and more reliable exercising and training of horses throughout the year, irrespective of weather conditions.

## RELEVANT PLANNING HISTORY

5. Application No. 19/00063/FUL - Extend and convert stable to provide dwelling – Refused - 04.09.2019. Reasons for refusal: -

*“The National Planning Policy Framework at Paragraph 145 indicates that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposed development would entail an additional element amounting to approximately 29m<sup>2</sup> of additional floor space which would almost double the footprint of the building which would be tantamount to a disproportionate addition thus rendering the development inappropriate by definition. It is considered that the proposed development as a result would cause inevitable harm to Green Belt openness thus undermining one of the five key purposes of including land within it which would conflict with the underlying principles of the National Planning Policy Framework 2019”.*

*“The building is not considered to be of a permanent or substantial construction capable of supporting a genuine conversion. It is considered that the proposal by reason of the physical works required to make the building habitable would be substantial and would not fall within the description of what could be considered to be a conversion which involves the use and re use of the existing fabric of a building such that on a proportionate level the retention of existing fabric far outweighs the proportion of new elements introduced to a building. The circumstances of the case fail therefore to comply with the requirements of policy DM13 of the Local Development Framework’s Development Management Plan (2014). No very special circumstances are considered to exist in this case which materially outweigh the harm found by the development in terms of impacts upon Green Belt openness”.*

## **MATERIAL PLANNING CONSIDERATIONS**

6. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
7. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### **Principle of Development**

8. The revised National Planning Policy Framework (the framework), published in December 2024 and revised in February 2025, continues to promote sustainable development as the overarching aim of the planning system. It identifies three interdependent objectives—economic, social, and environmental—and stresses the importance of delivering development that meets present needs while safeguarding resources and environmental quality for future generations. The framework also emphasises that planning decisions should guide development towards sustainable outcomes that respond to local circumstances, reflecting the character, needs, and opportunities of each area. A notable enhancement in the 2024 revision is the increased emphasis on design quality, not only in terms of individual buildings but also in shaping places holistically.
9. At the core of the framework is the presumption in favour of sustainable development. Paragraph 11 explains that, for decision-making purposes, this means approving proposals that accord with an up-to-date development plan without delay. In cases where the development plan is silent or out-of-date, permission should still be granted unless policies in the Framework—particularly those that relate to protected

areas or assets—indicate otherwise. Moreover, development should not be approved if the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the framework as a whole.

10. The application site lies entirely within the Metropolitan Green Belt. Paragraph 142 of the framework reiterates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The openness and permanence of Green Belt land are its defining characteristics. Paragraph 143 outlines the five purposes of including land within the Green Belt: to check the unrestricted sprawl of large urban areas; to prevent neighbouring towns from merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
11. Development within the Green Belt is generally regarded as inappropriate and, by definition, harmful. Paragraph 153 of the framework states that substantial weight must be given to any harm to the Green Belt. Planning permission should only be granted in “very special circumstances,” which will not exist unless the harm resulting from inappropriateness, and any other harm, is clearly outweighed by other material considerations.
12. Paragraph 154 sets out the limited circumstances under which new development in the Green Belt may be considered appropriate. One such exception, relevant to this application, allows for the material change of use of land for purposes such as outdoor sport or recreation. However, this is conditional upon the proposal preserving the openness of the Green Belt and not conflicting with its established purposes. This test is both visual and spatial in nature—structures, boundary treatments, increased activity, or changes in land character could all adversely impact openness, even in the absence of large-scale buildings.
13. This proposal relates to the use of land for outdoor sport or recreational purposes and is therefore assessed against exception (b) of paragraph 154. While this category provides a potential pathway for approval, it is not automatic. The applicant must demonstrate that the proposal will not result in the introduction of elements that could erode openness or compromise the Green Belt’s function in checking sprawl and preserving countryside character. Even modest developments may have a cumulative or urbanising effect, particularly where ancillary infrastructure—such as parking areas, access routes, fencing, or storage—is proposed.
14. In addition to national policy, the Council’s local planning policies provide a further framework for assessment. Policy DM1 of the Development Management Plan (2014) requires that all new

development respects the character of the local area, protects residential amenity, and contributes positively to the built and natural environment. Policy DM15 specifically addresses outdoor recreational and equestrian uses in the Green Belt. It allows such development where it is small in scale, essential for the proposed use, and carefully designed to minimise any negative impact on the openness and character of the Green Belt. Where possible, it encourages the reuse of existing or redundant rural buildings as a more sustainable approach.

15. Given that the proposal seeks to provide outdoor recreational use, it is acceptable in principle under both national and local policy, subject to compliance with the identified conditions. However, this principle of acceptability is not unconditional. A detailed assessment of the site-specific impacts is required to determine whether the development preserves openness, avoids visual intrusion, respects the local character, and meets the policy requirements in full.
16. In conclusion, while the framework and the Council's policies do provide scope for the proposed development within the Green Belt, approval is dependent on a careful and evidence-led evaluation of whether the scheme avoids harm to the Green Belt and aligns with the broader objectives of sustainable and place-sensitive development. The proposal will need to convincingly demonstrate that it results in no material harm and complies with the relevant tests in both the national and local planning policy framework.

#### Equestrian Facilities

17. As previously stated, the application seeks full planning permission for the construction of a ménage for private equestrian use. The applicant's agent has confirmed that the proposed facility is intended to support an established private equestrian use and will not be used for commercial purposes, which would be controlled via an appropriately worded planning condition in the event that planning permission is granted. The ménage would utilise existing vehicular access arrangements, and no additional parking provision is proposed.
18. The proposed ménage would measure 50m in length and 20m in width. It will be enclosed by a 1070mm high post-and-rail timber fence, with two five-bar gates for access. The fencing is rural in character and visually permeable, helping it integrate into the landscape. While no buildings or lighting structures are proposed, the ménage involves groundworks, surfacing, and physical enclosure — all of which constitute a built structure and operational development under the Town and Country Planning Act 1990.
19. As the site is located within the Metropolitan Green Belt, the proposal must be assessed against national and local Green Belt policy. Paragraph 154 of the framework states that the construction of new buildings in the Green Belt is inappropriate development, subject to a

closed list of exceptions. These exceptions include “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”

20. A ménage, though not a building in the enclosed, roofed sense, still qualifies as a built form and falls within the scope of Green Belt restrictions. It must therefore be justified under the above exception. In this case, the ménage is directly related to outdoor recreation (private horse riding) and is ancillary to the existing equestrian use of the land. The key tests are whether it preserves openness and avoids conflict with Green Belt purposes, such as preventing encroachment into the countryside.
21. Openness in the Green Belt has both a spatial and visual dimension. Spatially, the ménage introduces a flat, engineered surface with defined boundaries, but it is relatively low in height and contains no roofed structures. Visually, it is modest in scale, screened by existing vegetation and outbuildings, and its rural fencing design avoids a suburbanising appearance. The topography of the site is relatively flat, and the materials proposed are sympathetic to the rural character. Furthermore, the proposal does not require earth bunding, lighting, or other features that could visually intrude into the open countryside.
22. In terms of cumulative impact and landscape context, the site is flanked by development. To the east is a neighbouring ménage and a small stable block, while to the west lie domestic outbuildings. These existing elements help to visually enclose the application site and integrate the proposed ménage into an established cluster of development. The open fields to the south will remain unaffected and the overall pattern of built form will not appear significantly intensified or spread further into the open countryside. The proposal would not result in the type of unrestricted sprawl or encroachment that Green Belt policy seeks to avoid.
23. The Council’s Policy DM15 of the Development Management Plan (2014) allows for small-scale equestrian development in the Green Belt, provided that proposals are modest, appropriate in scale, and designed to minimise impact on openness and rural character. It also supports the reuse of redundant rural buildings where possible and discourages proliferation of equestrian facilities in the same locality. In this case, the ménage is modest, visually contained, and clearly ancillary to the existing private use, thereby complying with the aims of DM15. Policy DM1 further requires that development respects local character, visual amenity, and the surrounding built and natural environment — criteria which are also met in this instance.
24. Nonetheless, to ensure that the use remains appropriate to its Green Belt setting and does not intensify beyond what is acceptable, a

condition will be imposed to restrict the use of the ménage to private equestrian use only, with any future commercial use requiring a fresh application. Additionally, since no external lighting is proposed, a condition prohibiting its installation without permission is necessary in order to protect visual amenity, residential tranquillity, and the ecological value of the area.

25. Overall, it is considered that the proposed ménage is a form of operational development that constitutes a built structure. However, it is considered an appropriate facility for outdoor recreation under Paragraph 154 of the framework. The proposal would preserve the openness of the Green Belt both spatially and visually and would not conflict with its purposes. It is modest in scale, well-related to existing development, and designed to minimise landscape impact. Subject to the recommended conditions, the proposal is compliant with Policies DM1 and DM15 of the Development Management Plan and with Green Belt policy as set out in the framework. The development is therefore acceptable in principle and merits approval.

#### Impact on Residential Amenity

26. Paragraph 135 criterion f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in the Council's Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
27. Amenity is defined as a set of conditions that one ought to reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which have already taken place (if retrospective) or will arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
28. In assessing the potential impact of the proposed development on residential amenity, careful consideration has been given to the siting and nature of the proposal in relation to nearby sensitive receptors. The nearest residential property is located in excess of 40m from the proposed ménage. This separation distance, combined with existing boundary treatments and intervening vegetation, provides a clear physical and visual buffer between the site and neighbouring dwellings.
29. The proposal does not incorporate any form of external lighting, which ensures that there will be no impact in terms of light spill or glare upon neighbouring properties. Furthermore, the nature of the use — a

private ménage for personal equestrian activities — is of a scale and intensity that would not give rise to undue levels of noise or general disturbance. Equestrian uses of this nature are commonplace within rural and semi-rural settings and are typically regarded as being compatible with residential uses, particularly where sufficient separation exists.

30. It is also noted that the development would be subject to a planning condition restricting the use of the ménage to private use only, thereby preventing any future intensification through commercial equestrian activities such as livery, riding schools, or competitions. This restriction will safeguard against any material increase in comings and goings, including vehicle movements, that might otherwise give rise to adverse amenity impacts on the locality.
31. No representations have been received from local residents in response to the consultation process. Whilst the absence of objections is not, in itself, determinative, it is nonetheless a material consideration which provides further reassurance that the proposal is not perceived to give rise to local amenity concerns.
32. Having regard to the modest scale and domestic nature of the proposal, the intervening separation distances, and the character of the surrounding area, it is concluded that the development would not result in harm to the amenity of neighbouring occupiers. The proposal is therefore considered to accord with the relevant provisions of Policy DM1 of the Council's Development Management Plan, which seeks to protect residential amenity from unacceptable impacts arising from new development.

#### Parking and Access

33. The highways and transportation implications of the proposed development have been assessed in accordance with both the local and national policy frameworks. At the local level, Policies DM1 and DM30 of the Rochford District Council Development Management Plan (DMP) require that development proposals must provide adequate off-street parking provision and demonstrate that they would not give rise to any adverse impacts on highway safety, accessibility, or the free flow of traffic. Nationally, Paragraph 116 of the framework provides that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

34. In the case of this proposal, it is considered that no material harm would arise in relation to the local highway network. The scale of the development is modest and does not propose any alteration to existing vehicular or pedestrian access arrangements. Furthermore, the

quantum of off-street car parking remains unchanged and continues to be in accordance with the Council's adopted parking standards.

35. It is understood that the proposed ménage is intended solely for private and domestic equestrian use, ancillary to the main residential use of the site. To safeguard against any potential intensification of use that could result in increased vehicular movements or demand for parking, it is proposed that a planning condition be imposed restricting the use of the ménage solely to private use. Specifically, the condition would preclude the holding of events such as gymkhanas or other equestrian competitions that could generate material increases in traffic volumes.
36. Consultation has been undertaken with Essex County Council's Highway Authority, who have raised no objections to the proposal. They note that Blountswood Road is, in large part, a private road and that to the north, it is shared with a Public Right of Way (Byway). The Highway Authority has requested the inclusion of an informative advising that the adjacent Public Right of Way must be kept free from obstruction at all times to ensure safe and unimpeded public passage.
37. Given the limited scale of the proposal, the absence of any changes to the existing access or parking arrangements, and the imposition of conditions limiting the intensity of use, it is considered that the development would not give rise to any unacceptable impacts on highway safety nor result in any severe residual cumulative impacts on the surrounding road network. On this basis, the proposal is considered to be compliant with Policies DM1 and DM30 of the Council's Development Management Plan and Paragraph 116 of the framework.

#### Public Rights of Way

38. According to the submitted plans the application site is located in close proximity to a private road that is shared with a Public Right of Way (PRoW) (Footpath No. 39 Hockley). In reference to the submitted plans the proposed ménage will not encroach or prohibit people from using the PRoW. The case officer has consulted colleagues in Essex County Council Highway Authority and they confirm providing that the public's rights and ease of passage over the aforementioned PRoW remain unhindered they have no objection. In the event that planning permission is approved an informative will be attached to the Decision Notice in relation to the adjacent PRoW remaining free and unobstructed at all times.

#### Flooding and Drainage

39. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such the development is compatible with the advice advocated within the framework.

40. In relation to drainage for the ménage, the working surface of the ménage and the manner in which it is constructed will allow rain water to soak through it (much like rainwater currently soaks through the existing land) – the difference being that the rainwater will soak through the ménage faster than it would normally soak through the land and much of the rainwater that falls onto the ménage, will be collected in the ménage drainage system, and will be dispersed via a sustainable drainage system (according to the application form).

#### Trees

41. Policy DM25 of the of the Council's Development Management Plan 2014 states that:

*'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.'*

*'Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'*

42. When the case officer conducted his site visit, he noted that there were no trees located on or adjacent to the site that would have been impacted by the proposal.

#### On-site Ecology

43. Paragraph 180 of the framework indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur appropriate mitigation to offset the identified harm is required. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.

44. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
45. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of local planning authorities, the total biodiversity value of a site must now be considered.
46. The case officer observes that the application has been submitted in the absence of any ecological assessment or supporting documentation to address potential impacts on protected species. Notwithstanding this omission, an assessment of the site and its immediate context indicates that the land, together with the surrounding fields, is presently used for the grazing of several horses. This existing use results in a level of disturbance consistent with what would reasonably be expected in such an environment. As such, the ecological value of the site is considered to be limited.
47. No specific ecological receptors have been identified on the site that would be detrimentally affected by the proposed development. Furthermore, consultation has been undertaken with Essex County Council's Place Services specialist ecological adviser, who have reviewed the application and have not raised any objections to the proposal.
48. Having regard to the current use of the site, the absence of any identified sensitive ecological features, and the lack of objection from the relevant ecological consultees, it is considered that the proposal would not give rise to any unacceptable impacts on protected species or habitats. Accordingly, the application is deemed to accord with the requirements of Policy DM27 of the Council's Development Management Plan, as well as the principles of ecological protection and enhancement advocated within the Framework.

#### Bio Diversity Net Gain (BNG)

49. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity

Gain Requirements (Exemptions) Regulations 2024. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023.

50. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
51. The case officer considered it prudent to consult Essex County Council Place Services Ecology regarding the proposal and they stated that *“As a result, we have reviewed the Preliminary Ecological Appraisal and Biodiversity Net Gain Report (Serious Nature, May 2025) and Statutory Biodiversity Metric - Calculation tool (May 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:*
- *The submitted Statutory Biodiversity Metric – Calculation Tool is not accompanied by condition assessments. This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.*
  - *Four trees have been recorded as being on-site, but the areas given appear to be incorrect. It is unclear what size the trees have been recorded as, but as a minimum if they are all ‘small’, than the area given would be 0.0163, as calculated by the Tree Helper. Further clarity is needed on the size of the trees and the metric updated to reflect this.*
  - *We note that some of the baseline habitats have been allocated a medium strategic significance – ‘location ecologically desirable but not within local strategy’. The Essex Local Nature Recovery Strategy has been published, with this habitat not been recorded within strategic opportunity areas. Therefore, the trees should be recorded as ‘low distinctiveness’.*

*As mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:*

- a) *The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) *Pre and post development habitat plans.*
- c) *Legal agreement(s)*
- d) *Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) *Proof of purchase (if buying statutory biodiversity credits at a last resort).*

*In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Lowland meadow.*

*The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

*We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:*

- *We query the use of 'Lowland meadow' for the post-intervention off-site habitat enhancement. This is because this habitat contains a very high distinctiveness and will be extremely difficult to create. The habitat requires 16 species per m2 with species that reflect specific grassland communities (e.g. NVC MG5), with at least four positive indicators for lowland meadows present within the sward. Therefore, further clarification with regard to the soil type and phosphorus levels should be provided to justify whether this habitat is realistic and achievable, alongside information on how the ground will be nutrient stripped and prepared before implementation. Furthermore, a pre-requisite of the planting should be the sowing of green hay on proposed habitat location, ideally from a local source, rather than the provision of 'Special General Purpose Meadow Mix' Emorsgate EM3 or similar. As a result, it is suggested that the habitat should be changed to 'Other neutral grassland' as part of the biodiversity gain condition, which will still generate a net gain for the site".*

52. In conclusion, we are not satisfied that the information submitted in support of this application adequately demonstrates compliance with the requirements of mandatory biodiversity net gain, as set out in the relevant legislation and guidance. Key deficiencies include the absence of supporting condition assessments for the Statutory Biodiversity Metric - Calculation Tool, inaccuracies relating to the recording of trees on-site, and inconsistencies regarding the strategic significance of baseline habitats in relation to the Essex Local Nature Recovery Strategy.
53. Furthermore, further clarification and justification are required in relation to the proposed post-intervention habitats, particularly the feasibility of creating 'Lowland meadow' habitat given the challenges associated with establishing this high-distinctiveness habitat type. In light of these concerns, it is recommended that this be amended to 'Other neutral grassland' to ensure a realistic and deliverable biodiversity net gain.
54. To comply with statutory requirements, the Local Planning Authority must ensure that a biodiversity gain condition is secured as part of any planning permission. This condition must secure the provision of a Biodiversity Gain Plan supported by a completed and accurate metric, habitat plans, legal agreements, Biodiversity Gain Site Register references (where applicable), and evidence of any statutory biodiversity credit purchases. Additionally, a Habitat Management and Monitoring Plan (HMMP) will be required for all significant on-site enhancements, secured via a planning obligation for a period of up to 30 years.
55. Until these matters are properly addressed and secured through appropriate conditions and obligations, officers are unable to conclude that the proposals meet the necessary legislative requirements in relation to biodiversity net gain.

#### Equalities and Diversity Implications

56. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
57. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

58. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **CONCLUSION**

59. Refuse.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hockley Parish Council : No comments received

Essex County Council Highways Authority: No objection subject to the imposition of an informative relating to the PRoW for the public's rights and ease to remain unhindered.

Essex County Council Place Services Ecology: We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

Neighbour representations : No comments received.

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024 revised in February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policy GB1.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1 and DM15.

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025).

The Essex Design Guide (2018).

Natural England Standing Advice.

## **RECOMMENDATION: REFUSE**

1. The application fails to demonstrate that it can deliver mandatory Biodiversity Net Gain in accordance with the requirements of the Environment Act 2021, the Town and Country Planning Act 1990 (as amended), and associated statutory guidance. The information submitted, including the Preliminary Ecological Appraisal, Biodiversity Net Gain Report and the Statutory Biodiversity Metric - Calculation Tool, is considered insufficient and inaccurate to support the application.

In particular, the Statutory Biodiversity Metric - Calculation Tool is not supported by the required condition assessments, which are necessary to ensure that the pre-development baseline habitats have been appropriately recorded and verified. Furthermore, there are inaccuracies within the metric concerning the recording of on-site trees, including discrepancies in the size and area calculations, which have not been justified in accordance with the published metric guidance.

In addition, the baseline strategic significance of some habitats has been incorrectly attributed as being of medium significance. This is contrary to the published Essex Local Nature Recovery Strategy, which does not identify these areas within strategic opportunity zones. The assessment has failed to justify this approach and has therefore overestimated the biodiversity value of these features.

Concerns are also raised in relation to the proposed post-intervention habitats, specifically the inclusion of 'Lowland meadow'. This is a habitat of very high distinctiveness and is extremely difficult to create successfully. The application provides no clear evidence to demonstrate the feasibility of achieving this habitat type, including details of soil conditions, nutrient levels, or appropriate establishment methods such as green hay from a local source. Without such evidence, the proposed gains cannot be considered realistic or achievable.

As a result of these deficiencies, the Local Planning Authority cannot be satisfied that the biodiversity baseline and post-development calculations are robust or deliverable, nor that the statutory biodiversity gain condition can be lawfully discharged. The proposal therefore conflicts with the requirements of the Environment Act 2021, the National Planning Policy Framework, and relevant local development plan policies relating to biodiversity net gain, ecological enhancement, and sustainable development.

The local Ward Members for the above application are Cllr. A. H. Eves, Cllr. J. R. F. Mason and Cllr. P. Capon.

Application No :	25/00231/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	Rouncefall The Chase Ashingdon
Proposal :	Demolition of fire damaged building and erection of equestrian building for use as stabling and storage.

## **SITE AND PROPOSAL**

1. The site comprises a residential dwelling and a collection of ancillary outbuildings, including stables and storage structures, set within a parcel of land extending to approximately 12 acres (5.0 hectares). The land and associated buildings are actively used in connection with an established sports horse breeding and rearing enterprise. The equestrian use includes the housing and management of broodmares and young horses, and the site plays a central role in the day-to-day operations of the business.
2. The specific area subject to this application consists of an area of hardstanding and an adjoining small section of grassed land. Historically, a building occupied the area of hardstanding; however, this structure was destroyed by fire approximately four years ago and has not been replaced. The hardstanding has since been utilised intermittently for the storage of agricultural and equestrian machinery and equipment.
3. The application site is located approximately 27m to the south-west of Rouncefall, a building that is identified on the Council's local list of heritage assets. While the site is not itself designated, due regard has been given to the potential impact of development on the setting of this non-designated heritage asset.
4. Furthermore, according to the Rochford District Council Geographic Information System (GIS), the application site is located wholly within land designated as Metropolitan Green Belt. As such, any proposed development on the site must be assessed against both national and local planning policies relating to development within the Green Belt.
5. The proposal seeks full planning permission for the demolition and removal of the remnants of the fire-damaged building, and the erection of a replacement equestrian building. The proposed structure is intended to support the ongoing equestrian operations at the site, providing dedicated accommodation for stabling horses and secure storage of associated feed, bedding, equipment.

## **RELEVANT PLANNING HISTORY**

6. Application No. 04/00718/COU - Convert Existing Stable And Change Use Into Blacksmith Forge – Approved – 5<sup>th</sup> October 2004.
7. Application No. 10/00183/FUL - Extend Existing Tower by 2.5 Metres and Add 6m High Climable Mounting Pole (Overall Height 31 Metres) Install 4 Tiers of UHF Antennas , One x 0.75m Diameter Dish and Install One x Meter Cabinet and One x Feeder Gantry One x Equipment Cabin at Mast Base, and a Compound Extension – Approved – 9<sup>th</sup> June 2010.
8. Application No. 24/00023/DPDP6 - Application to determine if prior approval is required for proposed agricultural barn – Refused – 20<sup>th</sup> February 2024.
9. Application No. 24/00040/FUL - Proposed part demolition and extension to convert existing garage and pool house to annexe for habitable use ancillary to the dwellinghouse 'Rouncefall' – Approved – 13<sup>th</sup> May 2024.

## **MATERIAL PLANNING CONSIDERATIONS**

10. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
11. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
12. The application site lies wholly within the Metropolitan Green Belt where restrictive policies apply. Policy GB1 of the Core Strategy seeks to protect the Green Belt. It is imperative to establish if the proposal is inappropriate development in the Green Belt and whether there are any other considerations sufficient to clearly outweigh the harm caused by the development in this Green Belt location. Additionally, it is important to consider the impact on the character and appearance of the surrounding area, neighbouring occupiers and highway safety.
13. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The

construction of new buildings in the Green Belt should be regarded as inappropriate except for in a limited number of exceptions.

