



PLANNING APPLICATIONS WEEKLY LIST NO. 1777
Week Ending 3rd October 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 on the 30th October 2025
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **8th October 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. 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.

Glossary of suffix's:-

Outline application (OUT), Full planning permission (FUL), Approval of Reserved Matters (REM), S106 legal obligation modification (OBL), Planning in Principle (PRINCI), Advertisement Consent (ADV), Listed Building Consent (LBC).

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Application No :	25/00508/FUL Zoning : Retail
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	Unit 2 Airport Retail Park Southend Airport
Proposal :	Installation of mezzanine floor

SITE AND PROPOSAL

1. Unit 2 is located at Airport Retail Park, an established retail destination with 8,500m² of floorspace, with occupiers including Pets at Home, Dreams, Carpetright, Argos, Next, Home Bargains, B&M Bargains and Sports Direct. A McDonald's drive through restaurant is located adjacent the shared car park and facing Rochford Road.
2. The application site is a retail shed, which is located towards the north western edge of the Airport Retail Park. Located towards the front of the application site is a large communal car park, which serves this unit and other units on the retail park. Located at the rear of the premises is a service road and beyond that is Southend Airport. Immediately to the east of the application site is another retail shed. At the time of the case officers' site the site was vacant and was formerly occupied by Carpetright.
3. The proposed development is for the installation of a mezzanine floor at Unit 2 Airport Retail Park Southend Airport, Rochford.

RELEVANT PLANNING HISTORY

4. Application No. 25/00567/FUL - Use of Unit 2 as a foodstore with associated comparison sales – Not Yet Determined.
5. Application No. 25/00344/FUL Installation of 2 No. new full height and 1 no. half-height shopfronts complete with automatic bi-parting entrance doors – Approved – 25.06.2025.
6. Application No. 25/00343/ADV - High level internally illuminated sign to front elevation, replacement vinyls/panels to existing totem pole,

replacement panels to existing sign beneath canopy and loading bay sign to rear elevation – Approved – 09.07.2025.

7. Application No. 25/00352/FUL - The construction of a single storey flat roof extension to rear of premises, siting of AC plant to roof of extension with edge protection, creation of bin store at ground level, forming of 2no. openings in external wall for AC pipework/vent grills, forming of new door opening etc. – Approved – 02.07.2025.
8. Application No. 97/00486/ADV - Display of Two Internally Illuminated Signs and Four Internally Illuminated Poster Panels – Approved - 24.02.2000.
9. Application No. 97/00079/FUL - Internal Access Road Alterations (Including New Roundabout) as a Revision to Previously Approved Scheme RM/0341/96/ROC – Approved -15.05.1997.
10. Application No. 97/00017/REM - Construction of Non-Food Retail Warehouse, Garden Centre and 450 Space Car Park (Reserved Matters - Amended Scheme) – Approved - 10.03.1997.
11. Application No. 96/00341/REM - Construction of Non-food Retail Warehouse, Garden Centre and 450 Space Car Park (Duplicate Application) Land Adjacent Warners Bridge, Eastern Side – Approved - 17.10.1996.
12. Application No. 96/00442/FUL - Site Remediation (Decontamination) and Services (Utilities) Diversion Works (Engineering Operations Pursuant to Applications RM/0340/96/ROC and RM/0341/96/ROC for Retail Warehouse, Garden Centre and Car Park) Land Adjacent Warners Bridge Eastern Side – Approved - 16.10.1996.

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. 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).

Car Parking

15. Policies DM1 and DM3 of the Council's Development Management Plan (DMP) require all development proposals to provide an appropriate level of car parking provision, having regard to the nature

of the development, its location, and the accessibility of the site. Policy DM30 further supports this by requiring proposals to contribute to the creation and maintenance of an accessible environment, specifically through the provision of adequate parking in accordance with the Council's adopted standards. These policies aim to ensure that developments function efficiently without placing undue pressure on the highway network or surrounding area.