Development that does not fall to be considered under one of these categories will be considered to be inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

#### Green Belt

14. The application site is located wholly within the Metropolitan Green Belt, as defined in the adopted Rochford Local Development Framework Proposals Map. The NPPF at paragraph 154 sets out that the construction of new buildings is inappropriate in the Green Belt unless the proposal would fall under one of the specified exceptions which are;
- h) Buildings for agricultural and forestry;
  - i) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - j) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - k) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - l) Limited infilling in villages;
  - m) Limited affordable housing for local community needs under policies set out in the development plan (including for rural exception sites) and;
  - n) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
15. Moreover, Paragraph 154 exception h) of the Framework also lists certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. It is considered that the proposed development would not fall under any of the exceptions listed.
16. Paragraph 143 of the Framework is of particular relevance which states that Green Belt serves 5 purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into

one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Paragraph 153 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

17. It is considered given the nature of the proposal that the development would fall within exception (b) of paragraph 154, which speaks to the provision of facilities for outdoor sport and outdoor recreation. However, this exception still requires the development to preserve the openness of the Green Belt and not to conflict with the purposes of including land within the Green Belt. Failure to preserve openness of the Green Belt would entail that a development falling within this exception would still be inappropriate development.
18. Policy DM1 of the Council's Development Management Plan (2014), indicates that the design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity without discouraging originality, innovation or initiative. Furthermore, policy DM15 allows for equestrian facilities in the Green Belt, subject to the proposal being satisfactory with regards to the criteria listed within the policy, which inter alia states proposed stabling and other small-scale essential facilities are modest and appropriate in scale and designed to minimise the potential detrimental impact on the openness of the Green Belt and the proposal utilises redundant agricultural and rural buildings, where possible. In addition to the above, Policy GB2 explains that essential facilities for leisure will be permitted. These are expected to have a minimal impact on the openness of the Green Belt. Use of the phrase 'essential' is referred to in more detail within the 'stable development' section of this report.
19. Accordingly, as the proposal is for outdoor sport and recreation, the broad principle of development is acceptable. The determination of this application is therefore subject to the proposal not adversely affecting the character and openness of the Green Belt as well as the proposal being in accordance with other relevant policies.

#### Background Information

20. During the course of the site visit the case officer noted that there were numerous existing outbuildings and stable blocks within the general vicinity of the application site. According to the applicant's supporting statement the proposed equestrian building is required for the following reasons:

*“The Applicant has a sports horse breeding enterprise. She oversees the impregnation of broodmares through to giving birth, rearing and weaning the foal. The young horses are sold at various ages. Notably, the Applicant was a senior equine lecturer and stud manager at Writtle College for many years and bred the extremely successful horse named ‘Lordships Graffalo’ who has gone on to win a gold medal at the 2024 Olympics in Paris. Horses bred by the Applicant have also had success at 5 star International level (the top of the sport world wide) at Badminton Horse Trials, Burghley Horse Trials and won gold medals for Team GB at the European Championships 2023. Pennie is due to jointly receive the British Horse Foundation Award for jointly Breeding last year’s Burghley Winner - Lordships Graffalo ridden by Ros Canter. Several of the mares and foals kept at the site are closely related to these successful world class event horses.*

*The existing stables at the site are not suitable for use by broodmares and young horses as they are too small, and the head height is too low. The doorframe and eaves of the building are below 2 metres high therefore the stables could only be used safely by small ponies.*

*Currently the applicant has to send the mares away to other studs to give birth each year and this represents a large cost to the business, which could be reduced if there were appropriate facilities on site”.*

21. The assertions made by the applicant are acknowledged and not disputed.

#### Equestrian Facilities

22. Policy DM15 of the Development Management Plan states that:

*“Applications for equestrian development with essential ancillary facilities will be supported, provided that:*

- the proposal is for small-scale equestrian development (fewer than 10 stables) which does not create a proliferation of similar, or other associated, businesses in the same locality;*
- the maximum number of stables per hectare is related to the amount of open space. The requirement will be no more than one stable for each 0.4 hectares of site area;*
- buildings to serve private or commercial livery use are located near to existing settlements and in a sustainable location, unless justification for alternative siting is demonstrated;*
- the proposal utilises redundant agricultural and rural buildings, where possible. Where it can be demonstrated that existing buildings are inappropriate or insufficient for the proposed use, new buildings will be permitted provided that they are the minimum size necessary for their intended purpose and facilities are proposed to be sited in one location/building, if appropriate;*

- *the proposal is well related to existing or proposed bridleways and will not cause conflicts between equestrians, and have no adverse effect on the road or highway safety of the area;*
- *the proposed stabling and other small-scale essential facilities is modest and appropriate in scale and designed to minimise the potential detrimental impact on the openness of the Green Belt, character of the countryside, the different landscape character areas, the best and most versatile agricultural land, the historic environment or important areas of nature conservation interest; and*
- *there will not be a detrimental effect on the amenity of the local area by virtue of noise, light, smell or disturbance.*

*Any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected”.*

23. It should be noted that this development management policy refers to old national guidance which used the phrase ‘essential’ rather than the current NPPF wording of ‘appropriate’ which is a slightly less restrictive wording to this type of development within the Green Belt.
24. According to the submitted plans and supporting documents the proposed equestrian building will be located approximately 27m to the south west of Rouncefall which is a large two storey detached property and is locally listed. More specifically this site has been chosen as there is an existing area of hardstanding with a small area of grass. The applicant indicates that there was a building situated on this hardstanding albeit it was destroyed in a fire approximately 4 years ago. The remainder of the hardstanding was used to store plant and machinery. No plans of the previous building which was previously located on the site have been submitted to accompany the application.
25. According to the submitted plans the proposed stable block will be constructed out of black weatherboarding on a red brick plinth under a clay tile roof.
26. In reference to the submitted plans and the supporting documents the proposed building will have a total footprint of 216m<sup>2</sup>, comprising a main structure measuring 15m by 10m, a lean-to on the western elevation measuring 15m by 4.2m, and a small porch of 2.76m by 1m. The building will reach a height of 3.88m to the eaves and 10.38m to the ridge. Surrounding the lean-to area, a 4-metre-wide hardstanding will be laid to replace the existing grass and provide suitable access for the machinery required to muck out the stables.
27. Internally, the main barn will be used for the secure storage of machinery essential for managing the surrounding grassland. It will also house hay, feed, bedding, and other equipment related to horse care. The lean-to will be divided into three separate foaling areas, each

separated by 1.8-metre-high blockwork walls. These partitions are designed to prevent horses from fighting over the walls while allowing for good airflow throughout the stable area. Galvanised steel gates on the western elevation will provide access for machinery, enabling efficient cleaning and maintenance.

28. The building is designed in a traditional barn style to reflect the local architectural heritage. It will feature a timber frame with black timber weatherboard cladding, a red brick plinth, and a clay tile roof. A steep roof pitch and a small, projected porch are proposed to mirror the design of historic tithe barns in the area. Large, hinged timber doors will be located on both the north and south elevations, with smaller timber doors on the eastern side. The western elevation will include gated access to each of the three foaling sections in the lean-to, designed to accommodate mares and foals with ease of access.
29. As horses and ponies vary so greatly in size it is difficult to set an ideal size for loose boxes, barns or stables. However, as a minimum, each horse should have sufficient room to lie down, readily rise and turn around in comfort. In accordance with the British Horse Standard Guidance (BHSG), it allows for loose boxes with a floor area of 3.65m by 3.65m for horses and a height between 2.7m and 3.4m depending on the height of the horse. The internal dimensions of the proposed 3no. foaling bays will each measure approximately 4.15m by 4.5m, consequently, the gross internal floor area of the proposed stables complies with the guidance advocated within the BHSG. And the height of the proposal at 3.5m also complies.
30. The applicant has inferred given the size of the proposal it would not have a detrimental impact on the openness of the Green Belt. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gelding Borough Council* 2014 and *Goodman v SSCLG* 2017. Both cases were related to proposed developments within the Green Belt, and it was concluded that materiality of visual consideration to openness as well as spatial impact were integral factors when assessing applications. This is supported by *R (Lee Valley Regional Park Authority) vs Epping Forest DC* [2016] whereby it was outlined that the concept of openness means the state of being free from built development and it is the absence of buildings which creates the absence of any visual impact.
31. The proposed building's ridge height of 10.38m is significantly taller than typical equestrian buildings, which are generally much lower in profile. Even though the materials chosen for the building (such as timber weatherboarding and clay roof tiles) reflect the local vernacular and are in keeping with the rural character of the area, the height remains a major concern.
32. A structure of this height would reduce the spatial openness of the Green Belt, introducing a vertical element that is both visually dominant

and out of scale with the surrounding landscape. In rural settings, the taller the building, the more it interrupts sightlines and creates an intrusive visual focal point. Given that the Green Belt is intended to remain open and undeveloped, a structure of over 10m in height and of the footprint proposed would significantly impact both spatially and visually upon the openness of the Green Belt and would constitute a visually over dominant building within the local landscape, thus eroding the very openness that Green Belt policy seeks to safeguard.

33. In addition to the height, the footprint of 216m<sup>2</sup> also presents concerns. While the overall size of the building is large, it is the combination of the height and the large footprint that creates a problematic mass. The building's size, particularly its scale, would significantly alter the open character of the site. The scale, mass, and height of the proposed building would constitute a structure that appears disproportionate to the surrounding landscape. The proposed development, when considered in its entirety, represents a significant visual and spatial intrusion into the Green Belt.
34. Even though the structure's design is based on agricultural themes, the overall mass of the building—including both the footprint and the height would create a disproportionate building, rather than a modest equestrian development. The combined effect of scale, height, and mass would disrupt the natural openness of the countryside and diminish the sense of space that the Green Belt is meant to preserve. There is no functional reason for the building to be so high given its proposed use, as despite seeking to reflect local vernacular the design of the building must take into consideration what is reasonably necessary to fulfill an equestrian function the same time as maintaining Green Belt Openness which this development does not as its impacts would clearly be significant and this harmful in this regard.
35. In this respect, the height of the building is not only an issue in isolation but also contributes to a broader pattern of potential harm to the Green Belt's openness. The Green Belt's purpose is to restrict urban sprawl and maintain an unbroken sense of openness. The proposed building, due to its excessive height, mass, and footprint would undermine this fundamental purpose.
36. The applicant has argued that the proposed structure is necessary to accommodate the storage of machinery, hay, feed, and bedding as part of a private equestrian business, including the breeding of championship horses. While the equestrian activity itself is noted and understood, the proposed scale and height seem excessive for such private use.
37. Typically, equestrian buildings do not require structures of this scale. Stables and associated buildings used for private purposes usually remain modest in size. Given the nature of the proposed development, the height, footprint, and overall mass of the building are

disproportionate to the intended purpose and do not meet the modest design criteria set out by policy.

38. The applicant has not demonstrated any very special circumstances that would justify a building of such height. The proposed building height is not the minimum necessary for the equestrian activities described, and the applicant has not provided any detailed justification for why the height exceeds typical equestrian building standards. As such, the proposed height cannot be considered as reasonable or necessary, further reinforcing the harm to the Green Belt. Furthermore, whilst it is noted that the applicant breeds championship winning horses, this does not amount to the very special circumstances necessary to justify the development in the light of the greater identified harm to Green Belt openness.

#### Grazing Land

39. In addition, to the area edged in red; the applicant stresses that they own an additional 12.1 acres (3.96ha) of land which is located immediately adjacent to the application site and this parcel of land is used primarily for grazing and is edged in blue on the Location Plan. To this extent the applicant has completed and signed Certificate A. Policy DM15 states *“the maximum number of stables per hectare is related to the amount of open space. The requirement will be no more than one stable for each 0.4 hectares of site area”*. The BHSG is more up to date and is a material consideration advocating between 0.5 to 1.0 ha of grazing of a suitable quality if no supplementary feeding is being provided. The guidance note goes on to enunciate *“a smaller area may be adequate where a horse is principally housed, and grazing areas are used for occasional turnout”*. According to the applicant the stable will house 3no. horses, therefore there is sufficient grazing land. Nevertheless, it has been inferred that the horses, when necessary, will receive additional supplementary feed and will be exercised on a regular basis using the local bridle paths and highways. It is considered that the proposal complies with policy DM15 and the BHSG and there is insufficient justification to warrant a refusal on this aspect.

#### Use of the Building

40. According to the submitted plans and supporting statement, the proposed stable block will be for the personal enjoyment of the applicant and will have a low intensity use. Nevertheless, if planning permission were to be granted it is considered prudent and reasonable to attach a condition preventing the building being used as a commercial livery should planning permission be approved. Furthermore, given the location of the proposal it is considered to be well related to existing bridleways and will not cause demonstrable harm to other equestrians or highway users.

## Reuse of Existing Rural and/or Agricultural Buildings

41. Policy DM15, which encourages the reuse and adaptation of existing rural or agricultural buildings, is underpinned by the principle of sustainable development. Reusing existing structures reduces the need for new construction, limits visual and environmental impacts on the countryside, and aligns with national planning objectives set out in the NPPF, particularly paragraphs promoting the effective use of land and conserving the rural character of the area.
42. In this instance, the site includes a number of outbuildings and stables within close proximity to the proposed development area. Although several of these buildings were observed to be in a poor state of repair, their current condition alone does not justify new development. It is a well-established planning principle that disrepair is not, in itself, a sufficient reason to permit new build development, especially where refurbishment may be viable. The potential for repair, adaptation, and reuse of these existing structures has not been robustly assessed or demonstrated.
43. The applicant acknowledges the presence of existing stables but argues that they are unsuitable for broodmares and young horses due to limited size and head height. The supporting statement notes that the buildings have doorframes and eaves below two metres in height, allegedly rendering them usable only for small ponies. However, this claim is not supported by any substantive evidence such as architectural plans, internal/external measurements, structural assessments that would verify the condition and dimensions of these buildings.
44. This lack of evidence significantly weakens the applicant's justification for dismissing the reuse of the existing buildings. In planning terms, unsupported assertions are given limited weight, particularly when the issue pertains directly to compliance with established policy. Furthermore, the planning authority must consider whether modest alterations or sympathetic adaptations to the existing buildings could render them suitable for the intended equestrian use—options which appear to have been overlooked or insufficiently explored by the applicant.
45. The absence of a sequential approach—i.e. assessing whether existing buildings can be reused before resorting to new development—runs counter to the core principles of DM15. Without a clear, evidenced explanation as to why the current structures are wholly unfit for conversion, and why refurbishment is not feasible, the proposal fails to demonstrate that it meets the policy threshold.
46. In summary, the proposal appears to disregard a key element of sustainable rural development by not adequately considering the potential for reuse of existing structures. The planning authority is

therefore justified in attributing limited weight to the applicant's unsupported statements, and in seeking further information or rejecting the proposal on the grounds of insufficient justification for new build development under Policy DM15.

#### Impact on Residential Amenity

47. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
48. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
49. The submitted plans indicate that the nearest residential property to the proposed development is *Rouncefall*, which is the applicant's own property. This dwelling is located approximately 27m to the northeast of the proposed development site. The next nearest property is situated due east, with a separation distance of over 85m. This substantial gap between the proposed development and the neighboring property significantly reduces the likelihood of any significant impact, especially in terms of visual or noise disturbance. The greater the distance between the development and neighboring properties, the lower the probability that any adverse effects will be felt.
50. Given the nature of the proposal and the separation distances between the site and neighboring properties, there are several mitigating factors in place. The intervening boundary treatments, such as fences, hedges, or other physical barriers, will play a key role in reducing potential visual or noise disturbance. These treatments will likely help absorb sound and provide a level of privacy, ensuring that the visual and acoustic impact of the development is minimized for neighbours.
51. In addition, in the event that planning permission is approved the proposal will include conditions designed to further mitigate any potential negative externalities. For example, restrictions on lighting will ensure that the site does not become a source of intrusive light pollution during nighttime hours. This is particularly important as any

excessive or poorly directed lighting could disrupt the amenity of neighboring properties.

52. Furthermore, there will be conditions in place to prevent the site from being used for commercial purposes. This is a crucial aspect as it would help prevent the development from evolving into a use which is outside the scope of what this application seeks, such as a business operation that could increase traffic, noise, or other disturbances and would constitute an intensified use.
53. One of the primary concerns associated with the proposed development is noise from the stabled horses. Horses are known to cause intermittent noise, particularly when feeding or being moved in and out of the stables. The most significant source of noise would likely come from the horses banging on the stable doors or walls during feeding times, as they can be noisy and restless in this context. While this noise may be noticeable to neighboring properties, the impact is expected to be relatively minor.
54. The scale of the proposed development suggests that there will be a limited number of horses stabled at the site. With fewer animals, the frequency and intensity of the noise will be less pronounced. Additionally, the neighboring properties are situated at a distance of approximately 85m, which further reduces the likelihood of significant disruption. At this distance, sound attenuation, due to both physical separation and the intervening boundary treatments, should mitigate the potential for noise nuisance.
55. Furthermore, it is important to consider that the noise from horses is likely to be intermittent, occurring primarily during feeding or other activities related to the care and management of the horses. This type of noise is not continuous and, in many cases, can be absorbed by the natural environment or mitigated by barriers such as hedges or fences. Therefore, the overall impact on the amenity of neighboring residents is expected to be low.
56. Overall, it is considered that the proposed development, given its nature and scale, will not result in significant adverse impacts on the neighboring properties. The separation distances, combined with the presence of boundary treatments, will help reduce both visual and acoustic disturbances. The potential noise from the stabling of horses is expected to be intermittent and minor in impact, with limited disturbance due to the small number of horses and the considerable distance to neighboring properties.
57. Additionally, the proposed conditions relating to lighting and the prohibition of commercial use will further reduce the likelihood of any negative effects on local amenity. In conclusion, the proposal appears to be well-considered in terms of mitigating potential disturbances, and it is unlikely to result in any significant harm to the neighboring

properties. However, this does not outweigh the previous concerns cited within this report.

#### Flooding

58. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is a low probability of flooding from rivers and the sea as such the development is compatible with the advice advocated within the framework.

#### Drainage

59. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the framework states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, in the event that planning permission is approved, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Public Rights of Way

60. According to the submitted plans the application site is located immediately adjacent to a private road that is shared with a Public Right of Way (Footpath No. 4 Ashingdon). In reference to the submitted plans the proposed building will not encroach or prohibit people from using the PRow. The case officer has consulted colleagues in Essex County Council Highways Authority and they confirm providing that the public's rights and ease of passage over the aforementioned PRow remain unhindered they have no objection. In the event that planning permission is approved a condition will be attached to the Decision Notice in relation to the adjacent PRow remaining free and unobstructed at all times.

#### Trees

61. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. In particular policy DM25 states: -

*"Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the*

*development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.*

*Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.”*

62. According to the submitted planning application forms the proposal will not necessitate the removal of any trees.

#### Highways and Parking

63. The proposal has been assessed against the relevant local and national planning policies concerning highways, access, and parking. Policies DM1 and DM3 of the Council's Development Management Plan require that development proposals make adequate provision for parking in accordance with the Council's adopted standards. Policy DM30 seeks to ensure that development contributes to the creation and maintenance of an accessible environment, with appropriate regard given to the layout, safety, and functionality of highway infrastructure.
64. In accordance with paragraph 116 of the NPPF, local planning authorities should only seek to prevent or refuse development on highways grounds where the residual cumulative impact on the road network would be severe, or where the proposal would result in an unacceptable impact on highway safety.
65. The submitted site layout plan indicates that access to the application site will be retained in its current form, with no alterations proposed to the existing access or egress arrangements. There is sufficient on-site turning space to enable vehicles to enter and exit the site in a forward gear, which is a key consideration in ensuring highway safety. It is also noted that the proposal is not expected to materially increase traffic volumes or movements to and from the site.
66. Moreover, it is inferred from the application documentation that the proposed stables are intended solely for private, non-commercial use by the applicant. To avoid any future intensification which would in this case amount to a material change of use likely resulting in greater traffic generation or parking demand, a condition restricting the use of the stables to personal/domestic purposes only is considered appropriate.
67. In light of the above, the development is not considered to give rise to any unacceptable highway safety risks or severe residual cumulative impacts on the surrounding highway network. The level of parking

provision is appropriate for the scale and nature of the proposed use and is consistent with the Council's adopted standards.

68. In conclusion, having regard to the relevant provisions of Policies DM1, DM3, and DM30 of the Development Management Plan, and paragraph 116 of the NPPF (2024), the proposal is considered acceptable in terms of highways and parking impacts. The development would maintain safe and appropriate access, and not generate traffic volumes or patterns of use that would result in harm to the operation of the local highway network. No objections have been raised by the Highway Authority, and there is no substantiated policy basis to justify a refusal on highways or transport grounds.

#### On-Site Ecology

69. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
70. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
71. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.

72. Colleagues in Place Services Ecology have been consulted and state within the Preliminary Ecological Appraisal (PEA) (ACJ Ecology, January 2024) the habitat description includes buildings, which were assessed for bat potential, and concluded that the site 'showed low to minimal roosting potential across the site' and that 'Features were deemed to support roosting bats, foraging or commuting. Therefore, this species needs further consideration or survey.' However, from viewing aerial imagery, it appears that these buildings have been demolished since this survey. The Biodiversity Assessment (ACJ Ecology, March 2025) also makes no mention of these buildings and instead lists the site as 'unsealed surface'.
73. Clarification is therefore needed on the state of the site and whether further bat surveys were undertaken to address the impact on bats.
74. In regards to Great Crested Newt, the PEA 'The site lies within Natural England amber great crested newt Risk Impact Zones and a pond is nearby. Therefore, this species requires further consideration.' However, no further information has been submitted. Therefore, we recommend that further professional judgement is provided to ensure that Great Crested Newt will not be impacted by the proposals, this should ideally include a Habitat Suitability Index of nearby ponds and reference to Natural England's Great Crested Newt Rapid Risk Calculator.
75. To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for bats and Great Crested Newt (GCN), European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for great crested newts if there's a pond within 500 metres of the development, even if it only holds water some of the year" and "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".
76. The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
77. This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

78. There are appeal decisions where these matters were considered, including appeal references APP/P1560/W/24/3344547 at The Oaks, Clacton Road Weeley Essex CO16 9EF and PP/W3520/W/17/3174638 Pooles Farm, Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information.
79. Place Services Ecology advise that the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

#### Protected Species (reptiles)

80. It is noted that the PEA states 'The site is not considered a suitable habitat for reptiles as the grassland is homogeneous and lacks diversity, and its permeability to suitable habitats needs to be higher and concludes that the proposal is not considered to impact or harm reptiles or their habitats. In consideration of this information it is the view that the habitat within the site offers foraging, commuting, shelter, and hibernation opportunities. Therefore, this species needs further consideration or survey.' Grassland is mentioned within this statement but nowhere else within the PEA, and there are no photographs of it. This statement is not clear on the habitat suitability for reptiles, therefore clarification is required on the site suitability, including the suitability of the grassland, which is included within the Biodiversity Assessment baseline, as it is unclear if this is the grassland referred to in the PEA.
81. To fully assess the impacts of the proposal the LPA needs ecological information for the site, particularly for reptiles, Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for reptiles if the proposal is likely to lead to harm to individual reptiles or their habitats".
82. The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all

relevant material considerations may not have been addressed in making the decision.”

BNG

83. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
84. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.
85. The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.
86. As a result, colleagues in Place Services Ecology have reviewed the Biodiversity Assessment (ACJ Ecology, March 2025) and Statutory Biodiversity Net Gain Metric – Calculation tool (April 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:
- It is unclear from the Biodiversity Assessment when the site visit for the metric assessment was undertaken, and no photographs have been included, so it is unclear what the site looks like, especially since the PEA which was undertaken in December 2023.
  - The PEA mentions trees within the boundary of the site, yet these are not included with the Biodiversity Net Gain Metric.
  - The PEA and the Biodiversity Assessment mention scrub being present on site, and this is included with the baseline habitat plan and in the condition sheets yet has not been included within the metric calculations.
  - The grassland included within the site boundary has been classified as moderate condition other neutral grassland, however grassland habitat mentioned in the PEA has been classified as modified grassland horse paddocks and described as ‘homogeneous and lacks diversity’. Clarification is therefore required that the habitat has been correctly classified and correctly assessed for condition, this should include photographs.

87. In conclusion the application is subject to the statutory requirement to deliver a minimum 10% measurable Biodiversity Net Gain (BNG) in accordance with Schedule 7A of the Town and Country Planning Act 1990, as amended by the Environment Act 2021 and subsequent regulations. The information submitted in support of the application — including the Biodiversity Assessment (ACJ Ecology, March 2025) and the Statutory Biodiversity Net Gain Metric (April 2025) — has been reviewed by Place Services Ecology.
88. However, the submission does not currently demonstrate compliance with the statutory biodiversity gain condition. Key omissions and inconsistencies have been identified, including the absence of photographs to verify site conditions, unclear timing of the metric assessment site visit, and discrepancies between the Preliminary Ecological Appraisal (PEA) and the Biodiversity Metric regarding the presence and classification of habitats such as trees, scrub, and grassland. These deficiencies prevent a full and accurate assessment of the proposed biodiversity baseline and the resulting net gain.
89. Therefore, in its current form, the application does not meet the requirements of the Biodiversity Net Gain Planning Practice Guidance, specifically Paragraph: 011 Reference ID: 74-011-20240214. Sufficient and robust information must be provided before the application can be lawfully determined. It is recommended that the applicant addresses the issues raised and resubmits the necessary documentation to demonstrate compliance with the mandatory BNG requirement.