16. At the national level, paragraph 116 of the National Planning Policy Framework (2024) (as amended) (NPPF) is a key material consideration when assessing transport impacts. It sets out a high threshold for refusal of planning permission on highways grounds, stating that development should only be prevented or refused where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. This policy reflects the government's intention to support sustainable development and to avoid unnecessarily restricting growth unless there is clear evidence of significant harm.
17. The proposed development would result in a modest increase in retail floorspace at the site, from a net internal area of 8,637m² to 8,812m²—an uplift of just 175m². The site currently provides 420 parking spaces. Essex County Council's parking standards require one space per 20m². The total floorspace would generate a requirement for 441 spaces, resulting in a shortfall of 21 spaces post-development. This represents a marginal increase from the existing under-provision of 12 spaces.
18. While the proposal does not meet the numerical parking requirement, the shortfall must be considered in the context of the specific site characteristics and operational realities. The increase in floorspace is minimal (175m²) and unlikely to give rise to a proportionate increase in parking demand. Moreover, the layout and access arrangements are such that even at full capacity, it is unlikely that queuing would occur back onto the public highway. The retail park site has been designed to accommodate internal vehicle circulation without obstructing access or creating safety concerns. Furthermore, retail parks typically experience fluctuating demand, and existing parking provision is likely to accommodate peak activity in most scenarios.
19. Crucially, Essex County Council's Highway Authority has been consulted and has raised no objection. Their formal response states: "The proposal will use the existing car parking facilities. Therefore, from a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority." This professional judgement provides strong reassurance that the proposal does not raise concerns in terms of highway safety or traffic congestion.
20. In conclusion, while the proposed development results in a modest parking shortfall relative to adopted standards, the scale of the deficiency is not considered significant when viewed against the size

and nature of the proposal, the operational characteristics of the site, and the professional advice received from the Highway Authority. There is no evidence to suggest that the development would result in an unacceptable impact on highway safety or give rise to severe cumulative effects on the local road network. The proposal is therefore considered to comply with Policies DM1, DM3, and DM30 of the Development Management Plan and the requirements of paragraph 116 of the National Planning Policy Framework.

Retail Impact

21. National and local planning policy seek to manage the expansion of retail floorspace in out-of-centre locations to ensure that the viability and vitality of existing town centres are not undermined. The National Planning Policy Framework (NPPF) sets out a clear requirement for impact assessments for developments over 2,500m² of gross retail floorspace, and local policy aligns with this approach. While the current proposal does not exceed this threshold, it is still appropriate to consider its implications in terms of cumulative impact, operational function, and consistency with the strategic objectives for retail development.
22. The application relates to a currently vacant retail unit with an existing gross internal floor area of 982m². The proposal seeks planning permission to install a mezzanine floor measuring 175m², which would increase the total internal floor area to 1,157m². The proposed works are entirely internal, with no alterations to the external fabric, structure, or footprint of the host building. According to the submitted plans, the mezzanine space would be used to accommodate essential ancillary functions, including a staff room, cloakroom, toilets, cleaner's cupboard, dry goods storage, chiller space, and associated back-of-house facilities. These functions are typical of a supermarket and are necessary to support day-to-day operations but do not contribute to the net retail sales area. Furthermore, a similar amount of space on the ground floor would be retained not devoted to retail area so the proposal would not in effect free up back office space. The proposal would be in addition to and not instead of.
23. The modest increase in floorspace and the nature of its intended support function use mean that the proposal does not represent a material intensification of retail activity. It would serve an ancillary role, facilitating staff welfare and operational efficiency, rather than extending the public retail offer. As such, there are no significant planning concerns regarding retail impact, traffic generation, or customer footfall. The total floor area remains well below the 2,500m² threshold that would require a Retail Impact Assessment, and given the ancillary nature of the mezzanine, such an assessment would not be warranted in any case.

24. It is also noted that a separate planning application (ref: 25/00567/FUL) has been submitted for the change of use of the unit from general retail to a foodstore, which includes the sale of both convenience and comparison goods. That application is currently undetermined. While the two proposals are distinct in planning terms, they are clearly related and should be considered in the broader context of the unit's intended reoccupation. The installation of the mezzanine supports the operation of the proposed foodstore but would not, in itself, involve any change of use.
25. Rochford District Council's Strategic Planning and Economic Regeneration team have been consulted on this application. Whilst they do not express a specific view on the mezzanine proposal (Ref: 25/00508/FUL), they acknowledge that the additional floorspace would provide facilities important to the functioning of a supermarket and that the gross floorspace would be 1,157m². Their response confirms that the scale and purpose of the proposed mezzanine does not raise strategic policy concerns.
26. In conclusion, the proposed mezzanine would represent a modest, internal alteration that would serve to support the potential reoccupation of a vacant retail unit as a foodstore. The additional 175m² of ancillary floorspace would be operational in nature, with no increase in retail sales area or external impacts. The proposal aligns with national and local policy objectives relating to sustainable economic development and the reuse of existing retail premises. Subject to the outcome of the separate change-of-use application, this proposal can be supported as a necessary and proportionate measure to enable the efficient operation of a foodstore, without prejudicing the vitality or viability of designated centres. In order to prevent the mezzanine floor being used for retail purposes, a condition will be attached to the decision stating that the proposed mezzanine should only be used for ancillary purposes.