#### Locally Listed Building

90. The application site is not situated within a Conservation Area, nor does it fall within the setting of a designated (statutory) listed building. However, it is acknowledged that the neighbouring property known as *Rouncefall*, located approximately 27m from the proposed development, is identified as a locally listed building due to its architectural and historic interest.
91. While not statutorily protected, Rouncefall is recognised on the Council's Local List as a non-designated heritage asset. The Council's description highlights the building as a:
- “Distinctive two-storey building which has been restored; half-hipped tiled roof; dormers with hipped tiled roof; exposed timbers; rendered and painted façade; leaded windows; some original timbers remain; tall intersecting gable to the centre of the building, probably a later addition”.*
92. Paragraph 216 of the NPPF is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in the determination process. It further stipulates that in assessing proposals which directly or indirectly affect such assets, a

balanced judgement must be made, having regard to the scale of any harm or loss and the significance of the asset.

93. In light of these considerations, the application was referred to Essex County Council's Place Services for conservation input. The Conservation Officer reviewed the proposal, which involves the erection of an equestrian building for stabling and storage. As previously stated, it is proposed to adopt a traditional appearance, featuring black weatherboard cladding, a red brick plinth, and a clay tiled roof — all materials that are generally sympathetic to rural vernacular architecture.
94. However, the Conservation Officer raised a key concern regarding the scale and massing of the proposed structure. Specifically, the proposed height, which is stated to be in the region of 10m, would render the new building the most prominent feature in the immediate setting of Rouncefall. In their view, this would significantly detract from the architectural interest of the locally listed building and alter the way the heritage asset is experienced within its landscape context.
95. As such, the Conservation Officer concluded:
- "I am unable to support the application in its current form, on the basis that it would cause harm to the significance of the non-designated heritage asset in terms of the National Planning Policy Framework (December 2024), making paragraph 216 relevant".*
96. In response, the applicant's agent has defended the design rationale, asserting that the proposed height is historically informed. The applicant contends that traditional roof pitches on the farmstead were 45 degrees or greater and that lowering the ridge height would undermine the historic character of the site. The supporting Heritage Statement includes a historic photograph dated circa 1900 showing the former tithe barn adjacent to Rouncefall, suggesting that this barn was of substantial scale. The agent notes that this historic barn was demolished prior to 1919.
97. While the historical context provided is of interest, the case officer concurs with the assessment made by the County Conservation Officer. The scale of the proposed building, while inspired by historic precedent, is considered excessive in this context and would impose visually and spatially upon the locally listed building. Given the prominence of the structure and its relationship to the surrounding built form, the harm to the significance and setting of Rouncefall is considered material and unjustified by the proposed use or design intent.
98. Taking into account paragraph 216 of the NPPF and the guidance relating to non-designated heritage assets, the balanced judgement required by national policy leads to the conclusion that the level of

harm to the setting and significance of Rouncefall outweighs the benefits of the proposal as currently submitted.

99. In its current form, the proposed building is considered to result in harm to the setting of a non-designated heritage asset. The application cannot be supported unless amendments are made — in particular, a reduction in height and massing — to ensure the development is more respectful of the character, setting, and heritage significance of Rouncefall. Without such revisions, the proposal would fail to comply with paragraph 216 of the NPPF and the principles of good design and heritage protection embedded in the Council's adopted planning policies.

#### Equalities and Diversity Implications

100. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

101. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

102. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

#### **CONCLUSION**

103. Refuse

#### **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Ashingdon Parish Council : No comments received.

Essex County Council Place Services Conservation: I am unable to support the application in its current form, on the basis that, in my opinion, it would cause harm to the significance of the non-designated heritage asset in terms of the National Planning Policy Framework (Dec 2024), making paragraph 216 relevant.

London Southend Airport: No objection

Essex County Council Highways Authority: No objection subject to the public's rights and ease of passage over public footpath no. 4 (Ashingdon) to be maintained free and unobstructed at all times.

Essex County Council Place Services Ecology: Objection. We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on Great Crested Newt, bats and reptiles is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination.

Neighbours: No responses received

#### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024 revised in February 2025)

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - Policies GB1, GB2

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM15, DM25, DM27, DM30

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025)

The Essex Design Guide (2018)

Natural England Standing Advice

#### **RECOMMENDATION: REFUSE**

1. The proposed development, by reason of its excessive scale, height, and massing, would result in a visually dominant and intrusive built form that would adversely affect the setting and significance of the adjacent non-designated heritage asset, *Rouncefall*, a locally listed building recognised for its architectural and historic interest. The

proposed structure, reaching approximately 10m in height, would become the most prominent building in the immediate locality, thereby detracting from the architectural character and historic setting of Rouncefall and diminishing the way in which the heritage asset is experienced and appreciated.

The development is therefore considered to cause harm to the significance of a non-designated heritage asset, contrary to Paragraph 216 of the National Planning Policy Framework (December 2024), which requires that a balanced judgement be made having regard to the scale of any harm and the significance of the asset. The public benefits of the proposal do not outweigh the identified harm. The proposal also fails to comply with Policy DM1 of the Council's Development Management Plan (2014), which seeks to ensure that new development positively contributes to the character and appearance of the surrounding built and natural environment, including the setting of heritage assets.

2. The proposed equestrian building, by reason of its excessive height (10.38m to ridge), substantial footprint (216m<sup>2</sup>), and overall massing, would result in a visually prominent and disproportionate structure which would fail to preserve Green Belt openness and which would have a harmful impact upon the character and appearance of the area. The combination of vertical scale and expansive footprint introduces an intrusive built form into the countryside, contrary to the fundamental Green Belt purpose of preserving openness and preventing urban sprawl.

While equestrian uses may be appropriate in the Green Belt, the proposed building cannot be considered modest or essential in scale, contrary to the criteria set out in Policy DM15 of the Development Management Plan (2014), which requires that new equestrian development be of a modest scale, appropriate to its function, and designed to minimise any detrimental impact on the openness of the Green Belt and the character of the countryside. The height and bulk of the structure far exceed what is necessary for the stated private equestrian use and has not been justified by any demonstrated very special circumstances.

Furthermore, insufficient evidence has been submitted to demonstrate that the existing rural outbuildings on site are incapable of reuse or adaptation for the intended equestrian purposes. Policy DM15 requires that new development be permitted only where it is demonstrated that existing buildings are inappropriate or insufficient for the proposed use. No structural surveys or plans of the existing buildings have been provided to support the applicant's claim that they are unsuitable. As such, the proposal fails to follow the sequential approach required by policy and instead results in an unjustified new build in the Green Belt.

The development is therefore contrary to Policy DM15 of the Development Management Plan (2014) and guidance advocated within the NPPF, which require that development in the Green Belt preserve openness, be appropriate in scale, and demonstrate very special circumstances where harm is identified. The harm identified is not outweighed by any compelling justification or public benefit, and the proposal cannot therefore be supported.

3. The application fails to provide sufficient ecological information to enable the Local Planning Authority (LPA) to fully assess the potential impacts of the proposed development on protected species, namely bats, Great Crested Newts (GCN), and reptiles.

The Preliminary Ecological Appraisal (PEA) (ACJ Ecology, January 2024) identified that the site had low to minimal bat roosting potential but concluded that features on-site could support roosting, foraging, or commuting bats, and therefore further consideration or survey was required. However, the Biodiversity Assessment (ACJ Ecology, March 2025) makes no reference to the buildings originally assessed in the PEA, and aerial imagery indicates that these buildings have since been demolished. No updated survey or assessment has been submitted to address this change or confirm whether the potential impact on bats has been adequately assessed. This creates uncertainty regarding the presence or absence of bats and potential harm to a European Protected Species.

In relation to Great Crested Newts, the PEA acknowledges that the site lies within a Natural England amber GCN Risk Impact Zone and that a pond is located nearby, therefore indicating that further consideration is required. However, no further survey, Habitat Suitability Index (HSI) assessment of the pond(s), or use of Natural England's GCN Rapid Risk Calculator has been provided to determine whether GCNs are likely to be present or impacted.

Furthermore, the PEA makes an unclear statement regarding reptiles, noting the site may offer habitat for foraging, commuting, shelter, and hibernation, but also concluding the habitat is unsuitable due to a lack of diversity. There is no accompanying photographic or habitat evidence to clarify the site's suitability for reptiles. The Biodiversity Assessment refers to grassland as part of the site baseline, but it remains unclear whether this refers to the same habitat noted in the PEA. This ambiguity precludes a confident assessment of whether reptiles are likely to be affected.

Government Circular 06/2005 (Paragraph 99) and the Government's Standing Advice on protected species are clear that surveys for European Protected Species must be undertaken before a planning decision is made. Without this information, the LPA cannot discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), nor its biodiversity duty under Section 40 of the

Natural Environment and Rural Communities (NERC) Act 2006 (as amended), or demonstrate compliance with the duty to prevent wildlife crime under Section 17 of the Crime and Disorder Act 1998.

In the absence of the required ecological information, particularly species-specific surveys or assessments for bats, Great Crested Newts, and reptiles, the LPA cannot be certain that the development would not result in harm to protected species or their habitats. As such, the proposal is contrary to the National Planning Policy Framework, Circular 06/2005, relevant local development plan policies, and statutory obligations related to biodiversity and species protection.

4. The application fails to demonstrate compliance with the statutory requirement to deliver a minimum 10% measurable biodiversity net gain, as required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 and amended by the Levelling Up and Regeneration Act 2023). This requirement is further supported by the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and the Biodiversity Net Gain Planning Practice Guidance, particularly Paragraph: 011 Reference ID: 74-011-20240214, which sets out the information that must be submitted as part of a planning application where the biodiversity gain condition applies.

The submitted Biodiversity Assessment (ACJ Ecology, March 2025) and Statutory Biodiversity Metric (April 2025) are considered inadequate to assess whether the proposal meets the statutory biodiversity net gain requirement. Specifically, the assessment does not clearly state the date of the site visit undertaken for the metric assessment, and no site photographs have been included. This lack of visual and temporal evidence makes it difficult to verify the condition of baseline habitats or assess whether the current site conditions differ from those recorded during the Preliminary Ecological Appraisal (PEA) conducted in December 2023.

In addition, the PEA refers to the presence of trees within the site boundary, but these features have not been accounted for in the submitted Biodiversity Metric. Similarly, scrub habitat is identified in both the PEA and the Biodiversity Assessment and is shown on the baseline habitat plan and condition sheets, yet it is absent from the metric calculations. These omissions raise concerns about the completeness and accuracy of the submitted baseline data.

Furthermore, the grassland habitat within the site is classified in the metric as “moderate condition other neutral grassland”. However, the PEA describes the same area as modified grassland horse paddocks that are “homogeneous and lack diversity”. This inconsistency in habitat classification and assessment of condition requires clarification, supported by photographic evidence to justify the assigned condition and habitat type.

In light of the above issues, the application does not provide sufficient, accurate, or reliable information to confirm that the proposal achieves the mandatory 10% biodiversity net gain. Consequently, the proposal is contrary to the statutory requirements set out in Schedule 7A of the Town and Country Planning Act 1990 and the relevant supporting regulations and guidance.

The local Ward Member(s) for the above application is/are Cllr M R Carter  
Cllr Mrs D L Belton Cllr R P Constable

Application No :	24/00720/FUL      Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Ashingdon Parish Council
Ward :	Hockley And Ashingdon
Location :	Land Parcel EX456375 West Side New Hall Road Hockley
Proposal :	Use of land for the siting of 2no. containers (for use for storage) and open storage on concrete slab below canopy link between the containers. Construct hard surface access track and boundary fencing/gates. (Retrospective).

## **SITE AND PROPOSAL**

1. The application site comprises an elongated, rectilinear parcel of land situated on the western side of New Hall Road — an unmade, privately maintained track that links directly with Lower Road to the south. The wider locality is distinctly semi-rural in character, typified by sporadic residential development interspersed among expansive open fields and natural landscape features. According to the Council's Geographic Information System (GIS), the entirety of the application site lies within designated Metropolitan Green Belt.
2. The site itself extends to approximately 2,043m<sup>2</sup> in area, with approximate dimensions of 30.5m in width and 67m in length. The land is broadly level in terms of topography and is enclosed along the majority of its perimeter by close-boarded timber fencing measuring approximately 1.9m in height. The site is accessed via a pair of timber gates fronting New Hall Road, the gates are set back from New Hall Road by approximately 18m, and access is achieved by a drive, which is centrally located. This track is flanked on both sides by areas of modified grassland that provide a soft landscape buffer to the more intensively used central portion of the site.
3. Immediately beyond the access drive is a defined storage area enclosed by the aforementioned timber fencing. The ground surface in this area has been laid with a combination of gravel and hardcore to

facilitate the storage function. Toward the rear of the storage area, a further expanse of modified grassland extends to the western boundary of the site.

4. The application seeks retrospective planning permission for the change of use of land from its previous, likely agricultural, to a storage function, the perimeter fencing, hard standing and the containers including the canopy structure that provides cover between these containers. The two metal storage containers are positioned parallel to each other, with a canopy structure spanning the space between them. The area beneath the canopy has been surfaced with concrete and is used for open storage. In addition to the physical siting of the containers and the covered storage area, the proposal includes the formalisation of the existing gravelled access drive, the retention of boundary fencing and gates, and the continued use of a substantial portion of the site for open storage purposes.
5. The immediate context of the site contributes to its perceived rurality: to the north and south, dense, unmanaged woodland and overgrown shrubbery enclose the site visually, while to the east, across New Hall Road, lies a large, open agricultural field. These elements reinforce the open and undeveloped character of the Green Belt in this location.

## **RELEVANT PLANNING HISTORY**

6. No relevant planning pertinent to this site

## **MATERIAL PLANNING CONSIDERATIONS**

7. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
9. The key issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - the effect of the development on the openness of the Green Belt;
  - the effect of the proposal on the character and appearance of the area; and

- whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
10. The site is located within the Metropolitan Green Belt as defined by the Council's adopted Allocations Plan (2014). The key issues for consideration are:
- (i) Whether the proposal is inappropriate development in the Green Belt
  - (ii) The effect on the openness of the Green Belt
  - (iii) Other considerations and;
  - (iv) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
11. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (NPPF) (The Framework) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
12. For the purposes of consideration these containers although technically not buildings have the same effect as buildings and case law has reinforced this position such that they amount to and constitute operational development – and as such their considered harm in Green Belt openness should be considered accordingly. There is a case that paragraph 154 and 155 totally excludes containers from any possibility of being acceptable development from a definitional point of view. Even if taken for the purposes paragraph 154 that these containers amount to buildings they would not serve an agricultural use which paragraph 154 does make some provision for subject to certain criteria. These containers do not fall within any of the exceptions (a) to (g) of the Framework. Furthermore, the proposal does not meet any of the exceptions cited within exception h) of para. 154. The development despite any case placed forward by the applicant which is weak and unjustified in planning policy terms is considered inappropriate development by definition which infers a definitional harm to the Metropolitan Green Belt thereby conflicting with policy.
13. The application fulfils no criteria set out within Paragraph 154 or 155 of the 'Framework' which makes the development proposed exceptional or acceptable in Green Belt policy terms as therefore the development is considered inappropriate development by definition.

14. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Bearing this in mind, it is relevant to refer to recent case law, in particular, *Timmins and Lymn v Gelding Borough Council* 2014 and *Goodman v SSCLG* 2017. Another important case is *John Turner v SoS CLG* [2016] EWCA Civ 466 the Court of Appeal held that: "The concept of "openness of the Green Belt" is not narrowly limited [...] The word "openness" is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents". The Supreme Court ruled authoritatively on the meaning and application of the concept of "openness" within the Green Belt, in *R (Samuel Smith Old Brewery) v North Yorkshire County Council* [2020] UKSC 3.
15. Planning case law has established that harm is caused to the spatial aspects of openness by new structures impacting in the same way as buildings would irrespective of the visual context, scale, siting and appearance. It is the case however that these stated factors either alone or in conjunction with one another can be the aggravating cause of further harm which would further undermine the fundamental and underlying objective of Green Belt policy.
16. In light of all of the above, put succinctly, openness is the absence of development and has both spatial and visual dimensions. The effect on openness is not only related to the size of the proposal but also its purpose and the intensity of its use.
17. It is considered that planning permission is required for the storage containers on two primary grounds. First, the containers are considered operational development as defined by Section 55 of the Town and Country Planning Act 1990. Although these containers do not constitute permanent structures such as "bricks and mortar" buildings or foundations, case law confirms that they are akin to a building operation. This is due to the impact these containers can have, despite being moveable via hydraulic cranes. Essentially, the effect of the containers, in terms of their use and the physical impact on the land, is comparable to that of a building, necessitating planning permission. Second, the storage containers are associated with an unauthorised B8 use (storage and distribution), which constitutes a material change of use from the previously authorised agricultural use.
18. This application is entirely retrospective, as it seeks approval for the change of use of agricultural land to B8 storage. During the case officer's site visit, it was noted that two storage containers had been

placed on the land subject to the application. According to the submitted plans, each container measures roughly 2.5m in width, 6m in length, and 2.65m in height. The containers are situated on a concrete hard standing, which, based on the applicant's plans, was already in place. One container is located at the northern aspect of the slab, while the other is positioned near the southern end. A timber and felt canopy, measuring approximately 5.5m in length, connects the two containers, providing some shelter. The containers and ancillary canopy are situated in the southeastern corner of the subject site. The containers are used for the storage of personal items, as stated in the submitted application forms.

19. Access to the site is provided by a newly constructed driveway, which extends for approximately 18m and leads to a large, level parking area. The containers are situated within this parking area, which is relatively flat, and the land has been covered with hardcore to facilitate vehicle movement. The parking area measures approximately 30.5m in width by 21.3m in depth, covering an area of some 225m<sup>2</sup>. The boundaries of the parking area, where the storage containers are located, are defined by a 1.9m (approx.) close-boarded timber fence, as shown in the submitted plans. This combination of developments — including the containers, the parking area, the new driveway, and boundary treatment — collectively constitutes a material change of use and operational development, thus necessitating the submission of a planning application for retrospective approval.
20. The proposal raises significant concerns regarding its impact on the Green Belt, particularly with respect to its effect on openness, a fundamental characteristic of Green Belt land. The Green Belt's primary purpose is to prevent urban sprawl, maintain the distinct separation between urban and rural areas, and preserve the openness and natural beauty of the countryside. By introducing storage containers, a linking canopy, and a substantial amount of hardstanding, the development has altered the character of the site in a way that detracts from the surrounding rural landscape. Hardstanding areas, especially those designed to accommodate vehicle movements, introduce a permanent, man-made surface that reduces the natural permeability of the land, adding to the urbanized effect of the development. The introduction of this infrastructure within the Green Belt has resulted in the loss of significant space that was previously open, free from built development, and integral to the Green Belt's function.
21. Furthermore, the placement of storage containers themselves is especially concerning. Storage units, by their very nature, are not typically associated with rural settings, and their use in this context can be considered as an example of "inappropriate development." In the Green Belt, any development that does not meet the strict exceptions outlined in planning policy (and where there are no significant mitigating circumstances which may amount to very special

circumstances) are considered harmful, as it can lead to the erosion of openness. They represent a visual intrusion into the landscape that detracts from the aesthetic qualities that are protected within the Green Belt designation.

22. The canopy linking the containers further exacerbates the urbanizing effect of the development. Its presence further emphasizes and reinforces the sense of development on what should be an open, undeveloped plot of land. Canopies, in this context, contribute to a sense of enclosure, limiting the views and openness that are so valued in Green Belt land. When combined with the extensive hardstanding and the driveway for vehicle access, the development would become more akin to a small industrial or commercial facility, further eroding the spatial and visual qualities of the Green Belt.
23. The 1.9m high boundary fence also represents a significant issue. Green Belt areas typically benefit from natural and low-impact boundary treatments that allow for the free movement of wildlife and the uninterrupted flow of open vistas. A tall, solid fence would have the opposite effect, acting as a physical barrier that reduces the visual openness of the site and adds an element of harshness to the environment. Such boundary treatments often create a sense of confinement, contrary to the wide-open vistas that are characteristic of the Green Belt. The fence disrupts the seamless transition between the built environment and the rural landscape, further accentuating the development's urbanizing nature. The fence is stridently stark and oppressive and has a harmful effect on the character and appearance of the locality reducing the openness of the site.
24. The cumulative effect of these elements—storage containers, canopy, hardstanding, vehicle access, and a tall fence—has had a profound impact on the Green Belt's visual and spatial openness. The intrusion of built structures into the natural landscape detracts from the overall aesthetic and character of the area, undermining the very reasons the Green Belt was designated in the first place. The visual impact is particularly significant, as the development is visible from various vantage points within the immediate locality.
25. Moreover, the harm caused by such development extends beyond just the visual and spatial openness. It poses a risk to the ecological value of the Green Belt. The introduction of hardstanding, vehicle access, and man-made structures can disrupt local habitats and natural processes, diminishing biodiversity in the area. The Green Belt serves as an important area for wildlife, and any development that interferes with this function could have longer-term consequences for the health and sustainability of the local ecosystem, which will be addressed further down in this report.
26. In conclusion, the development would significantly harm the openness and character of the Green Belt. It is not merely a question of visual

intrusion but also one of ecological degradation and the loss of the fundamental qualities that make the Green Belt valuable. The proposal does not meet the necessary criteria for acceptable development within the Green Belt and would constitute an inappropriate and harmful intervention that runs counter to both national and local planning policies aimed at protecting these areas. The development's impact on the openness, aesthetic value, and ecological integrity of the Green Belt would likely outweigh any potential benefits, making the proposal unacceptable in its current form.

#### Very Special Circumstances

27. To qualify as 'very special', circumstances do not have to be other than 'commonplace', i.e. they do not have to be rarely occurring (R (Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin) at [29]). A number of factors combined can together amount to very special circumstances, and the weight to be given to each factor is a matter for the decision-maker. The planning balance will be considered qualitatively rather than quantitatively, as a value judgment made by the decision-maker. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The onus is upon the applicant to demonstrate that very special circumstances exist to outweigh the harm to Green Belt openness and any other harm for the Council to be able to grant planning permission for the proposal. In making those judgments, it is relevant to assess both the extent of harm caused, and then the nature of the very special circumstances that exist to outweigh that harm. As previously alluded to, it is well-established that very special circumstances may arise by reason of cumulative factors, even if those factors are not "very special circumstances" in their own right.
28. The applicant's submission lacks the provision of any robust or substantive planning arguments that could be classified as "very special circumstances" (VSC), which are essential to justify any development within the Green Belt. The Green Belt, by its nature, is subject to strict planning policies designed to prevent urban sprawl and preserve its openness, with the presumption against inappropriate development being a key and fundamental principle. In order to permit development within such an area, it is incumbent on the applicant to demonstrate that there are circumstances of sufficient weight to clearly outweigh the harm caused to the Green Belt. However, in this instance, the applicant has failed to provide any information or justification that would meet the threshold for VSC. The case officer has critically assessed the submission and concluded that the proposed development does not present any exceptional or unique factors that could override the fundamental planning principle of Green Belt protection. Therefore, in the absence of compelling planning reasons or mitigating factors, the application does not meet the required criteria for approval under Green Belt policies, and as such, should be refused.

## Impact on Residential Amenity

29. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
30. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
31. The proposed development is located at a sufficient distance from the nearest residential properties to minimize any potential adverse impacts on residential amenity. Rickin Hall lies approximately 24m to the north of the application site, while St Davids is situated 96m to the south. In the opinion of the case officer these distances are significant enough to reduce the likelihood of issues such as overlooking, overshadowing, or an overbearing impact, as the separation between the proposal and existing properties provides a degree of visual and acoustic relief. Additionally, the presence of intervening boundary treatments further mitigates potential disturbances, acting as a barrier that helps to reduce the transmission of noise and maintains privacy for the adjacent properties.
32. In terms of noise impact, it is acknowledged that the operation of vehicles accessing and egressing the site may generate some sound, including the noise from vehicle doors closing, conversations, etc. However, given the scale of the site and the relatively low level of activity anticipated, this is considered to be a minor and transient disturbance. The vehicular movement is unlikely to be frequent or intense enough to create significant long-term noise pollution or a disruption to the quiet enjoyment of nearby residential properties. Furthermore, the minimal intensity of the proposal means that such noise will be comparatively limited in duration and will not have a lasting impact on the residential properties.
33. Although intensification of a use in itself as established by case law does not amount to a material change of use if the site already benefits from a planning permission conditions could be applied to control the number of containers on site which would in any event require planning

permission as they amount to operational development. Therefore should the proposal be expanded in the future—such as the inclusion of additional storage units or other developments—this would necessitate a separate planning application. This new application would be subject to a fresh assessment process, ensuring that any potential impacts on residential amenity are thoroughly evaluated in light of the specific details of any future proposal. This would allow for a more tailored approach, considering the evolving nature of the development and its potential effects on the surrounding area. Overall, based on the current scale and nature of the proposal, it is concluded that the impact on residential amenity will be minimal and manageable and as such the proposal accords with policy DM1.