Impact Upon Residential Amenity

27. Paragraph 135(f) of the NPPF promotes the creation of places that are safe, inclusive, and accessible, while supporting health, well-being, and a high standard of amenity for both existing and future users. This national principle is embedded locally through Policies DM1 and DM3 of the Development Management Plan (2014). Policy DM1 seeks to ensure that new development integrates well with its surroundings, preserves privacy, maintains outlook, and safeguards against unacceptable impacts on neighbouring amenity. Policy DM3 specifically requires that proposals are assessed for their potential impact on residential amenity, with particular regard to overlooking, overshadowing, noise, and general disturbance.
28. In planning terms, amenity typically refers to the range of conditions that contribute to a reasonable quality of life. These include privacy,

access to daylight and sunlight, freedom from intrusive noise, and a sense of openness or outlook. Where development may interfere with these conditions, it is necessary for the LPA to undertake a balanced and evidence-led assessment of any demonstrable and significant harm that could result. Common impacts to be assessed include loss of light, overbearing built form, direct overlooking, or an unacceptable sense of enclosure—often referred to as the “tunnelling effect.”

29. The application site lies within a commercial setting characterised by predominately retail uses. GIS mapping confirms that the nearest residential properties are located over 100m to the south of the site. This substantial separation distance significantly reduces the likelihood of any material harm to residential amenity. Importantly, a commercial building is positioned between the application site and the nearest homes. This intervening built form acts as a visual and acoustic screen, preventing direct lines of sight and mitigating any potential intervisibility or perceptible disturbance from the proposed development.
30. In addition to built-form separation, the site benefits from a large surface-level car park to its frontage, which further increases the spatial buffer between the development and surrounding uses. This open area is supported by mature landscaping and tree planting along site boundaries, which play a dual role. Visually, they soften the built environment, maintaining a more pleasant outlook from surrounding viewpoints. Functionally, the landscaping assists in screening the development and mitigating potential noise or light spill. These physical features are considered to contribute significantly to reducing any residual or cumulative amenity impacts.
31. As previously stated, the proposed development involves the installation of a mezzanine floor of approximately 175m² within an existing commercial building. The proposed mezzanine would be an internal addition that would not alter the external appearance of the building or increase its physical footprint. It would represent a modest and proportionate form of development relative to the scale of the host building and consistent with the prevailing commercial character of the area. There is no evidence to suggest that the mezzanine would give rise to additional noise, extended hours of operation, or any other forms of disturbance that could affect nearby residential properties.
32. The mezzanine floor would facilitate an internal expansion of usable floorspace without materially intensifying the site's use in a way that would affect surrounding occupiers. No external plant, lighting, or openings are proposed that would generate additional impacts. Given the nature of the proposed works and the lawful use of the premises, the development is unlikely to result in any new or significant intensified activity that would be discernible at the residential properties over 100m away.

33. When considered cumulatively, the factors outlined above - generous separation distances, intervening built form, boundary landscaping, and the limited nature of the proposal - indicate that any potential impact on residential amenity would be negligible. Furthermore, the development makes efficient use of existing space in line with sustainable development principles and does not require the use of additional land or external extension. This aligns with wider planning objectives within the NPPF that encourage the optimisation of underused spaces, particularly within existing commercial environments.
34. In conclusion, having regard to the relevant national and local policy context, and following a detailed assessment of site-specific conditions, it is concluded that the proposal would not give rise to any demonstrable harm to the amenity of nearby residential occupiers. The proposed development is modest, well-contained within an existing commercial unit, and benefits from multiple layers of physical and visual separation from the nearest sensitive receptors. Accordingly, the proposal is considered to accord with Policies DM1 and DM3 of the Development Management Plan (2014) and is consistent with the principles of good planning practice as outlined in the NPPF.