#### Flooding considerations

34. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such the development is compatible with the advice advocated within the framework.

#### Drainage considerations

35. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the framework states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, in the event that planning permission is approved, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Parking and Impact on Highway Safety

36. Policies DM1 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
37. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

38. Colleagues in Essex County Council Highways Department were consulted and stated that *“New Hall Road is a private road. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority”*.
39. Overall, it is considered there is sufficient car parking arrangements and appropriate access arrangements to serve the proposed change of use. It is not considered that the proposed use would cause demonstrable harm to the highway network. The comings and goings of vehicles as a result of this proposal will not result in significant disturbance to nearby residential neighbours. Furthermore, given the relatively limited floor space attributable to the proposal will naturally act as a barrier. Generally, it is considered that the proposal is acceptable in highway terms and would not have an adverse impact upon highway safety. The proposed development therefore accords with policies DM1 and DM30 of the Development Management Plan and the NPPF.

#### Trees

40. Policy DM25 of the of the Development Management Plan 2014 states that:

*‘Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.*

*Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.’*

41. There are no trees within the application that will be affected by the proposed development.

#### Ecology

##### On site

42. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council’s Local Development Framework Development Management Plan at Policy DM27, requires

consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.

43. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
44. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
45. No ecological appraisal report has been submitted by the applicant. As previously enunciated the proposal is wholly retrospective in nature. According to the submitted plans and the case officer site visit the access driveway is located centrally within the plot and on either side of the driveway is modified grassland and shrubbery. Whilst immediately to the north is the levelled parking area. Both the parking area and driveway have been formed via hardcore. Beyond the parking area is another area of modified grassland. As the works have already been completed and given the nature and use of site it is unlikely that any protected species will be on site and as such the proposal will not have a detrimental impact on ecological species in the area.

#### Biodiversity Net Gain

46. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) subject to some exceptions.

47. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
48. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

#### Other Matters

49. A neighbour has claimed that the proposal if allowed will create a precedent for similar types of development within the locality. However, in relation to planning there is no such as a planning precedent as every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous a search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their individual merits. However, in planning law, there is a "principle of consistency" in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. In regards to this there have been numerous Court cases, for example, *R v. London Borough of Wandsworth* (1983) This case established that while past decisions in planning are not strictly binding, they can be persuasive.
50. The court ruled that a planning authority must give reasons if it decides to depart from previous planning decisions that might suggest a similar outcome. It emphasized the importance of consistency in planning decisions to ensure fairness and avoid arbitrary decision-making. Additionally, *R v. Secretary of State for the Environment, ex parte Nottinghamshire County Council* (1986) This case clarified that, while planning authorities are not required to follow previous decisions, they must not act irrationally or in a way that is inconsistent with past practice without offering an adequate explanation. The court noted that

consistency in planning decisions is important to prevent confusion and unfairness. Also, *R (on the application of Collins) v. Secretary of State for Communities and Local Government* (2013) This case reinforced the idea that planning authorities need to consider relevant case law and precedent in the broader sense, particularly when a similar case has been determined under the same policies. However, the decision emphasized that each case must be considered based on its unique facts and circumstances. Whilst, *Mann LJ in North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: “One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency” and *R (Midcounties Co-Operative Limited) v Forest of Dean District Council* [2017] EWHC 2050 and *Baroness Cumberlege v Secretary of State for Communities & Local Government* [2017] EWHC 2057

51. Furthermore, the same objector is concerned that as the application is retrospective how can planning permission be subsequently granted. However, Section 73A of the 1990 Town and Country Planning Act states that planning permission may be granted for development which has been carried out before the date of the application. The act specifically applies to development carried out without planning permission, in accordance with planning permission granted for a limited period, or without complying with some condition subject to which planning permission was granted. This type of application is more commonly referred to as a retrospective planning application.

#### Equalities and Diversity Implications

52. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
53. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
54. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## CONCLUSION

55. Refuse

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Ashingdon Parish Council: No comments received

Essex County Council Highways Authority: No objections

Neighbours: 1 response from the following address;

Address: Unknown

- As per your proposal being retrospective most of the application is already complete;
- The site did include Oaks and native British trees this was stripped and levelled.
- If this proposal is allowed, the site on the opposite side of Lower Road which is considered for similar use, will have a precedent to carry on the same;
- There are major drainage problems and effluent run off from this whole area. Ditches have been filled to allow access.

## Relevant Development Plan Policies:

National Planning Policy Framework (December 2024)

Rochford District Council Local Development Framework Core Strategy (Adopted December 2011) Policy: GB1

Rochford District Council Local Development Framework Development Management Plan (Adopted December 2014) Policies DM1, DM30

Essex Planning Officers Association Parking Guidance Part1: Parking Standards Design and Good Practice (September 2024) (Adopted 16th January 2025)

Natural England Standing Advice

## RECOMMENDATION: REFUSE

1. The proposal constitutes inappropriate development within the Metropolitan Green Belt, as defined by The National Planning Policy Framework (December 2024) and the Rochford District Council Local Development Framework Allocations Plan (2014), which states that permission will not be granted except in very special circumstances. The introduction of storage containers, a linking canopy, extensive hardstanding, and the boundary treatment are all considered to be urbanizing features that reduce the spatial and visual openness of the

Green Belt. Furthermore, the applicant has not provided any justifications or reasons that would amount to very special circumstances that would be capable of consideration whether these circumstances would outweigh the harm caused by this development, as such the proposal is in conflict with paragraph 153 of the National Planning Policy Framework (NPPF). Moreover, the proposal does not comply with any of the exceptions listed in paragraph 154 of the NPPF, nor does it comply with Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) policy GB1 or the Rochford District Council Local Development Framework Development Management Plan (December 2014) policy DM1.

The local Ward Member(s) for the above application is/are Cllr M R Carter  
Cllr Mrs D L Belton Cllr R P Constable

Application No :	24/00526/FUL      Zoning : Conservation Area
Case Officer	Mr Richard Kilbourne
Parish :	Great Wakering Parish Council
Ward :	Foulness And The Wakerings
Location :	Site Of 84 High Street Great Wakering
Proposal :	Proposed detached house

## **SITE AND PROPOSAL**

1. The application site comprises a rectangular parcel of land situated to the rear of Nos. 84 to 88 High Street and immediately south of 1a North Street, within the settlement of Great Wakering. The site is positioned within the heart of the established village and falls wholly within the designated Great Wakering Conservation Area, reflecting its contribution to the historic and architectural character of the locality.
2. The site is relatively level in terms of topography, with no significant gradients that would materially impact future development potential. It is largely enclosed by a mixture of traditional brick boundary walls, which contribute positively to the character of the conservation area and reinforce a sense of enclosure and privacy.
3. Currently, the site is largely vacant and underutilized, with its primary function appearing to be informal parking. There are no permanent structures on the land. The underuse of this site presents an opportunity for sensitive redevelopment that could better contribute to the character and function of the surrounding area.

4. A key natural feature of the site is a large, mature walnut tree located towards the rear of the plot. This tree is protected by a Tree Preservation Order (TPO) due to its amenity value, contributing both to local biodiversity and the visual quality of the conservation area.
5. The site is situated within the defined residential envelope of Great Wakering as identified in the relevant Local Plan policies. As such, the principle of residential development is considered acceptable in land-use terms, subject to detailed design, scale, and impact considerations. Surrounding land uses are predominantly residential in nature, with a pattern of traditional dwellings to the north and east, while the High Street frontage to the west provides a mix of residential and commercial uses typical of a village.
6. According to the submitted plans the proposal is for the erection of a detached single storey dwellinghouse.

## **RELEVANT PLANNING HISTORY**

7. Application No. 89/00430/FUL – Convert shop to residential dwelling demolish existing kitchen and add two storey extension – Approved – 12<sup>th</sup> July 1989

## **MATERIAL PLANNING CONSIDERATIONS**

8. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
9. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### **Principle of Development**

10. The National Planning Policy Framework (NPPF) was revised in December 2024 and amended in February 2025 encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
11. The NPPF also advises that planning policies and decisions should ensure that developments:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - e) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
  - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
12. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
13. Policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached houses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and plot boundaries.
14. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and

whether the number and types of dwellings are appropriate to the locality.

15. According to the Council's GIS database the application site is located wholly within the settlement boundary of Great Wakering. Therefore, given that the application relates to a site within the settlement zone, the broad principle of development is acceptable.

#### Housing Land Supply

16. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

17. According to the submitted plans the proposal proposes the severance of a portion of the applicants curtilage for the construction of a detached two-storey dwelling. According to the recent Annual Monitoring Review for Rochford Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1no.) and as such if the proposal was permitted it would contribute to the existing shortfall, although given that one unit is proposed consideration would need to be given to how much weighting could be given to this contribution in real terms given the deficit.

#### Design

18. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. Moreover, policy H1 of the Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The framework encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The Framework advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

19. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
20. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
21. The current proposal is a full application for the erection of 1No. detached dwellinghouse. The redevelopment of a site, especially where it forms a significant part of local character, often disrupts the grain of development and will be considered unacceptable. The proposed dwelling as shown on the proposed site layout would directly face onto North Street. Properties on this part of North Street display varying architectural styles and there is little uniformity within the streetscene, which includes detached bungalows, 2 storey detached and semi detached properties. The roofscape is not homogenous and comprise a mix of hipped and gabled roof forms. Some of the properties are constructed out of facing brick (of varying colours and textures), whilst others are rendered and incorporate hung tiles on the front elevations. There is a rich tapestry of architectural styles and use of materials, which helps to create a sense of place. Generally, dwellings along North Street provide proportional gardens to the rear of the properties but the building line is staggered and regimented.
22. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached dwellinghouses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and the plot boundary.
23. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
24. The application site is located along North Street, characterised by a varied architectural vernacular, comprising detached and semi-detached dwellings with a mix of ridge heights, roof forms, and plot widths. There is no rigid building line or uniformity in scale and so

allows for a certain degree of design flexibility, provided that proposals remain respectful of established spatial and architectural rhythms.

25. The proposed development entails the erection of a detached single-family dwelling on a currently vacant parcel of land. The site is topographically level and, at the time of the case officer's visit, was in informal use as a car parking area. The ground surface primarily consisted of compacted soil, hardstanding with a minor section covered in grass. Notably, a mature walnut tree is situated towards the rear of the plot, in close proximity to the northern boundary and adjacent to the neighbouring property at No. 1a North Street.
26. The application site is defined along its northern and eastern boundaries by a brick wall measuring approximately 1.7m in height. This existing boundary treatment contributes to the sense of enclosure and will be largely retained as part of the proposal, thereby assisting in partially screening the new development from adjacent properties and the public realm.
27. According to the submitted site plan, the proposed dwelling will be set back approximately 2.9m from the shared boundary with Nos. 84, 86 and 88 High Street, and approximately 1m from the boundary with No. 1a North Street. These spatial separations reflect an effort to respect the amenity and privacy of neighbouring occupiers, while enabling efficient use of the plot.
28. The prevailing building line along North Street is characterised by a staggered alignment, reflecting a varied pattern of development. The proposed front elevation of the new dwelling will project approximately 1.3m beyond the principal elevation of the adjacent dwelling at No. 1a North Street. While this forward projection is noted, it is not considered to result in visual harm or appear incongruous in the streetscene, owing to the irregular nature of the established building line. As such, the proposed siting is deemed to respond appropriately to the existing context.
29. It is considered that the proposed dwelling has been sensitively positioned within the site to minimise impacts on neighbouring properties and to respect the local pattern of development. The retention of the existing boundary wall provides a degree of visual mitigation, and the forward projection of the dwelling is considered acceptable within the context of the staggered built form along North Street.
30. The submitted plans demonstrate that the dwelling can achieve a minimum plot width in excess of 9.25 metres and maintain a minimum 1-metre separation from both side boundaries. These spatial arrangements conform to the spatial parameters stipulated in the Council's Supplementary Planning Document 2 – Housing Design (SPD2), which emphasises the importance of avoiding

overdevelopment and preserving adequate space between dwellings to sustain suburban character and visual relief within the streetscape.

31. The proposed dwelling adopts a simple but considered elongated rectilinear shaped footprint, measuring approximately 6m in depth by 12.1m long (maximum). It rises to a modest ridge height of 4.8m and 2.3m at the eaves. This scale is contextually appropriate, siting comfortably within the range of neighbouring ridge heights, which vary in scale. The moderate height ensures that the new building will not dominate the skyline or appear visually intrusive when viewed from the public realm.
32. The architectural composition of the proposed built form is deliberately articulated through the deployment of hipped roof planes in combination with a projecting gable element. This approach effectively modulates the overall scale and massing of the structure, mitigating any perception of a monolithic or excessively horizontal form. By introducing variation in roof geometry and elevational depth, the design achieves a visually balanced and contextually responsive outcome.
33. Furthermore, spatial relief is achieved through the incorporation of a 1-metre-wide side access along the northern boundary. This not only enhances visual permeability but also contributes to a more generous interface with the adjoining property, avoiding a sense of overdevelopment or visual compression. On the opposing (southern) flank, a 2.9-metre-wide separation has been provided, accommodating the tandem parking of two vehicles. Beyond its utilitarian function, this spatial gap plays a critical role in reinforcing the proposal's overall legibility and breathability, ensuring the built form sits comfortably within its site and avoids any impression of spatial congestion or excessive site coverage.
34. The design language is restrained and adopts traditional materials – facing brickwork, concrete roof tiles, whilst uPVC windows and doors although not traditional – are consistent with the local material palette. While the architecture is not avant-garde, it is contextually sensitive, avoiding pastiche or inappropriate mimicry. The balanced and proportionate fenestration strategy contributes positively to the façade rhythm and ensures natural surveillance onto North Street.
35. The rear elevation is dominated by a set of bi-fold doors that extend across most of its width, introducing a contemporary visual element and enlivening an otherwise plain façade. On the opposite elevation, a large picture window is positioned within the projecting gable, complemented by a smaller window on the recessed section. The proposed simple, horizontally aligned window arrangement breaks up the uniformity of the brickwork, adding visual interest and reducing the building's perceived mass.

36. The side elevations of the proposed development have been designed with a clear sensitivity to context, neighbouring amenity, and architectural coherence. Particular attention has been paid to the relationship with adjacent properties and the overall visual impact of fenestration on the building's massing.
37. The flank elevation facing No. 1a North Street incorporates three openings. Two of these serve bathrooms—one an en-suite and the other a family bathroom. Both are modestly scaled, ensuring privacy is maintained and visual impact is minimal. The third aperture, marginally larger in size, serves the living/dining area. Importantly, this is a secondary window, not the principal source of light or outlook for the room. Its positioning and scale have been carefully considered to avoid any undue overlooking or loss of privacy to neighbouring properties. As such, the proposed openings on this elevation are considered appropriate and proportionate in both number and size.
38. The opposing flank elevation accommodates a personnel access door and two windows: one serving the kitchen and the other, again a secondary window, serving the living/dining area. Both windows are of similar modest dimensions and, when viewed in context, contribute to a balanced architectural composition. The overall glazed-to-solid ratio on this elevation has been deliberately calibrated to break up the potential visual mass of the flank wall, thereby avoiding a monolithic or overly robust appearance.
39. This treatment aligns with the overarching design philosophy of the development, which prioritises proportional fenestration, architectural rhythm, and minimal visual intrusion. The restrained use of glazing not only supports the privacy of both the future occupants and neighbouring properties, but also contributes positively to the building's scale, massing, and articulation. As such, the side elevations are considered to respond positively to both the site context and the objectives of good urban design.
40. Although the development does not introduce innovation in architectural language, it demonstrates a measured and responsive design approach. It respects the rhythm and hierarchy of forms in the area while asserting a subtle contemporary presence through its gable articulation, and glazing.
41. The overall site layout, including the provision of on-site car parking to the side and private amenity space to the rear, demonstrates that the plot is capable of accommodating the proposed dwelling without leading to overdevelopment. The relative generous plot size avoids any sense of visual congestion or over-intensification and provides adequate space for soft landscaping and tree planting to further integrate the building into its setting.

42. Internally, the dwelling provides a good standard of accommodation, with a logical division between social and private spaces. According to the submitted plans there will be hall, 2no. bedrooms (one ensuite), family bathroom, kitchen and living/dining room. This arrangement ensures the dwelling meets modern standards of functionality and liveability.
43. When assessed against the relevant design policies – including Local Plan Policy DM1, SPD2, the Essex Design Guide, and the Framework , the proposal is found to be compliant. It demonstrates adherence to design principles including scale, massing, articulation, material compatibility, spatial quality, and contextual sensitivity.
44. While the design is modest and not architecturally distinctive, it does not need to be so in order to meet the test of good design. The Framework supports development that is sympathetic to local character without necessarily replicating it, and the proposed dwelling achieves this balance.
45. The proposed development constitutes a well-designed, contextually appropriate addition to North Street. It maintains the character of the surrounding area, delivers an acceptable standard of accommodation, and avoids harmful impacts in terms of visual amenity or townscape coherence. In conclusion, from a design and visual impact perspective, the proposal is compliant with both national and local planning policy.

#### Impact on Residential Amenity

46. Paragraph 135 (f) of the framework seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
47. Amenity is defined as a set of conditions that one ought reasonably to expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
48. It is considered that the redevelopment of the site for housing within an existing residential area is compatible with the surrounding land uses. The proposal is unlikely to result in significant noise, air or water

pollution. A principal consideration in determining this application is its effect upon the residential amenity of adjacent occupiers.

49. Para 7.1 of the Council's SPD 2 (Housing) states the relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas. Policy DM1 *inter alia* states proposals should avoid overlooking, ensuring privacy and promoting visual amenity; and form a positive relationship with existing and nearby buildings.
50. The submitted plans indicate that the proposed dwellinghouse will be positioned approximately 3.3m from the shared boundary with the neighbouring property at No. 1a North Street, reducing to a minimum separation of 1m at its closest point. The boundary between the two properties is currently defined by a brick wall approximately 1.7m in height, which provides a moderate level of visual screening, particularly at ground floor level. This existing boundary treatment plays a role in reducing potential impacts in terms of privacy and visual intrusion.
51. The neighbouring property, No. 1a North Street, is a two-storey semi-detached dwelling. It has several window openings on the side (flank) elevation facing the application site, located at both ground and first floor levels. These flank elevation windows are typical of such residential settings and, by virtue of their position, often experience limited daylight and outlook due to the proximity of adjacent buildings. They are not generally considered to provide the principal means of light or amenity to habitable rooms.
52. The proposed development includes three windows on the flank elevation facing No. 1a North Street, as shown on the submitted plans (Drawing No. 4: Proposed Floor Plan and Elevations). Of these, two are intended to serve an en-suite and a family bathroom—both of which are classified as non-habitable rooms. The third window is a secondary opening to a living/dining area, which is also served by other primary sources of light and outlook. As such, none of the proposed windows are considered to significantly compromise the privacy or amenity of the adjacent property. Furthermore, their functional role within the internal layout limits any potential for harmful overlooking or loss of amenity.
53. In assessing the likely impact on the residential amenity of No. 1a North Street, several factors have been taken into account, including the separation distances, the scale and massing of the proposed development, the screening provided by the existing boundary wall, and the orientation and usage of the proposed windows. The degree of separation between the properties is considered to be sufficient to mitigate any unacceptable sense of enclosure or overbearing impact. The overall height and mass of the proposed dwelling are not

excessive in relation to the neighbouring property, and the design has been carefully considered to avoid dominance or visual intrusion.

54. Taking all of the above into consideration, it is concluded that the proposed development would not give rise to any significant or demonstrable harm to the residential amenities of the adjoining occupiers at No. 1a North Street. Specifically, the proposal would not result in an unacceptable loss of privacy, daylight, or outlook, nor would it appear unduly overbearing when viewed from the neighbouring property. The scheme is therefore considered to comply with relevant planning policies and design guidance relating to the protection of residential amenity.
55. The case officer has carefully assessed the potential impacts of the proposed development on the neighbouring properties at numbers 84, 86 and 88 High Street. The proposed dwelling is oriented at approximately a 90-degree angle in relation to these adjacent properties, resulting in the flank elevation of the new building facing directly towards the rear elevations of numbers 84, 86 and 88.
56. Numbers 84, 86 and 88 comprise a row of terraced properties, with the application site located immediately to the north of their rear gardens. The separation distance between the proposed development and these properties measures approximately 8m from the rear two-storey wing extensions, extending to roughly 12m when measured from the recessed rear elevations. This spatial arrangement provides a substantive buffer between the new and existing built forms.
57. Both neighbouring dwellings feature multiple windows on their rear elevations at both ground and first-floor levels, which warrant careful consideration in terms of privacy and outlook. The proposed dwelling's flank elevation includes three apertures: a personnel door, a kitchen window, and a secondary window serving the living/dining area. Importantly, the development is single-storey in nature, which inherently limits the vertical bulk and reduces the potential for overshadowing or overbearing visual impact.
58. From an urban design and amenity perspective, the scale and positioning of the proposed dwelling are such that it is unlikely to exert a dominant or oppressive presence over the neighbouring properties. The separation distances further mitigate concerns relating to loss of privacy, visual intrusion, and overshadowing.
59. Moreover, any residual concerns relating to privacy and visual impact are proposed to be addressed through the implementation of robust boundary treatments and landscaping. These elements, which can be secured by condition, are expected to provide additional physical and visual screening, thereby softening the development's overall visual impact and reinforcing a clear delineation between private amenity spaces.

60. Given the relative orientation and positioning of the properties, the proposal is not anticipated to result in any material loss of daylight or sunlight to the neighbouring dwellings or their gardens, nor cause any undue overshadowing.
61. In conclusion, the proposed development's design, scale, orientation, and mitigation measures collectively serve to minimize its impact on the amenity of neighbouring properties at numbers 84, 86 and 88 High Street.
62. The rear boundary of the application site directly adjoins the rear garden of No. 90 High Street, intersecting at a precise 90-degree angle. The proposed dwellinghouse is sited approximately 4.8m from this rear boundary, establishing a clear spatial separation between the new development and the adjacent property. Given this separation, alongside the modest scale and design of the proposal, it is assessed that the development will not result in any demonstrable harm to the residential amenities of No. 90. Specifically, there is no anticipated adverse impact in terms of overlooking, loss of natural daylight, overshadowing, or a sense of overbearing presence.
63. In conclusion, the scale and configuration of the proposed development has been carefully considered in relation to all neighboring properties. The proposal maintains sufficient distances to prevent material overlooking or overshadowing effects on surrounding dwellings. Furthermore, it respects the visual and spatial context of the area, ensuring that it does not unduly dominate or detract from the outlook enjoyed by existing residents. The retention of appropriate separation distances mitigates potential privacy concerns and preserves the established character of the locality.

#### Living Conditions of Future Occupiers

##### Garden Sizes

64. The NPPF seeks that the creation of places are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
65. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size for each type of dwelling house. Paragraph 130 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
66. Supplementary Planning Document 2 requires a minimum 100m<sup>2</sup> garden area for all new dwellings except one and two-bedroom

dwellings where a minimum private garden area of 50m<sup>2</sup> would be required. The proposed development would provide 1no., two bedroomed dwelling. According to the submitted layout plan the proposal would have a private amenity of approximately 52m<sup>2</sup>, which would satisfy the outdoor amenity space requirements, as set out in SPD2.

## Sustainability

67. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
68. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
69. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
70. A single storey dwelling which would comprise of two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 61m<sup>2</sup> or 70m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 2m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwellings will measure approximately 63m<sup>2</sup> and exceed the minimum requirements.
71. The table below shows the Gross Internal Floor area for each of the bedrooms.

Bedroom No.1(Master)	12m <sup>2</sup>
Bedroom No.2	9.25m <sup>2</sup>

72. According to the submitted plans no storage space is indicated; however, the proposal exceeds the recommended minimal GIA for a two bedroomed property and as such it is considered insufficient justification to warrant a refusal and substantiate it at any future Appeal.
73. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
74. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Drainage

75. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Flooding

76. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.