Equalities and Diversity Implications

35. 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.
36. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
37. Taking account of the nature of the proposed development and representations received, it is 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

38. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comment or objection to make regarding this planning application.

Southend City Council: No response received.

Essex County Council Highways Authority: The proposal will use the existing car parking facilities. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Rochford District Council Strategic Planning and Economic Development: We do not express a view on the mezzanine proposal linked to this (25/00508/FUL), apart from to consider that it adds a further 175 sq. m to the gross floorspace and provides facilities deemed important to support the functioning of a supermarket. The gross floorspace in this situation would be 1157 sq. m.

Neighbour representations: 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 - T1, T8, RTC2.

Rochford District Council Local Development Framework London Southend Airport and Environs Joint Area Action Plan (JAAP) (2014).

Rochford District Council Local Development Framework Development Management Plan (December 2014) policies – DM1 and DM30.

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

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 numbered ICE678-SOUTHEND-SP06 (Location Plan and Block Plan) (as per date stated on plan 5th

July 2025) and Proposed Layout Revision B (as per date stated on plan 3rd October 2024).

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

3. The mezzanine floor hereby permitted shall only be used for ancillary purposes associated with the lawful use of the unit at the time of implementation. It shall not be used for additional retail sales, display of goods, or customer access without the prior written consent of the Local Planning Authority.

REASON: To ensure that the additional floorspace remains ancillary and does not result in intensification of retail activity or a material change of use, in accordance with the National Planning Policy Framework and relevant local planning policies.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no part of the mezzanine floor shall be used as retail sales area or for customer-facing activity without the prior written approval of the Local Planning Authority.

REASON: To prevent an increase in retail sales floorspace which could adversely impact the vitality and viability of designated town centres and to ensure compliance with retail impact policy.

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

Application No :	25/00601/FUL Zoning : Conservation Area
Case Officer	Mr Richard Kilbourne
Parish :	Rochford Parish Council
Ward :	Roche South
Location :	2 Ashingdon Road Rochford Essex
Proposal :	Proposed Internal Alterations and Replacement Windows and Door

SITE AND PROPOSAL

1. The site at 2-4 Ashingdon Road consists of two linked, two-storey buildings. No. 2 is prominently located at the junction of Ashingdon Road, Hall Road, and West Street, featuring red brick construction with a hipped roof. A single-storey rear extension and a boundary wall with iron railings are also present. No. 4, to the north, shares access with Rochford Primary School and has a similar red brick design with a pitched roof and decorative features.

2. The site is within the Rochford Conservation Area, but the buildings themselves are not listed. They are considered to make a neutral contribution to the area's character. The property is situated in a mixed-use urban area with residential, commercial, and educational buildings nearby. To the south east, Lord Richie's Cottages, a Grade II listed terrace, is located on West Street. The site is not subject to additional restrictive planning designations.
3. Planning permission is sought for proposed internal alterations and replacement windows and a door.

RELEVANT PLANNING HISTORY

4. Application No. 15/00404/FUL - Demolition of existing Conservatory and New Single Storey Rear Extension – Approved - 20.08.2015.
5. Application No. 10/00211/FUL - Construct New Pitched Roofed Link Building Between 2 and 4 Ashingdon Road, to Create Indoor Play Area, Computer Study Area and New Kitchen – Approved - 25.06.2010.
6. Application No. 03/00850/FUL - Proposed Front Porch – Approved - 25.11.2003.
7. Application No. 03/00012/FUL - Single Storey Rear Extension – Approved - 18.03.2003.
8. Application No. 02/00891/FUL - First Floor Extension to the Side – Refused - 23.12.2002.
9. Application No. 02/00225/FUL - Erection Of 1.9m High Brick Wall – Approved - 14.05.2002.
10. Application No. 01/00891/FUL - Erection of Timber Boundary Fence (Retrospective) – Refused - 05.02.2002.

MATERIAL PLANNING CONSIDERATIONS

11. 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.
12. 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).

13. Paragraph 212 of the National Planning Policy Framework (2024) (as amended) (NPPF) states that ‘...when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’
14. Paragraph 213 of the NPPF explains that any harm to, or loss of, the significance of designated heritage assets (from alteration or destruction, or from development within its setting, should require clear and convincing justification.
15. Paragraph 214 of the NPPF identifies substantial harm to be the total loss of a designated heritage asset or the or the loss of the assets significance.
16. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset such as through alterations, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. Paragraph 203 of the NPPF states that: ‘plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
 - (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - (d) opportunities to draw on the contribution made by the historic environment to the character of a place.’

Design and Heritage Considerations

18. 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 environment, whilst not adversely affecting the street scene by reason of scale, height, proportions or materials used.
19. Guidance advocated within the NPPF places 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. 139).

20. Building upon this is Policy CP1 of the Rochford District Council Core Strategy (2011) that 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 is expanded in Policy DM1 of the Council’s 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”. Both policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2).
21. 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.
22. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.
23. The building affected by this application is located within the Rochford Conservation Area and near numerous Listed Buildings along West Street. Although the building is neither statutorily listed nor identified as a non-designated heritage asset, it is recognised in the Rochford Conservation Area Appraisal (May 2007) as:

‘... The Before/After School Club occupies a separate Victorian building which was the master’s house. It preserves its original windows and its brickwork is not repointed, though the left hand side has been rendered and painted white...’
24. Surviving historic fenestration is an irreplaceable resource which should be conserved and repaired whenever possible. Historic windows also greatly contribute to the significance of listed buildings and the Conservation Area. Guidance upon the repair of and potential for replacement has been published by Historic England, Traditional Windows: their care, repair and upgrading.
25. Since the date of the original appraisal, the majority of the property’s original fenestration has been replaced with uPVC units of varying quality. The only historic examples that appear to survive are a small timber window on the ground floor south elevation and a Crittall window on the first floor north elevation. Whilst the loss of historic joinery has diminished the architectural integrity of the building, its age, form, and

surviving features mean that it continues to contribute positively to the character and significance of the Conservation Area.

26. The current proposal seeks the selective replacement of a number of windows and the primary entrance door, which are demonstrably in a poor state of repair, thermally inefficient, and providing inadequate security. Specifically, these comprise five windows and the principal door on the front elevation, three windows on the side elevation, two first-floor windows on the rear elevation, and one window on the opposite side elevation.
27. All remaining uPVC windows and doors, which are serviceable, will be retained. The replacements are proposed as uPVC units, designed to replicate the existing profiles while incorporating trickle vents for improved natural ventilation and double-glazed, argon/krypton-filled sealed units to meet modern thermal standards. High-security locking mechanisms and thermal breaks are also proposed, thereby ensuring compliance with Building Regulations in relation to energy efficiency, health, safety, and security.
28. From a design and heritage standpoint, it is acknowledged that the proposed replacement of the surviving timber and Crittall windows is regrettable. The Conservation Officer has highlighted that the use of uPVC in such instances is not normally supported, recommending instead that the applicant consider higher-quality timber or metal alternatives to better reinforce the architectural integrity of the building. Whilst this advice is valid, the property has already been substantially altered, and the principle of replacement in uPVC has been established. On balance, it is not considered reasonable to require a change of material in this case.
29. However, the case officer recognises that standard uPVC sections can appear bulky and visually intrusive, particularly within a Conservation Area context. In order to mitigate this potential harm, it is considered necessary to impose a condition requiring the use of slimmer-profile frames. This would reduce the visual impact of the replacements, better reflect the proportions of the original fenestration, and thereby preserve the contribution of the building to the wider Conservation Area.
30. In summary, while the replacement of the surviving timber and Crittall windows with uPVC is regrettable, the proposal is not considered to result in undue harm to the significance of the Conservation Area, particularly when weighed against the improvements in security, thermal efficiency, and compliance with modern standards. Subject to a condition requiring the use of slimmer-profile frames, the proposal represents an acceptable balance between conservation objectives and the applicant's legitimate need to upgrade the building fabric.