#### Refuse and Waste Storage

77. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for

green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

#### Impact on Highway Safety

78. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking, whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
79. Essex County Council Parking Guidance (2024) requires that development provide off-street parking proportionate to its connectivity level as defined in Appendix A of the same. The application site is deemed to have 'very low' connectivity and therefore for a 2- bedroom dwelling, 2No. parking spaces are required.
80. In accordance with paragraph 116 of the framework, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
81. The application includes a detailed layout plan, which demonstrates that the proposed new dwelling would benefit from a dedicated vehicular access and egress directly onto North Street. North Street is a private, unadopted road without formal surfacing and is shared with a Public Right of Way. Notwithstanding its informal nature, it is a functioning access route serving existing properties in the locality and is not subject to any current restrictions that would prevent access or intensification of use.
82. The proposed layout confirms the provision of at least two off-street parking spaces located at the front of the proposed dwellinghouse, arranged in a tandem formation at the side of the proposed dwellinghouse to ensure usability and to minimise manoeuvring requirements. In order to gain access into the site an opening will be created in the existing brick boundary wall, which delineates the subject

site. This level of provision is consistent with the Council's adopted parking standards for a dwelling of this size and location and ensures that there would be no displacement of vehicles onto surrounding roads or neighbouring land.

83. Given the site's access onto a private road, the Local Planning Authority considered it appropriate to consult Essex County Council's Highways Authority. The Highways Authority responded stating that *"The proposal site is located in a private road that is shared with a Public Right of Way footpath. The proposal includes subdivision of the site and creation of a detached dwelling with a new vehicle access and off-street parking. The applicant should seek permission from the landowner of the private road for the installation of the vehicle crossover and the applicant must ensure that adequate visibility is available between users of the Public Right of Way footpath and the new access. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable"*.
84. The Highways Engineer has stated that if planning permission is to be approved it should be subject to the imposition of conditions relating to public's rights and ease of passage over public footpath no. 29 (Great Wakering) shall be maintained free and unobstructed at all times, on-site vehicle parking shall be provided with dimensions in accordance with the current parking standards, cycle parking, residents travel information pack, reception and storage of building materials and standard informatives.
85. This formal consultation response provides a clear and expert opinion that the proposal would not result in any unacceptable impact on the highway network, nor would it give rise to safety concerns. The development meets the minimum parking standards and has been found to be acceptable in principle by the relevant statutory consultee.
86. The Local Planning Authority has no evidence to suggest that the development would result in conditions contrary to paragraph 116 of the framework. While it is acknowledged that North Street is of limited width and informal construction, the introduction of a single dwelling is not considered to result in a level of vehicular movement or intensification that would give rise to either a severe cumulative impact or an identifiable risk to highway safety.
87. Furthermore, the proposed access arrangements and parking provision ensure that vehicles can enter and leave the site in a safe and practical manner, without giving rise to conflict with other users of the private road. It is also relevant that North Street already accommodates residential properties, and the proposed development is compatible with the established pattern and intensity of use. As North Street is a private road it is the responsibility of the applicant to ensure that they have permission from the landowner of the private road for the installation of the vehicle crossover and this is a private matter.

88. In light of the above assessment, it is concluded that the proposal provides adequate off-street car parking and satisfactory access arrangements in line with the Council's adopted parking standards and Development Management Plan Policies DM1, DM3, and DM30. There is no technical objection from the Highway Authority, and the proposal does not conflict with paragraph 116 of the framework. The development would not result in a severe impact on the local road network, nor pose an unacceptable risk to highway safety. Accordingly, the proposal is considered acceptable in highways and transportation terms.

## Trees

89. Policy DM25 of the Development Management Plan (2014) seeks to ensure that development proposals conserve and enhance existing trees and woodlands, particularly Ancient Woodland. The policy is explicit that development causing harm to trees - directly or indirectly - will only be permitted if the justification for the development clearly outweighs the value of retaining these natural features. Furthermore, where tree loss is unavoidable, robust mitigation of equivalent value or area is required, rather than token compensation.

90. The applicant has submitted a detailed Arboricultural Report prepared by Open Spaces Landscape Architects, dated May 2025. This report identifies a single Walnut tree located towards the rear of the site, classified under BS 5837 as a Category C tree—indicating a specimen of low quality or value. Despite this classification, the report notes that the tree remains protected by a Tree Preservation Order (TPO/00005/96) and lies within a designated Conservation Area. The report acknowledges the statutory protection reflects the Council's historic judgement of the tree's amenity, ecological, or heritage significance.

91. Importantly, the Open Spaces report provides a comprehensive assessment of the tree's condition and its role within the site. While recognising the tree's lower category rating, the report does not recommend removal. Instead, it proposes management measures to retain the tree, including clearing ivy, removing the dead co-dominant stump where practicable, and crown lifting or reducing branches to maintain a minimum clearance of two metres from the proposed dwelling. The report explicitly states that there is no intention to remove the tree.

92. This approach contrasts with the Council's Arboriculturist, who acknowledges the tree's compromised condition—highlighting prior structural damage, historic pruning, and fungal infection (*Inonotus hispidus*)—and considers the tree's retention unviable, particularly due to anticipated encroachment into the Root Protection Area (RPA) from the proposed development. The Council's Arboriculturist also raises

concerns regarding future pressures from occupiers to prune or remove the tree due to shading, overhanging branches, leaf litter, and perceived risks, which have already led to similar requests from neighbours. The Arboriculturist concludes that these factors increase the risk that the tree's protected status would be undermined over time, leading to its eventual loss.

93. However, the case officer supports the conclusions and recommendations made by Open Spaces Landscape Architects, valuing the report's emphasis on retention and pragmatic management. This perspective reflects a more balanced consideration of the tree's condition, protection status, and the potential for mitigation without removal.
94. It is important to stress that Policy DM25 does not treat trees differently based on category alone. While tree categorisation provides useful guidance, the policy requires that removal must only occur where the benefits of development outweigh the loss, mitigation is of equivalent value or area, and removal is demonstrably unavoidable. Whilst the concerns of the Councils Arboriculturist are noted pertaining to possible future pruning, leaf litter etc. The threat from future residents is largely perceived or anticipated, not guaranteed. It's a common planning consideration but remains speculative until actual requests or problems arise. In regards to RPA the applicant is proposing to utilise a pile and void type foundation and the submitted tree protection plan accompanying the arboricultural report indicates is a viable alternative, which should not impinge upon the tree. The Open Spaces report's management proposals represent a viable alternative to removal, one which seeks to conserve the tree consistent with policy aims.
95. The replacement planting strategy proposed by the Councils Ecologist proposes a single *Carpinus betulus* 'Frans Fontaine' (Hornbeam) on the western boundary. While this species is broadly suitable, the compensatory planting does not fully reflect the landscape, ecological, or heritage value of the mature Walnut, particularly within the Conservation Area. The Open Spaces report implicitly supports retention rather than removal, underscoring that mitigation planting is not a substitute for the established amenity provided by the existing tree.
96. Allowing the removal of this TPO-protected tree, based primarily on a low quality classification influenced by fungal presence and historic pruning, risks undermining the purpose of tree protection in Conservation Areas. The precautionary principle underpinning Policy DM25 and the National Planning Policy Framework strongly advocates for retention unless removal is clearly justified by overriding public or planning benefits.
97. While the physical condition of the Walnut tree — including evidence of decay, prior structural damage, and fungal infection — is

acknowledged, these factors alone do not justify its removal in policy terms. The tree remains protected by both a Tree Preservation Order and its location within a designated Conservation Area. Policy DM25 sets a high bar for the removal of protected trees, and in this case, that threshold has not been met. As such the case officer does not agree with the conclusions reached by the Council's arboricultural officer. It is considered that the Open Spaces Landscape Architects' Arboricultural Report represents a critical and authoritative assessment advocating for the retention and proactive management of the Walnut tree. The report's recommendations offer a practical alternative to removal, which aligns with policy objectives to protect and enhance trees within the built environment.

#### On-site Ecology

98. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
99. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
100. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
101. Concerns were previously raised by Essex County Council Place Services Ecology regarding the potential for the existing mature Walnut

tree on site to provide roosting opportunities for bats, a European Protected Species. In response, the applicant commissioned a specialist Bat Survey undertaken by Essex Mammal Surveys (John Dobson), dated July 2025.

102. The submitted Bat Survey included a Ground Level Tree Assessment (GLTA) and a wider site appraisal. The assessment concluded that the Walnut tree presented negligible bat roost potential and found no evidence of bats at the site. Accordingly, the report confirms that a European Protected Species Licence is not required for the proposed development.
103. Although no evidence of bats was recorded and no further bat-specific surveys are considered necessary, the submitted ecology report proposes a suite of biodiversity enhancements intended to support local wildlife and contribute positively to the site's ecological value. These measures are consistent with the aims of the NPPF and relevant local policy requirements to deliver measurable net gains in biodiversity. The recommendations include:
  - Installation of two bird nesting boxes on suitable trees or buildings within the site.
  - Provision of a hedgehog nesting box to be positioned at the base of a boundary feature.
  - Installation of two solitary bee hives within appropriate locations on site.
  - Introduction of hedgehog-friendly boundary treatments, by providing small gaps at the base of fences to facilitate wildlife movement.
104. These measures are proportionate and reasonable given the scale and nature of the development and reflect good practice in urban biodiversity enhancement.
105. Following receipt of the Bat Survey, Essex County Council Place Services Ecology were formally consulted. Their subsequent response confirmed that: *"No ecological information relating to the likely impacts of development on designated sites, protected species, and Priority species & habitats had previously been submitted, save for the recently received Bat Survey (Essex Mammal Surveys, July 2025). A desktop review has been undertaken, including interrogation of DEFRA's MAGIC mapping tool. We are now satisfied that there is sufficient ecological information available to support determination of this application."*
106. It is therefore considered that Essex County Council's Ecology service is satisfied that the application now provides adequate information to enable the LPA to reach a reasoned conclusion on the potential impacts on biodiversity and protected species.

107. The applicant has confirmed that the Walnut tree will be retained as part of the development. Necessary pruning and maintenance works will be carried out, but no works are proposed that would significantly impact the tree's ecological function. Given the tree's assessed negligible bat roost potential, no further surveys or derogation licences are required.
108. Notwithstanding the findings of negligible risk, it is recommended that precautionary mitigation measures be secured via a suitably worded planning condition. This would ensure that best practice protection measures are adopted during construction works, particularly in respect of safeguarding the retained Walnut tree and minimising harm to any protected or Priority species in the vicinity.
109. Should external artificial lighting form part of the development proposals, a sensitive lighting strategy should be secured by condition to avoid adverse impacts on foraging and commuting bats and other nocturnal wildlife. The following principles should be incorporated into any lighting design:
- Lighting levels should be kept as low as reasonably practicable for the task required.
  - UV light-emitting luminaires (such as metal halide and compact fluorescent) should be avoided.
  - Warm white lighting (<2700k) should be specified to reduce attraction to insects, thereby mitigating indirect impacts on light-sensitive bat species.
  - External security lighting should be motion-activated and limited to the shortest time periods necessary.
  - All luminaires should be mounted to direct light downwards only, with no upwards spill above 90°.
110. In light of the submitted information and professional advice received, the LPA is satisfied that the potential ecological impacts of the proposed development have been appropriately assessed in accordance with relevant legislation and policy, including the Conservation of Habitats and Species Regulations 2017 (as amended) and the NPPF.
111. Subject to the imposition of conditions securing the following, the proposals are considered acceptable in ecological terms:
1. Biodiversity Method Statement detailing all avoidance, mitigation, and enhancement measures.
  2. Biodiversity Enhancement Strategy, securing the delivery and maintenance of measures outlined in the submitted Bat Survey.
  3. Sensitive Lighting Scheme in accordance with the principles set out above.

112. These conditions are necessary to ensure that the development complies with the statutory duty and achieves a positive contribution towards biodiversity net gain.

#### Off-Site Ecology

113. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (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 pressures.

114. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations 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 significant test

Is the development within the zone of influence (Zol) for the Essex Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

Proceed to HRA Stage 2: Appropriate Assessment - 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

115. 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 disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

116. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority.

#### BNG

117. With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain Plan (Planning direct, May 2025) and the Statutory Small Site Metric (Completed 15th May 2025). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage.
118. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:
- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
  - b) Pre and post development habitat plans.
  - c) Legal agreement(s)
  - d) Biodiversity Gain Site Register reference numbers (if using off-site units).
  - e) Proof of purchase (if buying statutory biodiversity credits at a last resort).
119. Consultation advice has indicated general satisfaction that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:
- The Biodiversity Net Gain Plan (Planning direct, May 2025 states the medium size tree will be removed and replaced, however, the metric shows this is to be retained. It is our understanding the tree will be retained. However, if this is not the case the removal and re-planting will need to be factored into the assessment.

120. In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.
121. Additionally, no biodiversity enhancement measures are identified in the documents provided. We recommend that, to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024), biodiversity enhancement measures will need to be provided. The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.
122. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.
123. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent Biodiversity Method Statement and Biodiversity Enhancement Strategy.

#### Impact on Conservation Area

124. The application site is located entirely within the Great Wakering Conservation Area, a designated heritage asset protected under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, under Section 72(1) of the Act, the local planning authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In light of this, the case officer sought specialist input from Essex County Council's Place Services Conservation Officer to assess the heritage implications of the proposed development.
125. The conservation officer identified the application site as being immediately adjacent to No. 84 High Street, which forms part of a row of slate-roofed cottages (Nos. 84–92) described in the Great Wakering Conservation Area Appraisal as “an attractive row of slate-roofed cottages, possibly nineteenth century in date.” The application site itself is referenced in the Appraisal as a wide rear yard accessed via an unmade driveway with a grass verge and enclosed by a traditional stock brick wall on the North Street frontage. Collectively, this composition—comprising the open plot, traditional wall, and proximity

to historic cottages—was deemed to make a positive contribution to the significance of the Conservation Area.

126. Historically, No. 84 High Street operated as a shop, which was converted to residential use in the late 1990s. The wider plot previously contained ancillary workshop buildings, which were later demolished and replaced with two semi-detached red-brick dwellings. The Conservation Area Appraisal notes that these newer dwellings detract from local character due to their double-gabled front elevations and inappropriate dark window framing. Nevertheless, the residual yard and historic boundary wall retain historic, evidential, and aesthetic value. In particular, the brick wall reinforces the historic character of North Street as an unmade Victorian road and contributes to the area's distinct visual identity.
127. The original proposal sought permission for a two-storey detached dwelling within the remaining open yard. The conservation officer raised concerns that the insertion of a prominent structure in this location would compromise the spatial openness of the historic yard and necessitate the partial demolition of the historic boundary wall. This would diminish the site's contribution to the heritage significance of the Conservation Area and negatively affect the setting of the adjacent cottages. While the degree of harm was assessed as "less than substantial" within the meaning of NPPF, it was considered that the harm—albeit at the lower end—was not justified by any overriding public benefit.
128. In response to these concerns, the applicant submitted amended plans. The revised scheme replaced the originally proposed two-storey dwelling with a single-storey bungalow. This change significantly reduces the scale and massing of the development and is more sympathetic to the character and grain of the surrounding built form. Additionally, the applicant confirmed their intention to retain and repair the majority of the existing brick wall, while removing only a 3-metre section to facilitate vehicular access. The remainder of the wall would be repointed using lime mortar, and the applicant indicated a willingness to accept a condition securing its refurbishment and retention.
129. Upon reconsultation, the conservation officer considered the revised scheme to be an acceptable compromise. They recommended that the proposed repair works be carried out using traditional materials and techniques—specifically lime mortar repointing—and that additional conditions be imposed regarding the design and material of any new gates, landscaping, and boundary treatments. It was further recommended that the existing open access fronting High Street be enclosed with a matching brick boundary wall to reinforce the continuity and character of the streetscape.

130. In conclusion, it is considered that the amended proposal successfully addresses the earlier concerns relating to harm to the heritage asset. The reduction in height and scale of the building, the retention and repair of the historic wall, and the introduction of appropriate materials and design controls all contribute to a development that now preserves the character and appearance of the Conservation Area, thereby satisfying the statutory duty under Section 72(1) of the Act. The proposal is also considered to comply with Policy DM1 of the Local Plan, which requires high-quality development that respects local character and context, as well as the objectives set out in the Great Wakering Conservation Area Appraisal and Management Plan. Furthermore, the scheme aligns with relevant paragraphs of the NPPF, which collectively seek to ensure that new development sustains the significance of heritage assets, responds positively to local character, and is informed by high-quality, traditional materials and detailing.

#### Archaeology

131. The Essex County Council Archaeologist was consulted as part of the application process and has advised that the proposed development lies within an area of high archaeological sensitivity. The site is situated within the Great Wakering Conservation Area (HER reference DEX 22844), which encompasses the historic core of the village, characterised by linear development along the High Street.
132. Historic cartographic sources, including the 1841 Tithe Map and the 1880 First Edition Ordnance Survey Map, indicate that the High Street aligns with an earlier east–west route, with co-axial boundary lines extending perpendicularly from it. These maps also reveal the presence of narrow strip fields or burgage plots running to the rear of street-fronting properties, a settlement pattern strongly indicative of an early planned village. The morphological characteristics of the area suggest that the origins of the settlement could date back to the middle-to-late Saxon period or the late eleventh to mid-twelfth century.
133. Given the archaeological potential of the site, there is a reasonable likelihood that below-ground heritage assets, including evidence of early land division or settlement activity, may survive within the development footprint and could be impacted by groundworks associated with the proposal.
134. Accordingly, while no objection is raised to the principle of development, the County Archaeologist has recommended that any planning permission granted should be subject to appropriately worded conditions requiring a programme of archaeological investigation. This would include archaeological trial trenching followed by targeted excavation, where necessary, to ensure that any heritage assets of archaeological interest are appropriately recorded

and, where feasible, preserved by record in accordance with guidance advocated within the NPPF and local planning policy.

#### Other Matters

135. The LPA confirms that all statutory consultation procedures have been carried out in strict accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as well as the National Planning Practice Guidance (NPPG) relating to public engagement. This includes the display of a site notice in a prominent and publicly visible location near the application site to ensure general public awareness of the proposal. This is a standard and lawful method of notifying individuals who may not have received a direct written notification but may nonetheless have an interest in the development.
136. In addition to the site notice, individual neighbour notification letters were issued to all properties adjoining or lying in close proximity to the site boundary. This is consistent with the LPA's established consultation protocols for applications of this type and scale, which aim to ensure that those most likely to be affected by the proposed development are given the opportunity to submit representations within the statutory 21-day consultation period.
137. A representation was received from a local resident raising concerns that neither they nor their immediate neighbours had been reconsulted following the submission of amended plans. The LPA has carefully reviewed its consultation records and can confirm that the amended drawings were received and validated by the authority, triggering a further round of neighbour notification. According to the Council's database, revised consultation letters were issued to all previously notified addresses on 9th April 2025, explicitly advising that amended plans had been submitted and providing a further 21-day period in which to make additional comments or objections.
138. It is acknowledged that misunderstandings can arise regarding reconsultation, particularly where changes to a scheme may appear minor to some residents or where letters may not have been received for reasons beyond the LPA's control (e.g. postal issues). However, based on verifiable internal records, it is confirmed that all necessary reconsultation procedures were properly carried out. The approach taken by the LPA is fully consistent with both the statutory framework and best practice principles of procedural fairness and transparency in the planning process.
139. Other concerns raised are that if the application is approved that during the construction phase there will be significant disruption due to builder's vans, equipment, noise, access and mess. The case officer notes the concerns of the objectors and appreciates that it is not uncommon for such problems to occur during the construction phase

although these tend to be for a limited period of time and are therefore not considered sufficient grounds for refusal of a planning application. Furthermore, if vehicles are causing an obstruction, for example blocking people's drives, this is a matter which can be dealt with by the Police who have the appropriate legislation and powers to free the access, the planning system does not exist and cannot duplicate other legislation. Additionally, damage to the road and underlying drainage which may or may not occur whilst vehicles are dropping off building materials is a private matter and is not a sufficient justification to warrant a refusal and substantiate it at any future Appeal.

140. Concerns have raised that if the application is approved it will lead to a loss of a view. Government Guidance on what can constitute a material planning consideration is very wide and so the Courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of view could not be material considerations. Consequently, in light of the above, issues do with the loss of a view and devaluation of a property are not considered to be material planning considerations.
141. A neighbour to the proposal raises the following concern "If this build proceeds, I would like every builder to undergo a DBS check, as they will have a direct view of my entire garden, into my kitchen, and also my living room through our roof lantern. I do not feel comfortable with my children being so exposed to unfamiliar men."
142. Whilst the personal feelings of the objector are noted, such concerns stray beyond the scope of legitimate planning considerations. The planning system does not and cannot regulate the character, background, or personal histories of individuals employed on a construction site. To suggest that DBS checks should be imposed on builders purely on the basis of their visibility into a neighbouring property misunderstands both the purpose of planning legislation and the remit of the planning authority.
143. Issues relating to privacy and overlooking are already assessed through the planning merits of the proposal itself — such as boundary treatments, window placements, and overall design — not through speculation about the character of those working temporarily on site. Furthermore, there is no legal or policy basis to require background checks as a condition of planning permission, nor would such a requirement be proportionate or enforceable.
144. In conclusion, whilst the fears expressed by the objector are acknowledged, they do not constitute a material planning consideration and therefore cannot justify refusal of the application.

145. The views expressed that the development constitutes over development are noted. The development accommodates 1no. dwelling which complies with the Technical Standards requirement on gross floor space and minimum bedroom sizes and storage space. The required garden space as required by the council's Local Development Framework Supplementary Planning Document 2 House Design is achieved with adequate separation from other properties such as not to cause any demonstrable detrimental amenity impacts. Two car parking spaces would be provided in compliance with the adopted 'Parking Standards'. If these were not shown to be provided or could not be provided, this would be indicative of over development which despite the perception of overdevelopment is not the case in this instance.

#### Equalities and Diversity Implications

146. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
147. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
148. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## CONCLUSION

149. Approve

## CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Great Wakering Parish Council : No comments received

Essex County Council Place Services Ecology: No objection

We have previously (14th November 2024) reviewed the submitted documents for this application, including the Statutory Small Site Metric (Completed 24th September 2024) and the Biodiversity Net Gain Plan (Planning Direct, September 2024) relating to mandatory biodiversity net

gains. We have now also reviewed the Biodiversity Net Gain Plan (Planning, May 2025), corresponding habitat plans and the Statutory Small Site Metric (Completed 15th May 2025).

No ecological information relating to the likely impacts of development on designated sites, protected species and Priority species & habitats have been submitted. Except for a report on European Protected Species: Bats has now been submitted (Bat Survey (Essex Mammal Surveys, July 2025)). We have carried out a desktop assessment, including reviewing DEFRA's Geographic Information tool MAGIC.

We are now satisfied that there is sufficient ecological information available to support determination of this application.

Essex County Council Place Services Conservation: No objection

I consider the following proposal to be an acceptable solution. In this instance, I recommend that the wall be repointed using lime mortar. Additionally, I suggest imposing an extra condition concerning the gate material and design, as well as landscaping and boundary treatment. I assume that the existing open access on the south side, facing High Street, will be enclosed. It is recommended that the boundary treatment consist of a brick wall that matches the existing structure.

Essex County Council Place Services Archaeology: No objection

The Essex Historic Environment Record shows that the proposed development is in an area of high archaeological significance. The development site is within the Great Wakering Conservation Area (DEX 22844). The conservation area encompasses the historic core with linear development along the High Street. Historic maps of the village show that the High Street follows a historic east-west route with co-axial boundaries running off it.

The 1841 Tithe map and the first edition Ordnance Survey map of 1880 show a system of narrow strip fields running back from the properties facing on to the High Street, and these are strongly suggestive of an early planned settlement which may have its origins in the middle to late Saxon period or late eleventh to mid twelfth century. There is therefore the potential that archaeological deposits will be impacted within the proposed development area.

No objection subject to conditions pertaining to Archaeological Trial Trenching and Excavation.

Rochford District Council Arboricultural Officer: No objection

The tree has been categorised in accordance with BS 5837 criteria as C value (low value tree) by the applicants consultant, I agree with their categorisation for the following reasons – multi stem with 1 large stem cut at around 1.5m

with decay evident and 1 further stem cut at around 2m. The crown has occasional large tear wounds and fungal pathogen *inonotus hispidus* (wood decay fungi often linked to branch failure, although Walnut does provide some resistance to this fungus). I do appreciate that the crown appears healthy and full, but the defects are present at the base with occasional present within the crown.

I attach some marked up photos of the defects and an extract from fungal id book regarding *inonotus hispidus*. Please note I am not saying the tree is dead / dying but giving reasons as to why the tree is categorised as C value and has limited longer term value.

A heavy standard, container grown hornbeam *frans Fontaine* is to be planted as a replacement for 1 No. Walnut to be removed. The tree is to be at an approximate height of 3m, clear stem to 1.75m and be supplied in a 35-45 ltr pot. Prior to any development, including demolition takes place, a method statement for planting, aftercare and a location plan is to be supplied to and approved by the local planning authority.

Essex County Council Highways Authority: No objection subject to the imposition of conditions relating to public's rights and ease of passage over public footpath no. 29 (Great Wakering) shall be maintained free and unobstructed at all times, on-site vehicle parking shall be provided with dimensions in accordance with the current parking standards, cycle parking, residents travel information pack, reception and storage of building materials and standard informatives.