31. In addition to the proposed replacement of windows and doors, the applicant intends to carry out a number of internal alterations aimed at improving the usability, efficiency, and quality of the existing spaces.
32. The proposed changes will make better use of currently under utilised areas by creating brighter, open, and more flexible spaces. The internal face of the external walls will be insulated and finished with plaster, enhancing thermal efficiency, while decoration will ensure vibrant and welcoming interiors.
33. The staircase will be enclosed with insulated partitions to create a protected stairwell, ensuring safe means of escape from the first floor to the final exit. At first floor level, the existing staff W/C located to the rear of the building will be converted into a staff shower room, complete with a shower, toilet, and wash basin, providing adequate facilities and changing space for staff.
34. Adjacent to this, the existing laundry room - which currently suffers from poor ventilation and persistent mould growth - will be converted into a new children's W/C. This will include the installation of a double-glazed obscure window with trickle vents for natural ventilation, alongside a mechanical extract fan discharging to the rear via a small wall-mounted grille. The new toilets will connect to existing soil and vent pipes, avoiding the need for external groundworks. To ensure level access, the floor will be raised to match the adjoining classroom.
35. The two existing classrooms at first floor level (north and south) will be combined into one larger open-plan classroom, accessed through a single fire-rated door from the stairwell. The door will be fitted with smoke seals, self-closing devices, multiple locking points for added security, vision panels, and finger guards for safety. To further open up the space, the chimney breast within the southern classroom will be removed, with the retained stack supported on new steel framing designed by structural engineers. The new classroom will also benefit from a northern-side sink for arts and crafts activities and fresh drinking water. Access to the new children's W/C will be provided through a new doorway from this classroom.
36. At ground floor level, the south-side classroom (labelled as the science lab) retains a suspended timber floor and a chimney breast, unlike the remainder of the building, which has solid concrete flooring. The proposal includes the removal of this chimney breast - already supported by new steelwork - and the replacement of the decayed timber floor with a ground-bearing slab, complete with a damp-proof membrane, insulation, and a levelling screed to improve both durability and thermal efficiency.
37. All refurbished rooms will be fitted with new low-surface-temperature (LST) radiators with thermostatic controls, ensuring both safety and

comfort. Importantly, the internal alterations and window replacements will have no impact on vehicle or pedestrian access to the site.

38. The proposed works are designed to enhance the use of the nursery by creating open, light, and flexible spaces, while also improving energy efficiency and the building's visual appearance. The use of the building will remain unchanged. Both the Case Officer and the Conservation Officer have confirmed they have no objections to these proposals.
39. In conclusion, no concerns are raised regarding the proposal. The works are considered to cause no harm to the significance of the Rochford Conservation Area in accordance with the National Planning Policy Framework (NPPF, December 2024). The proposal is therefore regarded as preserving the character and appearance of the Conservation Area in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

40. Paragraph 135 (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, ensure privacy and promote visual amenity and create a positive relationship with existing and nearby buildings.
41. The proposed development by virtue of its limited scope will not result in any increased impact on residential amenity. This is given the sites location within the Town Centre, as well as the proposal being for replacement windows/door and minor internal alterations and not for the introduction of any new openings for windows/doors or for a change of use. The proposed development is therefore considered acceptable in this regard.

Highways

42. Policies DM1 and DM3 of the Council's Development Management Plan (DMP) require all development proposals to provide an appropriate level of car parking provision, having regard to the nature of the development, its location, and the accessibility of the site. Policy DM30 further reinforces the need to create and maintain an accessible environment, specifically requiring development proposals to provide adequate parking facilities in accordance with the Council's adopted parking standards.
43. In assessing the acceptability of development in relation to highway impacts, paragraph 116 of the National Planning Policy Framework (NPPF) is material. It clearly states that development should only be prevented or refused on highways grounds where there would be

an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. This establishes a high threshold for refusal, requiring demonstrable evidence of significant harm resulting from the proposed development.

44. According to the planning application forms the proposal will not necessitate the removal of any car parking spaces and access/egress arrangements will remain unaltered. As such it is considered that the proposal will not have a detrimental impact upon highway safety.

Equalities and Diversity Implications

45. 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.

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

47. Taking account of the nature of the proposed development and representations received, it is 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

48. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: objection to raise.

Essex County Council Place Services Historic Building Advisor: No objection. If the proposed new replacement windows are to be uPVC, it is recommended that their design be improved and that a higher-quality specification be used, with a slimmer, less bulky appearance.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework 2024 (as amended).

Core Strategy Adopted Version (December 2011) – Policy CP1.

Development Management Plan (December 2014) – Policy DM1.

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

The Essex Design Guide (2018).

Supplementary Planning Document 6 (January 2007) – Design Guidelines for Conservation Areas

Rochford Conservation Area Appraisal (Amended 2010)

Rochford Town Centre Area Action Plan.