Neighbours: 5 responses from the following addresses;

North Street: 1a (4 letters received from the same property), 1

- Asking to knock down the beautiful original wall that flows from the old school/community centre, that is not keeping in with the conservation area at all.
- There is a protected Walnut Tree on the land, how can building a house so close to the Tree work? The roots will be where the house is being built so surely will damage the tree or even worse kill the tree?
- The plans appear to be inaccurate;
- There will be a lot of noise and disturbance from the proposal
- The proposal will directly over my garden
- There is a family of squirrels that live in the Walnut Tree, this will disturb them.
- There has often been Bats that live in the Walnut Tree.
- There is no infrastructure for parking. That area is used by the residents that live in the cottages that back onto the land. Where will they park? As well as the cars from the people living in the house? Getting out of North street is already dangerous as people park over the yellow lines. So taking away parking and then adding more cars is making an already bad situation worse.
- The house will be completely block our sunlight for over half the day.

- Will be too close to our house, will look straight into both our kitchen window and more importantly our bathroom window.
- The proposal even a bungalow constitutes over development of the plot;
- No letters have been sent to any of the neighbours in relation to the revised plans;
- Will completely block our view of the high street instead just seeing this house.
- North street itself is already in a terrible condition, building a new house will just make this worse with the heavy machinery and vehicles that will need to use the road.
- If this build goes ahead I would like every builder DBS checked as they will have direct view of my whole garden, into my kitchen and also my living room as we have lantern and I do not feel comfortable with my children being so exposed to strange men.

### **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024) revised in February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies CP1, ENV1, T8

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (adopted January 2025).

Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide.

Natural England Standing Advice.

Great Wakering Conservation Area Appraisal and Management Plan (October 2007)

Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDATION: APPROVE**

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The Development hereby approved shall be carried out in total accordance with the approved plans no.4 (proposed Elevations and Floor Plan) (received by the Local Planning Authority on the 3<sup>rd</sup> April 2025), Proposed Site Plan (received by the Local Planning Authority on the 3<sup>rd</sup> April 2025) and the Location Plan (received by the Local Planning Authority on the 19<sup>th</sup> July 2024).

REASON: For the avoidance of doubt and to specify the plans to which the permission/consent relates.

3. Prior to the commencement of any above-ground works, details and samples of all external materials to be used in the construction of the dwelling (including walls, roofing, windows, doors, and rainwater goods) shall be submitted to and approved in writing by the Local Planning Authority. All materials shall be of high quality and of a traditional character that reflects the local vernacular and the setting within the Great Wakering Conservation Area. Development shall be carried out in full accordance with the approved details.

REASON: To ensure a high standard of design and to preserve the character and appearance of the Conservation Area in accordance with Policy DM1 of the Local Plan and Paragraph 203(c) and 212 of the NPPF.

4. The existing historic stock brick boundary wall along the eastern (North Street) boundary of the site shall be retained, repaired, and repointed using traditional lime mortar, unless otherwise agreed in writing by the Local Planning Authority. No part of the wall shall be demolished or altered except for the formation of the approved access point measuring no more than 3 metres in width. Prior to the commencement of development (excluding site clearance), a detailed schedule and specification of the repair and repointing works shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details and shall be maintained as such thereafter.

REASON: To preserve the contribution of the historic boundary wall to the character and appearance of the Great Wakering Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 208 of the NPPF.

5. Prior to installation, full details of the design, materials, and finish of any new vehicular or pedestrian gates to be installed within the access opening shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be constructed in accordance with the approved details and shall be maintained as such thereafter.

REASON: To ensure the visual integrity of the new access respects the character of the Conservation Area in accordance with Policy DM1 and the Great Wakering Conservation Area Appraisal.

6. Prior to occupation of the dwelling hereby approved, a plan and specification for all boundary treatments (including any fencing, walls or hedging to all site boundaries, including the southern frontage to High Street) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment along the southern frontage (High Street) shall consist of a brick wall to match the existing boundary wall in material, colour, texture, coursing, and bonding. The development shall be implemented in accordance with the approved boundary treatment details and retained thereafter.

REASON: To ensure the development preserves the spatial and visual characteristics of the Conservation Area in accordance with Section 72(1) of the Act and Policies DM1 and DM3 of the Local Plan.

7. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer. We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to first occupation of the property, the developer shall provide Electric Vehicle Infrastructure to the following specification:
  - A single Mode 3 compliant Electric Vehicle Charging Point for the property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast

- charging or the best available given the electrical infrastructure.
- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to this office prior to discharge.
- Where there is insufficient infrastructure, Mode 2 compliant charging may be deemed acceptable subject to the previous being submitted. The infrastructure shall be maintained and operational in perpetuity.

REASON: To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable.

9. Prior to occupation, plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:

- schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
- existing trees to be retained;
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
- paved or otherwise hard surfaced areas;
- existing and finished levels shown as contours with cross-sections if appropriate;
- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artifacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- existing and proposed functional services above and below ground level (eg. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes etc);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To enable the Local Planning Authority to retain adequate control over the landscaping of the site, in the interests of visual amenity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.

REASON: To ensure continued control over the extent of further building on the site.

11. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

REASON: To ensure that any archaeological remains present on the site are properly identified, recorded, and, if necessary, preserved before development takes place, in accordance with national and local planning policies for the protection of heritage assets.

12. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 11 above, and any subsequent mitigation has been agreed.

REASON: To ensure that all necessary archaeological investigations and any required mitigation measures are fully completed and agreed prior to the commencement of development, thereby securing the proper recording and preservation of any heritage assets in accordance with national and local planning policy.

13. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

REASON: To ensure the timely analysis, reporting, and dissemination of the results of the archaeological investigation, allowing for an appropriate record to be made of any heritage assets impacted by the development, in accordance with national and local planning policy.

14. The public's rights and ease of passage over public footpath no. 29 (Great Waking) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

15. Prior to first occupation of the proposed development, and as shown in principle on plans layout drawing (uploaded on portal 3/4/25), the on-site vehicle parking shall be provided with dimensions in accordance with the current parking standards. The vehicle parking area shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

16. Prior to first occupation of the proposed development, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility 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 DM8.

17. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each 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 DM9 and DM10.

18. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the Public Right of Way.

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the footpath is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1

19. No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species (bats) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and s17 Crime & Disorder Act 1998.

20. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

21. All ecological mitigation and enhancement measures shall be implemented in full accordance with the recommendations set out in the Bat Survey Report prepared by John Dobson (Essex Mammal

Surveys), dated July 2025, submitted as part of the planning application. The approved measures shall be fully implemented prior to commencement of the development (or in accordance with the agreed timetable set out within the report) and shall be retained and maintained thereafter.

REASON: To ensure the conservation of protected and Priority species and habitats, and to enable the Local Planning Authority to discharge its statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), and Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

22. No development or site works (including groundworks, demolition, or soil stripping) shall take place until all trees shown to be retained on the approved Tree Protection Plan, as detailed in the Arboricultural Impact Assessment and Tree Protection Plan prepared by Open Spaces, dated May 2025, have been protected in full accordance with the measures identified therein.

The tree protection measures shall include (but are not limited to):

- Erection of tree protection fencing in the locations and to the specifications set out in the approved plan.
- Prohibition of construction-related activities within the Root Protection Areas (RPAs) of retained trees unless specifically detailed as acceptable within the submitted Arboricultural Method Statement.
- No storage of materials, plant, or equipment within the RPAs.
- No changes in soil levels within the RPAs unless expressly agreed through further written approval.

The approved tree protection measures shall be retained and maintained in their approved form for the entirety of the construction period or until such time as written approval is provided by the Local Planning Authority to modify or remove them.

No trees shown as retained on the approved plans shall be felled, uprooted, wilfully damaged, or destroyed without the prior written consent of the Local Planning Authority.

REASON: To ensure the protection and long-term retention of trees on the site which are of amenity value, in accordance with the recommendations of BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and to safeguard the character and appearance of the area.

23. Prior to the installation of any external lighting associated with the development hereby approved, a detailed External Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the proposed

lighting has been designed to minimise impacts on biodiversity, particularly bats and other nocturnal species, and shall include, but not be limited to, the following details:

- Specification of lighting types, luminaires, and light levels to ensure that no external lighting emits ultraviolet (UV) light or excessive blue spectrum light.
- Use of warm white lighting only with a colour temperature no greater than 2700 Kelvin.
- Positioning and direction of luminaires to ensure all lighting is directed downwards with no upwards light spill above the horizontal (90 degrees)
- Control measures such as motion sensors and timers, ensuring lighting is only operational when required and is of the minimum duration necessary for site security and safety.
- A layout plan identifying lux levels across the site, with particular attention to dark corridors, boundary habitats, retained trees, and areas of known ecological sensitivity.

The lighting shall be installed, operated, and maintained in full accordance with the approved details for the lifetime of the development.

REASON: In the interests of safeguarding protected and Priority species, particularly bats and other nocturnal wildlife, and to ensure the development delivers biodiversity net gain in accordance with the National Planning Policy Framework (2024), the Conservation of Habitats and Species Regulations 2017 (as amended), and Policy DM27 of the Rochford Development Management Plan 2014.

The local Ward Member(s) for the above application is/are Cllr D S Efde  
Cllr G W Myers Cllr Mrs J McPherson

Application No :	25/00260/FUL          Zoning: Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Trinity
Location :	41 Hilary Crescent, Rayleigh, Essex.
Proposal :	Proposed two storey self-build dwelling with new parking and landscaping to be sited to the side/rear of 41 Hilary Crescent.

## **SITE AND PROPOSAL**

1. The application site is situated wholly within the established residential envelope of Rayleigh and is accessed via footways and garage court off Hilary Crescent. The site comprises an irregularly shaped parcel of

land positioned directly to the rear of an existing block of domestic garages. It is bounded on all sides by residential properties, reflecting the predominantly residential character of the surrounding area.

2. The site forms part of the residential curtilage associated with No. 41 Hilary Crescent and is currently incidental to the residential use of that dwelling. The proposed development seeks full planning permission for the erection of a two-storey detached dwellinghouse. The proposed dwelling would be positioned deep within the confines of the existing plot and would accommodate vehicular parking to the frontage in a tandem parking formation and private amenity space to the side of the dwelling proposed.

## **RELEVANT PLANNING HISTORY**

3. No relevant planning history pertaining to this site.

## **MATERIAL PLANNING CONSIDERATIONS**

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
5. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

### **Principle of Development**

6. The National Planning Policy Framework (NPPF) was revised in December 2024 (and further amended in February 2025) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting. The NPPF sets out the requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
7. The NPPF also advises that planning policies and decisions should ensure that developments:
  - g) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - h) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- i) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - j) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
  - k) Optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and support local facilities and transport networks; and
  - l) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
8. The NPPF also advises that planning decisions for proposed housing development should ensure that developments do not undermine quality of life and are visually attractive with appropriate landscaping and requires that permission should be refused for development that is not well-designed.
9. Policy H1 of the Council's Core Strategy states that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infill will be considered acceptable and will continue to contribute towards housing supply, provided it relates well to the existing street patterns, density and character of the locality. The Council's Supplementary Planning Document 2 (SPD2) for housing design states that for infill development, site frontages shall ordinarily be a minimum of 9.25 metres for detached houses or 15.25 metres for semi-detached pairs or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. There should also, in all cases, be a minimum distance of 1 metre between habitable rooms and plot boundaries.
10. Policy CP1 of the Core Strategy and Policy DM1 of the Council's Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality and enhance the local identity of the area. Policy DM3 of the Development Management Plan seeks demonstration that infill development positively addresses existing street patterns and density of locality and whether the number and types of dwellings are appropriate to the locality.
11. The application site is located wholly within the settlement boundary of Rayleigh. Therefore, given that the application relates to a site within the settlement zone, the broad principle of development is acceptable.

## Housing Land Supply

12. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). Consequently, in accordance with paragraph 11(d) of the NPPF, the 'tilted balance' is engaged. This means that the presumption in favour of sustainable development applies, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
13. According to the submitted plans, the proposal proposes the severance of a portion of the applicants curtilage for the construction of a detached two-storey dwelling. According to the recent Annual Monitoring Review for Rochford Council states that the Authority has a 5-year housing land supply of 4.53 years and as such the Authority lacks a five-year supply of deliverable housing sites. By allowing this proposal there will be a NET increase in the number of dwellings (albeit by 1No.) and as such if the proposal was permitted it would contribute to the existing shortfall, which is an important material planning consideration that cannot lightly be put aside.

## Design

14. Good design is promoted by the National Planning Policy Framework (NPPF) as an essential element of sustainable development. It advises that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.
15. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Design is expected to enhance the local identity of an area. This point is expanded in Policy DM1 of the Development Management Plan (2014) which states that; 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. Policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
16. Policy DM1 seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity, part (x) refers to establishing a positive relationship with existing and nearby buildings and regard must also be had to the

detailed advice and guidance in Supplementary Planning Document 2- Housing Design, as well as to the Essex Design Guide.

17. Paragraph 67 of the National Design Guide stipulates that well-designed places use the right mix of building types, forms and scale of buildings for the context to create a coherent form of development that people enjoy. Built form defines a pattern of streets and development blocks and will be dependent on (amongst other considerations) the height of buildings and the consistency of their building line in relation to the street itself. Paragraph 68 states that the built form of well-designed places relates well to the site, its context and the proposed identity and character for the development in the wider place.
18. Furthermore, The National Model Design Code (B.2.iii) discusses that building heights influence the quality of a place in terms of its identity and the environment for occupiers and users. The identity of an area type may be influenced by building heights, including in terms of its overall scale.
19. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.

#### Layout

20. The application proposes the subdivision of the residential curtilage of an existing dwelling to facilitate the construction of a two-storey detached house on a plot measuring approximately 138m<sup>2</sup>. The proposed site is irregular in shape, defined by chamfered and stepped boundaries, and situated to the rear/side of the existing host dwelling. Its backland position, coupled with its limited size and spatial configuration, presents considerable constraints in terms of layout, integration, and amenity provision.
21. Although the proposed dwelling is not directly aligned with the host property, it is located to the rear and slightly offset laterally, with a separation distance of approximately 9.7m between the rear elevation of the host and the front elevation of the proposed new dwelling. Despite the offset, the relationship between the two properties - particularly given their shared access - bears many of the hallmarks of tandem development, a form generally discouraged due to its tendency to produce poor spatial relationships, constrained access, and substandard living conditions.
22. The proposed dwelling would be accessed via a shared driveway leading through an existing garage court, which serves multiple properties. The site is flanked to the south by a row of garages and is otherwise enclosed by the rear gardens of neighbouring properties. This configuration results in a residual backland parcel that is physically and functionally disconnected from the prevailing street layout.

23. The Council's Supplementary Planning Document 2 (SPD2): Housing Design sets out clear expectations for infill development. It requires that new dwellings be sited on plots of sufficient width, depth, and regularity to ensure appropriate separation to boundaries, usable and private amenity space, and a layout that reflects and reinforces the character and pattern of surrounding development. While the proposal marginally exceeds the minimum 9.25m frontage requirement for detached dwellings, at approximately 9.7m, this minimal compliance does not compensate for the broader constraints and shortcomings of the site.
24. Spatially, the proposed dwelling would be located just 300mm from its eastern boundary, a figure which falls significantly short of the 1m minimum clearance generally expected. The rear elevation lies approximately 1.1m from the rear boundary, offering negligible opportunity for defensible space or meaningful external treatment. Such minimal distances provide little visual or spatial relief and contributes to a cramped form of development that is not in keeping with the established pattern of development.
25. It is noted that the western side boundary, at around 3.2m, is almost entirely taken up by the private amenity for the proposed dwellinghouse. Overall, the net result is a plot that appears overdeveloped, with the building footprint occupying the majority of the available land and leaving very limited scope for soft landscaping, defensible space, or residential amenity.
26. The dwelling's location - adjacent to garages to the south and lacking any direct street frontage—further compounds its sense of isolation and disconnection from the existing residential grain. The surrounding context is typified by outward-facing dwellings with consistent building lines and landscaped setbacks that define the street scene providing an active frontage. In contrast, the proposed layout would introduce a discrete, inward-facing unit, hidden from public view and integrated only via a shared, narrow access. This divergence from the prevailing character of the area is both visually and functionally incongruous.
27. The NPPF requires that developments secure a high standard of amenity for existing and future users, and also stresses the importance of respecting local character, context, and layout. In parallel, Policy DM1 of the Rochford Development Management Plan requires that development respond positively to its surroundings, reinforce local character, and achieve an appropriate layout. Furthermore, this is echoed in Policy DM3 which infers that design of the proposed development should be reflective of the existing street pattern.
28. In this case, the scheme fails to achieve an appropriate level of separation and integration. The constrained plot, compromised layout, and poor relationship with neighbouring development result in a visually and spatially discordant form of backland development.

Although not a direct example of tandem development, the proposal shares many of its functional shortcomings, notably a reliance on narrow access, insufficient defensible space, and a lack of coherent relationship to the public realm.

29. In conclusion, the proposal constitutes an over-intensive and spatially inappropriate form of backland development on a constrained and irregular plot. It fails to deliver the minimum design and character-led standards expected by SPD2, the Rochford Development Management Plan, and the NPPF. The scheme would result in a poor-quality residential environment and introduce a dwelling that is fundamentally out of keeping with the established layout and character of the area. Accordingly, the proposal is considered to be contrary to Policies DM1 and DM3 of the Rochford Development Management Plan, fails to comply with the guidance in the Council's SPD2 and conflicts with the design and amenity objectives of the National Planning Policy Framework.
30. According to the submitted plans, the proposed dwelling would occupy an elongated, rectilinear footprint, approximately 6m in depth and 10.6m in length at its widest points. The overall height of the building is proposed to be 8.3m to the ridge and 5.2m to the eaves. While this ridge height exceeds that of the applicant's existing property, which measures 7.8m, the proposed building is set down into the site by approximately 500mm. This modest reduction in finished floor level results in a broadly comparable ridge height, thereby mitigating potential concerns regarding visual dominance or overbearing impact in relation to the host dwelling.
31. From a design perspective, the dwelling includes a distinctive stepped profile on the principal elevation. Specifically, the ground floor is recessed by approximately 1m, while the first floor cantilevers above, creating an overhanging form. This configuration appears to be a deliberate design response to accommodate off-street parking to the front of the site, in light of spatial constraints. However, in the case officer's view, this design solution appears forced and visually unresolved. The overhang, rather than presenting a coherent or innovative architectural gesture, reads as a contrived attempt to resolve the lack of sufficient depth for standard car parking provision. The result is a composition that lacks design integrity and contributes to a perception of imbalance and awkwardness on the frontage.
32. To the rear, the proposal incorporates a two-storey outrigger that serves to articulate the elevation and break up the massing of the building. This element provides some visual relief and could, in principle, assist in reducing the overall bulk of the rear elevation. Nevertheless, the design is undermined by the incorporation of a chamfered section along both the outrigger and the main rear elevation, introduced to replicate the splayed geometry of the rear site boundary. While such an approach acknowledges site constraints, the

resultant form appears disjointed and adds to the perception of the proposal being shoehorned into an overly restricted plot. The irregular geometry disrupts the architectural coherence of the rear elevation and contributes to a sense of visual confusion.

33. Although these rear elements are not readily visible from the public realm, the case officer considers that the overall design quality should not be compromised merely because the rear elevation is screened. The rear form remains an integral component of the building's design and should demonstrate a level of resolution and integrity consistent with good design principles. In its current form, the proposed dwelling appears overly complex and spatially constrained, lacking the clarity and cohesion expected of a well-considered residential development. The combination of compromised parking arrangements, forced massing solutions, and awkward boundary responses suggests that the site is insufficiently sized to accommodate the proposed scale and layout of development without significant detriment to architectural quality.
34. The proposed dwellinghouse is to be constructed using a restrained and coherent palette of materials, comprising primarily facing brick with sections of render applied to the front elevation at first-floor level. This material treatment will be unified by a roof formed of concrete interlocking tiles, a robust and contextually appropriate choice. The fenestration and external doors are to be constructed from uPVC double-glazed units, offering both energy efficiency and visual consistency.
35. In assessing the materiality of the proposal within its wider context, it is important to note that the surrounding streetscape is characterised by a wide variety of architectural styles, forms, and material finishes. This heterogeneity provides a degree of flexibility and design tolerance, allowing for a diversity of approaches without detracting from the visual coherence of the area. Within this context, the use of brick and render is both appropriate and sensitive, drawing from existing vernacular cues while offering a modest contemporary reinterpretation. The materials proposed are therefore not considered to be incongruous, and will assimilate comfortably into the surrounding built environment without disrupting its established character.
36. The proposed dwelling also incorporates a carefully considered fenestration strategy, with openings of varied size and proportion introduced across both the front and rear elevations. This approach serves a dual function: firstly, it enhances natural light ingress and passive surveillance; secondly, and perhaps more importantly from a design perspective, it introduces visual interest and articulation to the building's façades. The variation in window size disrupts any potential monotony and helps to reduce the overall perceived bulk and massing of the dwelling, particularly as viewed from the public realm. This

approach results in a more human-scaled and visually balanced elevation.

37. Further articulation is provided on the flank elevations, where one window is proposed on each side at first-floor level. On one elevation, the window will serve a landing and stairwell — typically considered a non-habitable space — while the opposing elevation will feature a secondary window to a bedroom. The latter is to be obscurely glazed, as indicated on the submitted plans, and its treatment would be secured by way of a planning condition, in order to prevent any significant overlooking and safeguarding of neighbouring amenity. These side elevation apertures also serve to break up otherwise blank walls, mitigating the potential for an overly stark or monolithic appearance when viewed from adjoining plots or the rear gardens of nearby dwellings.
38. In summary, the proposed dwelling adopts a material and architectural strategy that is both contextually responsive and visually effective. Through the considered use of finishes and fenestration, the scheme succeeds in integrating with its surroundings while also delivering a contemporary and legible built form. However, this does not overcome the previous concerns cited earlier in this report.
39. Internally the ground floor accommodation will comprise living room, kitchen/dining room, hall, bathroom. Whilst the first-floor accommodation will consist of 2 No. bedrooms (one with en-suite bathroom), storage room, family bathroom and landing.
40. In conclusion, while the proposed dwelling demonstrates some positive design attributes—such as an appropriate material palette, varied fenestration, and a contextual response to surrounding architecture—these merits do not outweigh the fundamental shortcomings of the scheme. The constrained and irregular shape of the plot, combined with its backland position, results in a development that is spatially cramped, poorly integrated, and at odds with the established character and pattern of the area.
41. The scheme fails to achieve the layout standards expected under THE Council's SPD2 and conflicts with the overarching objectives of Policies DM1 and DM3 of the Rochford Development Management Plan. Furthermore, the proposal falls short of the high standards of design promoted by paragraph 139 of the National Planning Policy Framework. The contrived massing, limited defensible space, and awkward access arrangements reinforce the perception of overdevelopment and a lack of design resolution.
42. Accordingly, the proposal is considered an inappropriate form of backland development that would result in a poor-quality residential environment and is therefore recommended for refusal.

## Precedent

43. The agent has cited a previous planning permission at 59 Rawreth Lane, Rayleigh (ref. 16/01204/FUL), which involved the demolition of a detached garage, subdivision of the plot, and construction of a detached bungalow, as justification for the current proposal. However, the case officer does not consider this comparison to carry any material weight and strongly refutes the implication that the approval of one scheme should set a precedent for others.
44. Firstly, the site circumstances and development context of the current proposal differ significantly from those at 59 Rawreth Lane. The referenced scheme was situated within a more conventional residential layout with a clearer relationship to the surrounding built form. By contrast, the current proposal is for a two storey detached property and the present site is constrained, irregular, and situated in a visually and spatially isolated position, poorly integrated with the prevailing urban grain. To draw an equivalence between the two disregards these fundamental differences in character, scale, layout, and context.
45. Secondly, the decision at Rawreth Lane was made in March 2017, under a different national policy context. Since that time, national planning policy has evolved significantly, most notably with the publication of the NPPF (December 2024 and revised in February 2025), which places far greater emphasis on design quality, contextual sensitivity, and efficient land use. The fact that a scheme may have been approved under a previous policy regime does not entitle similar proposals to be approved today. The planning system is dynamic, and decisions must be grounded in the current policy framework, not outdated permissions.
46. Moreover, the invocation of so-called “precedent” in planning is fundamentally flawed. There is no legal or policy-based concept of binding precedent in the determination of planning applications. Each proposal must be assessed on its individual merits, taking account of its specific site context and the relevant planning policies at the time of decision. The courts have consistently held that the idea of precedent has no place in planning decision-making, precisely because every site, proposal, and context is different. To rely on the existence of previous, and potentially substandard, approvals to justify further poorly considered development undermines the purpose of the planning system.
47. The argument that a past approval justifies a new, unrelated scheme is therefore not only weak but misconceived. The decision at 59 Rawreth Lane, whether rightly or wrongly approved at the time, does not validate or support the current proposal, which is demonstrably contrary to local and national policy. To accept such reasoning would be to endorse a form of incremental planning decline, where poor-quality development is justified by the existence of earlier, equally poor

examples. This approach is entirely contrary to the thrust of the NPPF, which seeks to raise standards of design and layout, not entrench mediocrity.

48. Accordingly, the example cited by the agent is irrelevant to the assessment of this proposal and does not constitute a material consideration that could outweigh the demonstrable harm arising from the scheme.

#### Impact on Residential Amenity

49. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. This is reflected in the Council's Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.
50. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development the subject of a planning application, a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
51. It is acknowledged that the proposed development for residential purposes is unlikely to give rise to environmental harm in the form of noise, air, or water pollution. Accordingly, the principal issue in the determination of this application is the impact of the development on the residential amenity of adjacent and nearby occupiers.
52. Paragraph 7.1 of the Council's Supplementary Planning Document 2 – Housing (SPD 2) stresses that the spatial and visual relationship between proposed and existing dwellings is of particular significance in infill developments. This is considered essential to safeguarding the established character and appearance of residential neighbourhoods. The principle is further underpinned by Policy DM1 of the adopted Local Plan, which states, inter alia, that new development must be designed to avoid overlooking, preserve privacy, enhance visual amenity, and maintain a positive relationship with neighbouring buildings.
53. The Essex Design Guide (2018) provides specific quantitative guidance on separation distances intended to mitigate adverse amenity impacts. Paragraph 1.92 recommends a minimum distance of 25m between

directly opposing rear elevations containing habitable room windows. Paragraph 1.94 permits a reduction of this distance to 15m where there is an offset of at least 30 degrees between the orientation of the dwellings. In addition, paragraph 1.96 advises that where a development backs onto the rear of existing dwellings, a minimum 15-metre separation should be retained from the application site boundary to the rear elevation of neighbouring dwellings, to protect garden privacy and limit overshadowing or enclosure.

#### Impact on Properties at 11–17 Hilary Crescent

54. The submitted plans show that the proposed dwelling will be orientated at a right angle (90 degrees) to the rear elevations of the neighbouring properties at Nos. 11 to 17 Hilary Crescent. The flank elevation of the proposed dwelling would be situated over 35m from the rear elevations of these dwellings, significantly exceeding the minimum separation standards outlined in both SPD 2 and the Essex Design Guide.
55. A first-floor window is proposed in the flank elevation facing Hilary Crescent. This is shown on the plans as a secondary window to a bedroom, annotated to be obscurely glazed. Subject to the imposition of an appropriately worded planning condition securing obscure glazing and restricting the use of the window to non-opening below 1.7m, it is considered that no material loss of privacy or overlooking would occur. Furthermore, the considerable separation distance, coupled with established boundary treatments, would mitigate any perception of overbearing impact or visual intrusion. Consequently, the relationship with these properties is considered to be acceptable in planning terms.

#### Impact on 102A and 104 Bull Lane

56. Greater scrutiny is required in relation to the properties situated directly to the rear of the application site, specifically Nos. 102A and 104 Bull Lane. These dwellings are in closest proximity to the proposed development and therefore most susceptible to amenity impacts.
57. The proposed dwelling would be positioned at a slight angle relative to the rear elevations of these properties due to the geometric constraints of the plot. Despite this, the plans indicate that the distance between the rear elevation of the proposed dwelling and that of Nos. 102A and 104 Bull Lane is approximately 30m. This separation exceeds the recommended 25-metre guideline where habitable room windows directly face one another. On this basis, it is concluded that there would be no significant overlooking between rear-facing first-floor habitable windows, and the development complies with the quantitative guidance within SPD 2 and the Essex Design Guide.
58. However, a more nuanced assessment reveals a potentially harmful element of the scheme. It is noted that No. 104 Bull Lane benefits from an L-shaped rear garden which wraps around the rear curtilage of 102

Bull Lane. The proposed dwelling would be located approximately 1.1m from the shared rear boundary with these gardens. The height of the proposed dwelling, at 8.3m to ridge level, combined with the minimal set-back from the boundary, raises concern over the visual dominance of the building when viewed from these rear gardens.

59. This proximity is likely to result in an unacceptable sense of enclosure and overbearing impact on the private amenity space of Nos. 102A and 104 Bull Lane. The scale and massing of the dwelling, particularly when viewed from ground level within these gardens, would significantly diminish the perceived openness and reduce the usability and enjoyment of these outdoor areas.
60. Moreover, the proposed inclusion of a first-floor bedroom window in the rear elevation of the dwelling introduces a direct line of sight into the private rear gardens of both properties, which, due to the minimal separation from the boundary, is not adequately mitigated. Unlike the relationship with the properties at Hilary Crescent, the separation distance here falls short of the spatial buffer necessary to offset the perception of direct overlooking. As such, the proposed development would lead to a demonstrable and adverse loss of privacy for the occupiers of Nos. 102A and 104 Bull Lane.

Impact upon No.41 Hilary Crescent (the applicant's property).

61. The proposed dwelling would be sited to the west of No. 41 and positioned on a diagonal axis relative to it. There is a minimum separation distance of approximately 9.7m between the front elevation of the proposed dwelling and the rear elevation of No. 41. This distance, combined with the angled orientation of the two buildings, would ensure that there is no direct window-to-window alignment. Consequently, the spatial arrangement significantly reduces the potential for direct overlooking and inter-visibility between habitable room windows of the existing and proposed dwellings. Additionally, the proposed dwelling would be set off the shared boundary by approximately 3.2m. This buffer would serve to reduce the physical presence and massing of the new dwelling when viewed from the rear garden and windows of No. 41.
62. The plans show that bi-fold doors are proposed at ground floor level on the flank elevation of the new dwelling, facing toward the rear garden of No. 41. Although these doors would face in the direction of No. 41, they are at ground floor level and set back from the boundary. In such instances, the retention or provision of an appropriate boundary treatment (e.g. a 1.8m high close boarded timber fence) would adequately mitigate any perceived overlooking or privacy concerns. It is therefore recommended that a condition be imposed requiring the submission and implementation of suitable boundary treatment prior to occupation of the dwelling in the event that planning permission is approved.

63. At first floor level, a single window is proposed within the same side elevation, serving a landing and stairwell. This space is not classified as a habitable room under planning definitions. As such, the presence of this window is not considered to result in an unacceptable degree of overlooking. Should there be any residual concern, the window could be conditioned to be fitted with obscure glazing and fixed shut below 1.7m above floor level, in accordance with standard safeguarding practices.
64. Given the westerly position of the proposed dwelling in relation to No. 41, it is acknowledged that the new structure may cast some shadow over the rear garden and potentially the rear-facing windows of No. 41 during late afternoon or early evening hours. However, due to the separation distance and the fact that the main rear amenity space of No. 41 will continue to receive unobstructed daylight for the majority of the day, the overall impact is not considered to be significant or unacceptable. No detailed daylight and sunlight assessment has been provided; however, based on the spatial arrangement and orientation, it is not considered that the proposed dwelling would result in a material loss of light that would justify a refusal of planning permission.
65. The proposed dwelling is of a domestic scale and is set back from both the rear elevation and boundary of No. 41. The siting and separation distances ensure that it will not appear unduly dominant or overbearing when viewed from the habitable rooms or rear garden of No. 41. The massing and layout of the proposal have been arranged so as to avoid creating an oppressive sense of enclosure for existing residents.
66. Overall, taking into account the orientation, positioning, separation distances, and design of the proposed dwelling, it is considered that the development would not give rise to unacceptable impacts on the residential amenities of occupiers of No. 41 Hilary Crescent. Subject to the imposition of conditions relating to boundary treatment and obscure glazing, where appropriate, the proposal is deemed to comply with local and national planning policies relating to residential amenity.

#### Garden Sizes

67. The National Planning Policy Framework (NPPF) places significant emphasis on the creation of high-quality places which are safe, inclusive, and accessible, and which promote health and well-being through the provision of a high standard of amenity for existing and future users (Paragraph 130, criterion (f)). This objective is mirrored in the Council's adopted Development Management Plan, specifically Policy DM3, which requires new residential development to provide adequate and usable private amenity space for the intended occupants. In addition, the Council's adopted Housing Design Supplementary Planning Document (SPD2) sets out clear expectations regarding the size of private garden spaces to ensure residential

environments are fit for purpose and support the well-being of future occupiers.

68. Supplementary Planning Document 2 (SPD2) stipulates that all new dwellings should provide a minimum private garden area of 100m<sup>2</sup>, save for one and two-bedroomed dwellings where a reduced minimum of 50m<sup>2</sup> is considered acceptable. The proposal under consideration seeks to deliver a single two-bedroomed dwelling. According to the submitted Proposed Site Plan (Drawing Ref: 6 – Proposed Site Plan), the development would provide approximately 44m<sup>2</sup> of private amenity space, excluding the area designated for car/cycle parking. This space is located primarily to the side of the proposed dwelling, adjacent to No. 41 Hilary Crescent, with a small additional area positioned towards the front of the property.
69. In quantitative terms, the proposed provision falls materially short of the 50m<sup>2</sup> minimum required by SPD2. In spatial and qualitative terms, the configuration of the amenity space—being fragmented and its locality - further limits its functionality and usability, undermining the objective of securing high-quality and well-designed living environments as sought by both national and local policy.
70. The subdivision of the existing plot at No. 41 Hilary Crescent would result in this existing property retaining a private amenity space of approximately 80m<sup>2</sup> (excluding parking areas). While this also fails to meet the 100m<sup>2</sup> standard required by SPD2 for larger dwellings, it is acknowledged that other properties in the immediate vicinity exhibit similarly constrained amenity provision. For example, No. 45 benefits from approximately 67m<sup>2</sup> and No. 53 from around 54m<sup>2</sup> of private amenity space. Therefore, the residual garden space at No. 41, post-subdivision, would not appear anomalous in the context of the established urban grain and prevailing pattern of development within the locality.
71. However, it is important to note that the presence of existing substandard examples in the vicinity does not, in itself, justify further departures from established standards, nor should it be used as a benchmark for lowering expectations in terms of design quality or amenity provision. National and local policies are clear in seeking to raise, rather than dilute, the quality of new development. The shortfall in amenity space for the proposed dwelling is compounded by the constrained and irregular configuration of the plot, which would likely diminish its practical usability for future occupiers. As such, the proposal conflicts with the provisions of SPD2, Policy DM3 of the Development Management Plan, and Paragraph 130 of the NPPF.
72. In conclusion, whilst the severance of the plot would not leave the donor property (No. 41) with an uncharacteristically small garden relative to neighbouring properties, this does not provide a sound justification for accepting an undersized and poorly configured amenity

space for the proposed new dwelling. The proposal, therefore, fails to demonstrate compliance with the Council's established standards and broader policy objectives relating to the provision of high-quality, healthy, and sustainable residential environments.

#### Sustainability

73. The Ministerial Statement of the 25th March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalize the many differing existing standards into a simpler, streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.
74. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
75. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards – nationally described space standard March 2015.
76. A two storey dwelling which would comprise of two bedrooms accommodating either three or four people would require a minimum Gross Internal Floor Area (GIA) of 70m<sup>2</sup> or 79m<sup>2</sup>, respectively. Additionally, the dwelling must have a minimum of 2m<sup>2</sup> of built-in storage. The standards above stipulate that single bedrooms must equate to a minimum 7.5m<sup>2</sup> internal floor space while double bedrooms must equate to a minimum of 11.5m<sup>2</sup>, with the main bedroom being at least 2.75m wide and every other double room should have a width of at least 2.55m. A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths indicated. According to the submitted plans the Gross Internal Floor area of the proposed dwelling will measure approximately 93m<sup>2</sup> and exceed the minimum requirements.
77. The table below shows the Gross Internal Floor area for each of the bedrooms.

Bedroom No.1	15m <sup>2</sup>
Bedroom No.2	16m <sup>2</sup>

78. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the internal floor area required. Furthermore, it was noted that the storage area was approximately 7m<sup>2</sup>, which also accords with policy.
79. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition would be recommended to ensure compliance with this Building Regulation requirement if the application were recommended favourably.
80. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

#### Drainage

81. Development on sites such as this can generally reduce the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new developments, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Therefore, it is considered reasonable to attach a condition to the Decision Notice requiring the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff from the site is sufficiently discharged.

#### Flooding

82. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.

#### Refuse and Waste Storage

83. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recycle (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and

505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. In this case the rear garden space would provide adequate storage space whilst the drag distance is below 20m which is considered satisfactory.

#### Impact on Highway Safety

84. The impact of the proposed development on highway safety must be evaluated in the context of both national and local planning policy. At the national level, paragraph 116 of the NPPF is highly pertinent and advises that development should only be refused on highway grounds if it would result in an unacceptable impact on highway safety or if the residual cumulative impacts on the road network would be severe. This establishes a high threshold for refusal but places significant importance on maintaining a safe and efficient transport network. At the local level, Policies DM1 and DM30 of the Rochford District Council Development Management Plan (DMP) require that development proposals provide sufficient off-street parking and must not prejudice highway safety, accessibility, or the free flow of traffic.
85. In its formal response, Essex County Council, acting as the Highway Authority, has raised an objection to the current proposal. The Highway Authority notes that the submitted scheme fails to meet the Council's adopted parking standards and, as such, cannot be supported from a highway and transportation perspective. The concerns primarily relate to the inadequate provision and layout of parking spaces, which fall below the minimum dimensional requirements set out in local policy. Specifically, Rochford District Council's parking standards stipulate that each parking space must measure no less than 5.5m in length and 2.9m in width. The submitted plans include tandem and obliquely arranged parking spaces for the proposed new dwelling which do not meet these dimensional requirements, thereby failing to ensure safe, practical use.
86. Furthermore, the constrained nature of the site exacerbates these deficiencies. The proposed access to the new parking spaces is significantly impeded by the physical presence of the retained garage, the host dwelling, and an adjacent lamp column. These site constraints raise doubts about the ability of vehicles to safely manoeuvre into and out of the designated spaces without risk of conflict or obstruction. Notably, the application is unsupported by any vehicle tracking or swept path analysis, which would be required to demonstrate the operational viability of the parking layout. In the absence of this

technical evidence, the proposal does not adequately show that it can accommodate vehicular access in a safe and efficient manner.

87. There are also broader implications arising from the approval of such a scheme. The Highway Authority has expressed concern that permitting a development with substandard parking arrangements could set an undesirable precedent, encouraging similar proposals elsewhere that undermine the integrity of local parking and highway safety standards. This would run contrary to Policy DM1 and DM8 of Essex County Council's Development Management Policies, which form part of the adopted supplementary planning guidance. These policies seek to ensure that developments do not compromise the primary function of the highway as a safe and accessible route for all users.
88. In summary, the proposed development fails to provide a parking solution that complies with adopted standards or demonstrates safe and functional access. The constrained nature of the site, combined with the substandard size and configuration of the proposed parking spaces, would result in a development that is likely to generate unsafe and impractical parking practices. Consequently, the proposal is considered to pose an unacceptable impact on highway safety and is contrary to both local and national planning policy. Unless revised proposals are submitted that address these deficiencies—potentially supported by appropriate technical drawings and a reconfigured layout—the development cannot be supported on highway grounds.

#### Trees

89. Policy DM25 of the of the Development Management Plan 2014 states that:

*'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.'*

*'Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'*

90. There are no trees of significance located on or close to the proposed development which would be affected by the proposed works.

## On-site Ecology

91. The National Planning Policy Framework at paragraph 180 indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local Biodiversity Action Plans, including those produced at District and County level.
92. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
93. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
94. The case officer notes that the application was submitted without any form of ecological assessment or supporting evidence relating to potential impacts on protected species. Notwithstanding this omission, a representation was received from the Essex Badger Protection Group (EBPG), raising specific concerns regarding the potential presence of badgers within or immediately adjacent to the site. EBPG state that, based on information available to them, they had reason to believe that badger setts and associated activity may be present in this location. On this basis, EBPG objected to the proposal on grounds that the development could result in harm to a protected species.
95. In light of these concerns, and in the absence of any ecological evidence to demonstrate otherwise, the case officer considered it necessary to adopt a precautionary approach. Specialist ecological advice was therefore sought from the Ecology Team at Essex County

Council Place Services. In their response, Place Services noted that objections from neighbours and third parties reported badger activity within the vicinity of the site. They further noted that no ecological surveys or photographic evidence had been submitted by the applicant to demonstrate whether badgers are present or likely to be affected by the development. Consequently, the Local Planning Authority (LPA) cannot be certain of the likely impacts on protected species, particularly badgers, which are afforded statutory protection under the Protection of Badgers Act 1992.

96. The Ecology Team advised that a Preliminary Ecological Appraisal (PEA), undertaken by a suitably qualified ecologist, is required prior to determination of the application. Such an appraisal would establish the ecological baseline of the site, identify any potential constraints arising from the presence of protected species, and recommend any necessary mitigation. Without this information, the LPA cannot confidently assess the proposal's impact on biodiversity or ensure appropriate mitigation through either a Natural England licence or through planning conditions.
97. Furthermore, the Ecology Team highlighted the LPA's legal duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (as amended), which place a duty on public authorities to have regard to the purpose of conserving biodiversity when exercising their functions. They also referenced Section 17 of the Crime and Disorder Act 1998, which requires authorities to consider the potential for preventing offences, including those related to protected species and habitats.
98. In addition, Paragraph 99 of ODPM Circular 06/2005 is clear in stating that the presence or otherwise of protected species, and the extent to which they may be affected by development, must be established prior to the granting of planning permission. Without this information, the LPA cannot be confident that all material considerations have been properly addressed in the decision-making process. Proceeding to grant permission in the absence of such evidence risks the authority acting unlawfully and failing to discharge its statutory obligations.
99. In conclusion, the absence of a Preliminary Ecological Appraisal represents a significant omission in this case. Without it, the LPA is unable to assess the likely impacts of the development on protected species, specifically badgers, or to secure appropriate mitigation. This conflicts with established ecological best practice, relevant legislation, and national guidance. As such, the application cannot be supported in its current form. A refusal of planning permission would be justified on the basis of insufficient ecological information and failure to comply with the LPA's statutory biodiversity duties.

## Off Site Ecology

100. The application site also falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (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 pressures.

101. The development for one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) Habitat Regulations 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 significant test

Is the development within the zone of influence (Zol) for the Essex Cost RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for one additional dwelling

Proceed to HRA Stage 2: Appropriate Assessment - 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

102. 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 disturbances, when considered 'in combination' with other development. Natural

England does not need to be consulted on this Appropriate Assessment.

103. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution has been paid to the Local Planning Authority.

#### Biodiversity Net Gain

104. Biodiversity Net Gain (BNG) is a mechanism introduced to ensure that development leads to measurable improvements in biodiversity. Under the provisions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), the delivery of a minimum 10% biodiversity net gain is now a statutory requirement for most forms of development in England, subject to certain prescribed exemptions. The statutory requirement is further clarified by the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
105. In this case, the applicant has stated that the proposed development would not be subject to the statutory BNG requirement on the basis that one of the exemptions applies. Following a detailed review of the submitted application, including a site visit and an assessment of the on-site habitats and the nature and scale of the development, officers concur with this position. Officers consider that the proposal qualifies for exemption in accordance with the relevant legislative provisions. Specifically, the development falls within the scope of the exemptions on the following grounds:
- The proposal comprises a single custom/self-build dwelling.
  - The site area is less than 0.5 hectares.
  - The development does not involve habitat of a type or scale that would otherwise trigger the statutory BNG requirement.
  - Alternatively, the proposal may be considered exempt by virtue of being retrospective in nature (if applicable).
106. These exemptions are clearly provided for under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the associated 2024 Regulations. As such, the applicant has not been required to submit any biodiversity net gain calculations, assessments, or proposals in support of this application.

107. In order to validate this position, the Local Planning Authority has consulted Essex County Council's Place Services Ecology Team. Their formal response confirms agreement with the applicant's position and the officers' assessment. Their response states:

*"In relation to Biodiversity Net Gain, applications are required to deliver a mandatory 10% measurable net gain unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Having reviewed the details of this application, we are satisfied that it is exempt on the basis that it proposes a single self-build dwelling on a site of less than 0.5 hectares. The Local Planning Authority may wish to consider imposing a condition to ensure the dwelling is occupied by the individual(s) who had a primary role in its design and layout, and that they reside in the property for a minimum of three years, consistent with the Government's intention for genuine self-build projects to benefit from this exemption."*

108. Accordingly, it is considered that the development is lawfully exempt from the statutory BNG requirement. No further information is therefore required from the applicant in respect of biodiversity net gain.

109. Given that the statutory biodiversity gain condition is not applicable to this development, it is recommended that, for clarity and to assist any future developers, a planning informative be attached to any grant of planning permission. This informative should advise that, due to the exemption status, there is no requirement for the statutory biodiversity gain condition to be discharged prior to the commencement of the approved development.

#### Other Matters

110. A number of objection letters submitted by neighbouring residents have raised concerns that the proposed development, if approved, would result in the devaluation of their properties. While such concerns are understandable from the perspective of individual homeowners, it is important to clarify the role of the planning system and the legal framework within which planning decisions are made.
111. Under the statutory planning framework in England, decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The concept of a "material consideration" is not exhaustively defined in legislation, and government guidance recognises that the range of potentially material considerations is wide. However, there is well-established case law which provides a degree of clarity on what constitutes a material consideration in practice.

112. The courts have consistently held that the planning system exists to regulate the development and use of land in the public interest. This principle is a cornerstone of planning law and is supported by key judgments, including *Stringer v Minister of Housing and Local Government* [1970] and *Newbury District Council v Secretary of State for the Environment* [1981]. These cases affirm that material considerations must relate to the proper planning of the area and the wider public interest, rather than to private or purely financial interests.
113. In this context, the potential for a proposed development to affect the market value of adjacent properties is generally not considered a material planning consideration. This is because property value is regarded as a private financial matter rather than an issue affecting the use, character, or amenity of land in planning terms. While the planning system may take account of visual impact, residential amenity, traffic implications, or environmental effects—where these can be shown to affect the public interest - the indirect effect on property prices falls outside this scope.
114. Accordingly, while the concern about property devaluation has been noted, it does not constitute a material consideration for the purposes of determining this planning application. The planning authority must therefore focus its assessment on planning issues that relate directly to the use and development of land, as defined in national and local policy, relevant guidance, and case law.
115. Numerous residents have claimed that the proposal if allowed will create a precedent for similar types of development within the locality. However, in relation to planning there is no such as a planning precedent as every development is different, every site is different and planning policies and guidance etc. are constantly evolving. The notion of planning precedent is entirely erroneous a search of case law does not reveal a judicial direction on the existence of planning precedence because it cannot in fact actually exist. The concept of planning precedent essentially flies in the face of planning's prime directives which are that planning permission should be granted unless policy or material considerations dictate otherwise and that every planning permission must and shall be considered on their individual merits.
116. However, in planning law, there is a “principle of consistency” in decision-taking. The principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure.
117. In regards to this there have been numerous Court cases, for example, *R v. London Borough of Wandsworth* (1983) This case established that while past decisions in planning are not strictly binding, they can be persuasive. The court ruled that a planning authority must

give reasons if it decides to depart from previous planning decisions that might suggest a similar outcome. It emphasized the importance of consistency in planning decisions to ensure fairness and avoid arbitrary decision-making. Additionally, *R v. Secretary of State for the Environment, ex parte Nottinghamshire County Council* (1986) This case clarified that, while planning authorities are not required to follow previous decisions, they must not act irrationally or in a way that is inconsistent with past practice without offering an adequate explanation. The court noted that consistency in planning decisions is important to prevent confusion and unfairness. Also, *R (on the application of Collins) v. Secretary of State for Communities and Local Government* (2013) This case reinforced the idea that planning authorities need to consider relevant case law and precedent in the broader sense, particularly when a similar case has been determined under the same policies. However, the decision emphasized that each case must be considered based on its unique facts and circumstances. Whilst, Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: “One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency” and *R (Midcounties Co-Operative Limited) v Forest of Dean District Council* [2017] EWHC 2050 and *Baroness Cumberlege v Secretary of State for Communities & Local Government* [2017] EWHC 2057.

118. In addition to the above, objectors have voiced concerns that the application site is subject to restrictive covenants, easements and/or wayleaves. Regrettably issues revolving around private property rights and obligations, such as those found within restrictive covenants, easements and wayleaves etc. are not considered material planning considerations. This is for numerous reasons, which include under the Town and Country Planning Act 1990 s.70(2) and the Planning and Compulsory Purchase Act 2004 s.38 (6). These sections of the Acts forward the notion of ‘material considerations’. Private rights under covenants, etc., are not within those words. Additionally, the interests of society and the public usually take priority over private rights—for example, the general presumption in favour of permitting development under the National Planning Policy Framework (NPPF), para 11. Finally, because the regulation of private rights and obligations is governed by different rules from those regulating planning matters, outcomes are different.

119. Other concerns raised are that if the application is approved that during the construction phase there will be significant disruption due to builder’s vans, equipment, noise, access and mess. Again, the case officer notes the concerns of the objectors and appreciates that it is not uncommon for such problems to occur during the construction phase although these tend to be for a limited period of time and are therefore not considered sufficient grounds for refusal of a planning application. Furthermore, if vehicles are causing an obstruction, for example blocking people’s drives, this is a matter which can be dealt with by the

Police who have the appropriate legislation and powers to free the access, the planning system is not here to duplicate other legislation.

#### Equalities and Diversity Implications

120. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment, and victimisation.
  - To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
121. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
122. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

#### CONCLUSION

123. Refuse.

#### CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council : No comments received

Essex County Council Highways Authority: The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users. The proposal does not meet Rochford District Council's adopted parking standards as explained in the notes below, therefore:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The overall parking provision does not meet the required parking standard.
2. The proposal, if permitted, would set a precedent for future similar developments which is detrimental to the safety of all highway users.

The proposal is therefore contrary to policy DM1 and DM8 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and the NPPF 2024.

The site is a semi-detached dwelling on Hilary Crescent. The dwelling has access to an off-street parking space within a garage court, which is accessed from an existing crossover and private driveway.

The proposal includes the subdivision of the site and provision of an additional detached dwelling. The host dwelling retains the existing parking space in the garage block and the proposed dwelling is shown with oblique/tandem parking spaces. Access to the proposed off-street parking spaces is constrained by the retained garage, the host dwelling and the lamp column.

As submitted, both parking spaces in the oblique/tandem arrangement are substandard in dimensions and given the constrained layout and proximity of the adjacent lamp column it is unclear how vehicles will access the parking arrangement.

Any application which includes off-street parking must be able to accommodate parking spaces in accordance with the current standards and given the constrained nature of the proposal site, tracking diagrams should be included to demonstrate that the parking spaces are accessible.

- i. Rochford District Council's parking standards require that parking spaces must meet minimum dimensions of 5.5 x 2.9 metres.
- ii. Consequently, the proposal does not meet Rochford District Council's parking standards.
- iii. The plans if permitted, would therefore lead to inappropriate parking practices to the detriment of the safety of all highway users.

The Highway Authority may consider a revised proposal that addresses the reasons for refusal

Essex County Council Place Services Ecology:

We have reviewed the documents supplied by the applicant and note no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of Magic Maps and aerial imagery.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable/additional information on Badgers and other protected and priority species is provided prior to determination.

Essex Badger Protection Group:

The Essex Badger Protection Group objects to the planning application due to the possible presence of badger setts and activity at or near the site. They cite Natural England guidance which recommends that a badger survey be conducted if there is historical evidence of badgers in the area or suitable

habitat for them. A survey must be carried out by a qualified ecologist, and its findings are only valid for up to 12 months.

The Group emphasizes that an updated badger survey should be completed before planning permission is considered, not as a condition after approval. This aligns with current guidance from Natural England, which states that planning decisions must fully assess impacts on protected species prior to consent being granted.

They also remind the authority that badgers and their setts are fully protected under UK law, and public bodies have a legal duty to consider biodiversity, including badger welfare, in planning decisions.

Neighbour representations:

11 responses have been received from the following addresses:

Hilary Crescent: 33 (2 letters received), 37, 43, 55.

Bull Lane: 96, 102a (2 letters received), 104, 106.

1 address unknown

And which in the main make the following comments and objections (summarized):

- How will heavy plant and materials be delivered to the site;
- The access is unsuitable for large and emergency vehicles, its difficult getting a car down;
- The proposal will create a precedent for similar types of development
- The plans are misleading and inaccurate
- The plot is too small and the proposal constitutes over development;
- The development is harmful backland development and not in keeping with the locality;
- There is evidence of badgers in the locality and no ecological survey has been conducted;
- No arboricultural impact assessment has been conducted;
- The lamp post will restrict access;
- The garages have been constructed over a stream;
- The proposal is too close to the boundary and will appear over bearing and intrusive;
- The proposal is not in keeping with other properties;
- The proposal will directly overlook other properties having an impact on their privacy;
- The proposal will lead to loss of light;
- Noise and disturbance during the construction of the dwelling
- The car parking will not work;
- The proposal will not have legal rights to access the property

## **Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024 revised in February 2025).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies H1, CP1, ENV1, T8.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM3, DM4, DM8, DM9, DM10, DM25, DM27 and DM30.

Essex County Council and Essex Planning Officers Association Parking Standards: Design and Good Practice Supplementary Planning Document (adopted January 2025).

Essex County Council County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance - Policies DM1 and DM8.

Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide.

Natural England Standing Advice.

## **RECOMMENDATION: REFUSE**

1. The proposed development would result in an unacceptable loss of privacy and have an overbearing impact on the residential amenity of neighbouring occupiers, contrary to national and local planning policy.

The proposed first-floor bedroom window on the rear elevation, located approximately 1.1m from the shared boundary with No. 104 Bull Lane, would result in direct and intrusive views into the private rear garden of that property. No. 104 benefits from an L-shaped garden, the privacy of which would be significantly compromised due to the height and positioning of the proposed window. In addition, the proposal would similarly overlook the rear garden of No. 102A Bull Lane, which adjoins the garden of No. 104. The elevated position and proximity of the window would enable uninterrupted views across multiple neighbouring gardens, thereby severely diminishing the reasonable expectation of privacy for existing residents.

Moreover, the close siting of the proposed two-storey dwelling in such close proximity to the rear boundary particularly at just over 1m would introduce a substantial sense of enclosure and visual dominance, especially when experienced from the rear gardens of Nos. 104 and

102A Bull Lane. This relationship, exacerbated by the scale and bulk of the development so close to the boundary, would result in a development that appears oppressive and overbearing.

The combination of overlooking and an overbearing relationship would if allowed represent a significant and demonstrable harm to the enjoyment of private amenity space of those neighbouring homes, contrary to the aims of the Essex Design Guide, the district Council's Supplementary Planning Document 2 (SPD2), and Policy DM1 of the District Council's Development Management Plan, all of which require that new development protects the privacy, outlook, and amenity of neighbouring occupiers. The proposal also fails to comply with paragraph 135(f) of the National Planning Policy Framework 2024, which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

2. The proposed development, by reason of its overall scale, form, and design, would fail to respond appropriately to the physical constraints of the site. The contrived stepped front elevation—comprising a recessed ground floor and projecting upper floor—represents a poor design solution intended to address insufficient space for on-site car parking. This would result in an awkward and visually incoherent frontage that would lack architectural integrity. Furthermore, the rear elevation is undermined by the inclusion of a chamfered two-storey outrigger and the main rear elevation is also partially chamfered resulting in distorted building lines intended to mirror the irregular site boundary, leading to a jarring and convoluted built form. These elements would cumulatively result in a dwelling that appears cramped within the plot and poorly resolved in architectural terms. As such, the proposal fails to achieve a high standard of design and does not contribute positively to the character and appearance of the surrounding area.

The development would therefore be contrary to the provisions of policies DM1 and DM3 of the Council's adopted Development Management Plan and guidance advocated within the Council's Supplementary Planning Document 2 (SPD2) – Housing Design and advice advocated within the National Planning Policy Framework which all seek to ensure that developments are visually attractive, function well, and are sympathetic to local character.

3. The proposed development, by reason of its siting, constrained and irregular plot size, and poor relationship with both the host dwelling and surrounding properties, would result in a cramped, over-intensive, and visually incongruous form of backland development. The minimal separation distances to site boundaries—particularly just 300mm to the east and 1.1m to the rear—fail to provide sufficient defensible space, meaningful landscaping, or an appropriate setting for the proposed dwelling.

The layout bears many of the deficiencies associated with tandem development, including poor integration with the surrounding street pattern and a lack of public frontage. As such, the proposal fails to reinforce the established character of the area or provide a high standard of living environment for future occupiers.

The development would therefore have a poor relationship with the site surroundings contrary to parts (x) and (xi) to Policy DM1 and contrary to parts (i) and (x) to Policy DM3 of the Rochford Development Management Plan, the design and layout guidance set out in Supplementary Planning Document 2 (SPD2): Housing Design, and the relevant provisions of the National Planning Policy Framework which seek to secure well-designed, contextually appropriate development that respects local character and amenity.

4. The proposed development fails to provide adequate off-street parking in accordance with the adopted Rochford District Council Parking Standards, with the submitted layout demonstrating substandard parking space dimensions and a constrained configuration that would not allow for safe and practical vehicular access and manoeuvring. The tandem and oblique arrangement of the proposed spaces, compounded by the proximity of the retained garage, host dwelling, and adjacent lamp column, would result in a parking layout that is unworkable and likely to lead to informal or obstructive parking to the detriment of highway safety.

In the absence of supporting technical evidence, such as swept path or tracking analysis, the applicant has not demonstrated that the proposed parking spaces are accessible or capable of being used safely. The development would therefore prejudice the free and safe passage of all highway users and could set an undesirable precedent for similar inadequately designed schemes.

The proposal is therefore contrary to Policies DM1, DM8 of the County Council's Development Management Policies, and Policy DM30 of the Rochford District Council Development Management Plan (2014) and guidance advocated within the National Planning Policy Framework (December, 2024), which collectively seek to ensure that development does not result in an unacceptable impact on highway safety or the efficient operation of the road network.

5. In the absence of a Preliminary Ecological Appraisal (PEA) or any supporting ecological information, the Local Planning Authority (LPA) cannot be satisfied that the proposed development would not have a harmful impact on legally protected species, specifically badgers, which are afforded protection under the Protection of Badgers Act 1992. Representations from third parties, including the Essex Badger Protection Group, raise credible concerns regarding the potential presence of badgers on or near the application site. However, no ecological assessment has been undertaken by the applicant to

confirm the presence or likely absence of protected species or to demonstrate how any impacts could be appropriately mitigated.

As such, the proposal fails to demonstrate compliance with the Local Planning Authority's statutory duties under Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) in respect of conserving biodiversity. Furthermore, the proposal is contrary to the guidance set out in Paragraph 99 of ODPM Circular 06/2005, which states that the presence or otherwise of protected species and the extent to which they may be affected must be established prior to the grant of planning permission.

In the absence of this information, the Local Planning Authority cannot be satisfied that the development would not result in harm to biodiversity or legally protected species, contrary to the requirements of the Policy DM27 of the Council's Development Management Plan and relevant parts of the National Planning Policy Framework which seek to ensure that development appropriately mitigates impacts on biodiversity.

6. The proposed development, by reason of the limited plot size and constrained layout, would represent an overdevelopment of the site. The subdivision of the existing plot to accommodate an additional dwelling would result in a cramped and poorly planned form of development that fails to provide sufficient and functional private amenity space for future occupiers. The proposed two-bedroom dwelling would have access to approximately 44m<sup>2</sup> of private amenity space (excluding car parking), falling below the minimum requirement of 50m<sup>2</sup> as set out in the Council's adopted Supplementary Planning Document 2 (SPD2). Furthermore, the private amenity space is fragmented, awkwardly positioned to the side and front of the dwelling, and of limited usability.

The resulting development would appear contrived and out of keeping with the established pattern of development in the locality, which is characterised by more generously proportioned plots. The proposal would fail to deliver a high-quality residential environment and would result in a poor standard of living accommodation for future occupiers, contrary to Policy H1 of the Council's Core Strategy, Policy DM3 of the Council's Development Management Plan, the Council's adopted Housing Design SPD2, and Paragraph 130(f) of the National Planning Policy Framework (NPPF) which collectively seek to ensure developments provide sufficient, usable amenity space and achieve high standards of design, layout, and residential amenity.

In this context, the proposal is considered to represent an overdevelopment of the site that fails to respect the character of the area and would not meet the reasonable needs of future occupiers.

The local Ward Members for the above application are Cllr. Matt O'Leary, Cllr. D. W. Sharp and Cllr. Ms. S. J. Page.

Application No:	25/00161/FUL      Zoning: Residential
Case Officer	Mrs Elizabeth Milne
Parish:	Hockley Parish Council
Ward:	Hockley And Ashingdon
Location:	Greensward Academy, Greensward Lane Hockley
Proposal:	Installation of new external lighting at the 3G pitch at Greensward Academy.

### **SITE AND PROPOSAL**

39. The application site is to the north of Greensward Road, with the 3G pitch located to the north of the site, to the east of Hamilton Gardens.
40. Planning permission is sought to erect four 15m high floodlights around the periphery of an existing 3G pitch.

### **RELEVANT PLANNING HISTORY**

41. CC/ROC/18/05. Construction of two multi use games areas, comprising of an all-weather 7 a side football pitch and four netball/tennis courts, with perimeter fencing for school and community use. Granted.

### **MATERIAL PLANNING CONSIDERATIONS**

42. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
43. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
44. Policy DM1 of the Councils Development Management Plan sets out criteria for the design of new developments, mainly to ensure that they are in keeping with the character of the area, innovative, provide no significant loss to residential amenity, and are a positive contribution to the built environment.
45. Policy DM5 of the Councils Development Management Plan discusses light pollution and how such proposed schemes must be appropriately

designed and installed to minimise the effect of light pollution, in this case, on residential areas. Light pollution must also not have a detrimental impact on highway safety and the night sky through unnecessary light spillage and trespass.

46. Furthermore, applications for sports and other leisure facilities involving external floodlighting are acceptable and will be permitted if it meets the following criteria:

- (i) The lighting is designed to be as directional as possible using the minimum number of lights required with the aim of reducing light pollution;
- (ii) A curfew time of no later than 10:00pm; and
- (iii) Consideration is given to the effect of the light upon local residents, vehicle users, pedestrians, local wildlife and the night sky.

#### Impact on Character

47. Surrounding the perimeter of the existing pitch would be four 15m high floodlight columns. This is the type of paraphernalia you would expect to be associated with a playing pitch.

48. The floodlighting columns would illuminate the existing 3G pitch and would comprise of two luminaires per column. The luminaires are not considered to represent excessive lighting levels such that they would extend beyond the pitch perimeter. Given the siting and height of the floodlighting columns and low-level intensity of illumination, it is considered that the impact of the development on the visual amenities in this location is acceptable and there would not be a significant harmful adverse impact on the surrounding character and appearance of the area.

49. Overall, it is not considered that the floodlighting would be detrimental to, or out of keeping with, the character of the area given the existing use of the site.

#### Impact on Residential Amenity

50. A number of objections have been received from residents of Hamilton Gardens and Hampstead Gardens. These largely relate to the height of the proposed columns and potential for light pollution as a result.

51. The height of the proposed columns are considered 'standard' provision for applications of this nature, and whilst it is acknowledged that the inclusion of these would be visible from nearby residential dwellings it is not considered that these would be inappropriate development given the existing use of the site as a sports pitch for the school.

52. The lighting report and additional information provided by the applicant relating to glare value for the site has been reviewed by the council's Environmental Health Services. It is confirmed that the actual illumination of residential dwellings is not considered to be an issue as the lux value is 2 or below. The glare is confirmed to be at the lowest possible level (10), therefore there was no objection to the proposal from Environmental Health. It was however recommended to impose a time at which lights must be turned off.

#### Lighting

53. The lighting is not considered to be excessive or materially harmful to the amenities of the surrounding residential dwellings given the levels of light spillage on the ground and the low glare value.
54. No operation hours have been proposed however policy DM5 of Development Management Plan states a curfew time of no later than 10pm. A condition would be necessary to ensure the floodlights are switched off at a certain time to reduce the impact of light pollution upon the residential area complying with policy DM5 of the Development Management Plan.
55. The original consent for the playing pitch included a condition restricting the use between 09:00 and 21:00 Monday to Friday, 09:00 to 13:00 on Saturdays, and not at all on Sundays and Bank Holidays, and these parameters would remain should consent be granted for this proposal.

#### Noise

56. The proposed flood lighting would have the potential to generate a higher level of activity than the current layout of the site due to allowing the pitch to be used for longer hours in the winter months. Currently the site already generates a level of noise from the existing pitches during the daytime throughout the summer and winter months and in the evening throughout the summer months. With the addition of flood lighting, it is considered this would create a similar noise level throughout the evenings during the winter months. The additional activity that would occur through the implementation of flood lighting is not considered to result in a material harm upon the occupiers of the residential properties near the application site.

#### Ecology

57. A preliminary ecological appraisal accompanies this planning application for new flood lighting and sets out recommended mitigation measures where applicable.
58. The proposal is located some 1.3km from Hockley Woods SSSI, some 1.9km from Essex Estuaries SAC and 1.9km from the Crouch and

Roach Estuaries SSSI. There are no statutory designated sites relating to bats within 10km of the development, and it is concluded within the report that the proposed development would not have any direct impacts to designated sites given the distance from the statutory designated sites and the small scale of the proposals along with physical barriers (including rail lines and residential dwellings) between these. It is acknowledged that indirect effects such as pollution, increased dust levels and damage to trees could occur during construction and best practice measures to minimise these.

59. No bat roosting habitat was identified during the survey and the site is considered to have low habitat value for commuting and foraging bats. It is acknowledged that the proposed development would not result in the removal of any habitats which could be used by foraging or commuting bats, however the use of lighting could deter bats from using this area. It is considered that the infrequent use of lighting and its focused direction mean that it is unlikely to have any significant impact on bat activity. It is recommended that two bat boxes are installed at the site to provide additional roosting habitat for bats.
60. No evidence of nesting birds was identified during the survey; however it was noted that birds could use the scattered trees and hedgerows for nesting. As all trees are being retained on site no impacts are anticipated for nesting birds. It is recommended that precautions should be taken with machinery and noise levels when working close to any retained nests so as not to disturb any nearby nesting birds during construction works. At least a 3-5m buffer should be created between any machinery and active nests until the young have fledged.
61. No evidence of badgers was found on or within 30m of the site, however the hedgerows and grassland may be used for foraging and due to gaps in the fencing and hedgerows their presence on site could not be ruled out. Basic precautionary mitigation during works is recommended:
- Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.
  - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to habitats which badgers could use. South and west boundaries.
  - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
62. In the unlikely event that a badger sett is identified within 30m, works must cease and advice must be sought from a suitably qualified ecologist.
63. It is noted that there is a small parcel of woodland, located in the middle of the northern boundary of the site and it is recommended that

retained trees be protected in line with the measures outlined in the British Standard BS 5837.

64. Place Services Ecology have been consulted on this application and have no objection subject to conditions, stating that the mitigation measures identified in the Preliminary Ecological Appraisal report (Arbtech, January 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

#### Flood Risk

65. Paragraph 170 of the NPPF seeks to direct development to the lower risk flood zones. This stance is reiterated in policy ENV3 of the Core Strategy which provides local flood risk considerations.
66. Part of the site falls within an area of higher risk of flooding from surface water as shown on the Environment Agency Flood Risk Map for Planning as identified on the Environment Agency flood maps. The proposal would involve uses falling within the 'water compatible development' use based on the National Planning Practice Guidance (NPPG) flood table 2 'Flood Risk Vulnerability Classification'. It is therefore, considered that the proposal would not increase flood risk elsewhere.

#### Biodiversity Net Gain

67. The development is considered to be exempt from the statutory biodiversity gain condition because the development meets the exemption criteria relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.
68. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning condition to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

### **EQUALITIES AND DIVERSITY IMPLICATIONS**

1. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:
  - To eliminate unlawful discrimination, harassment, and victimisation.

- To advance equality of opportunity between people who share a protected characteristic and those who do not.
  - To foster good relations between those who share a protected characteristic and those who do not.
2. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
  3. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would not result in any impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

## **CONCLUSION**

4. Approve subject to conditions.

## **CONSULTATIONS AND REPRESENTATIONS (summary of responses):**

Hockley Parish Council: Objection

Hockley Parish Council strongly object to this planning application and have received numerous correspondence from residents regarding this application.

The concerns raised relate to the following material planning considerations: Light pollution, the application details that there will be two lights per column but the plans show that there is for lights and there is no details regarding the lumens output. Within the nearby vicinity there is extensive wildlife and members have concerns regarding the impact this will have on the wildlife and their natural habitat. The application does not detail whether these lights will be on a timer or whether they will only be lit whilst the 3G pitch is being used.

There are also concerns that whilst the facility is located within the school that if the pitches are hired out then these lights could be on for extensive periods of time. The application states that the lights are replacing current lights in situation but local residents have advised that these lights were temporary lights and as such did not go through the planning process. Neighbouring properties have concerns regarding the light pollution within their properties and increased noise if the area is rented out of an evening. Members note that Southend Airport has also raised objection regarding the height of the columns and the lights.

Environmental Health:

- I have reviewed the amended spill plan and the new references to glare. The glare is at the lowest possible level (10), therefore I have no issue with the proposal.
- My suggestion to impose a time at which lights must be turned off remains though.

Place Services Ecology:

Recommend approval subject to conditions:

### **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*“All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal report (Arbtech, January 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.”*

### **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

*“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 Appraisal report (Arbtech, January 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). 4*

Place Services is a traded service of Essex County Council

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”*

#### London Southend Airport:

- Looking at the information you have now supplied, if you are confirming that the tallest point of the Greensward Academy (which exists today) is 15.2m AGL, then as long as the lighting mast are no taller, when comparing AOD heights then we would have no objection.
- Lighting masts –  $14\text{m AGL} + 33.67\text{ GL} = 47.67\text{m AOD}$ .
- Ref the other question – I think you mean EASA compliant. European Union Aviation Safety Agency – essentially the regulations we are governed by. Specific ref to lighting near aerodromes below

BAA Normal.Dot v1.00

As long as the lighting meets the standard in the attached, then we would have no objection.

Neighbours: 3 responses of objection have been received from the following addresses;

Hampstead Gardens; No, 25, 27

Hamilton Gardens; No, 70

#### Points of concern

- The proposed lights will be over three times the height of the existing abundance of lights surrounding the school
- They will tower above the residential properties and contribute even more to light pollution
- The plans state 4 columns with two flood lights per column. The actual document submitted shows 4 columns with four floodlights each
- The document states the lights will be switched off at 9pm but does not mention how many days per week
- There is so much light already shining into our windows that we have had to install blackout blinds
- There will be an increase in vehicles/noise as no doubt it's a commercial venture that will be open for use after the hours stated
- I would be interested in seeing reports compiled by any statutory nature conservation organisations as light pollution is extremely disturbing to nesting birds, bats and other nocturnal species
- Question the need for lighting to be on 15m columns
- The site seems overdeveloped
- Installation appears aimed at enabling evening lets rather than reflecting the need for the school
- The trees facing Hamilton Gardens have grown too high but will not provide an effective screen against light from 15m posts. They will provide little cover when the leaves are gone
- Pitch regularly used past 9pm in the summer and in recent times there have been small lights shining into our bedroom windows

- It is often used through the winter till at least 7pm
- Unsightly 15m poles very close to my property
- Living at Hamilton Gardens has become gradually more stressful, largely due to the expansion of both schools nearby
- Concerned that the height of the proposed lighting at 10500mm above the existing fence height will be a significant eyesore and spoil the outlook to the rear of my property

**Relevant Development Plan Policies:**

National Planning Policy Framework (December 2024)

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014) Policy Dm1 and DM5

**RECOMMENDATION: APPROVE**

Conditions:

1. The development and installation hereby permitted shall begin no later than three years from the date of this decision.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the approved plans: Location Plan reference BA/00616/24/002 dated 29<sup>th</sup> July 2024, External Lighting Layout reference P24616-BA-ZZ-00-DR-E-9600 dated October 2024, Proposed Floodlighting Elevation reference BA/00616/24/012 dated 17<sup>th</sup> December 2024.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with details considered as part of the application.

3. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal report (Arbtech, January 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 LPA 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).

4. Prior to any works above slab level (the supporting base for the lights) , 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 Appraisal report (Arbtech, January 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, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

5. The lights hereby permitted shall be in operation only between the hours of 09:00 and 21:00 Monday to Friday, 09:00 to 13:00 on Saturdays, and not at any time on Sundays and Bank Holidays. The lights shall be turned off outside these stated hours.

REASON: To enable the Local Planning Authority to retain adequate control over the lighting system, in the interests of residential amenity.

6. The lighting on first operation shall be European Union Aviation Safety Agency (EASA) compliant.

REASON: To ensure that the lighting does not cause any detriment to the safe operations of London Southend Airport.

The local Ward Member(s) for the above application is/are Cllr M R Carter  
Cllr Mrs D L Belton Cllr R P Constable