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 drawings labelled MA-2AR-PL01 (as per date stated on plan August 2025), MA-2AR-PL02 (as per date stated on plan August 2025), MA-2AR-PL03 (as per date stated on plan August 2025), MA-2AR-PL04A (as per date stated on plan August 2025) and MA-2AR-PL05A (as per date stated on plan August 2025).

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

3. Notwithstanding the plans hereby approved details of the proposed new windows and door, including glazing specification and glazing bar thickness, shown by section and elevation at appropriate scales (between 1:20 and 1:1), shall be submitted to and approved in writing by the local planning authority prior to their first installation or construction on site. The works shall be carried out in accordance with the details as may be approved and shall be permanently maintained as such.

REASON: To ensure that the design, detailing, and materials of the proposed windows and doors are appropriate to the character and appearance of the building and its surroundings, in the interests of visual amenity and, where relevant, the preservation of the historic environment, in accordance with Policy DM1 of the Rochford District Council Local Development Framework Development Management Plan (December 2014) and the provisions of the National Planning Policy Framework.

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

Application No :	25/00577/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	2 Cherry Hill Farm - Land Opposite Witherdens Farm Chelmsford Road Rawreth
Proposal :	Use of Land to create a Gypsy and Traveller pitch with 2 x Mobile Home (caravans) and 1 x touring caravan, with various outbuildings (retrospective)

SITE AND PROPOSAL

1. The application site consists of Cherry Hill Farm, a large parcel of land and Traveller site located to the east of Chelmsford Road within the settlement boundary of Rawreth. The existing site is entirely within the Metropolitan Green Belt. Cherry Hill Site is currently in use as a Traveller site and is sub-divided into 12 plots.
2. Some of the plots on the site benefit from retrospective planning permission granted in 2024 and 2025 to regularise the use of the site as a Traveller site. This application seeks retrospective planning permission to regularise plot No.2, which comprises 2 x Mobile Home (caravans) and 1 x touring caravan, with various outbuildings. Access to the site is gained from the A1245 and comprises of a hardstanding parking area.

RELEVANT PLANNING HISTORY

3. Application No. 10/00582/COU - Change Use of Site to Provide 12 No. Residential Travellers Caravans and Retain Existing Access – Refused – 01/11/2010.

4. Application No. 24/00540/FUL – Use of Land as Gypsy and Traveller Pitch. 1x Mobile Home, 1x Touring Caravan, 1x Day Room (Retrospective). – Application Permitted – 13/11/2024.
5. Application No.24/00541/FUL – Use of Land as Gypsy and Traveller Pitch. The Retention of a Pitched Roof 2 Bedroom Dwelling, 1x Day Room, 1x Touring Caravan/Motor Home (Retrospective) – Application Permitted – 20/11/2024.
6. Application No. 25/00102/FUL - Use of land as a traveller site; Plot 4 - 1 x residential dwelling (2 bed) with outbuildings and day room (retrospective)Plot 7 - 1 x residential dwelling (3 bed) 1 x static caravan and day room outbuilding (retrospective)Plot 8 - 1 x static caravan (proposed) 2 x touring caravan storage and outbuilding/dayroom (retrospective)Plot 11 - 1 x residential dwelling (2 bed) and outbuilding for laundry (retrospective) – Approved – 28th May 2025.
7. Application No. 25/00580/FUL - 5 Cherry Hill Farm - Land Opposite Witherdens Farm Chelmsford Road Rawreth Essex SS11 8SJ - Use of Land as a Gypsy and Traveller pitch (No.5). Retrospective (part) Siting of 1 x mobile home (caravan) and 2 x touring caravans, a Laundry Room and Storage outbuilding – Not Yet Determined.

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).

Background Information

10. Cherry Hill Farm was purchased by a family member in the early 1980s, at a time when it was becoming increasingly difficult to sustain a travelling lifestyle. For generations, the family had lived and worked on the road, but long-established stopping places were disappearing, and opportunities for work while travelling were changing. Establishing a permanent base became a priority—both to provide the children with consistent access to education and to allow family members to continue travelling for work while others remained at home. Travelling as a family was then limited to school holidays.
11. In late 2002, family members moved onto Cherry Hill Farm with their caravans and began living on the land. Shortly after, on 18 October

2002, the Council issued two Enforcement Notices: one for the change of use of the land to residential caravan use, and another for the laying of a hard surface and driveway. The family appealed these Notices, but the appeal was dismissed on 13 June 2003. The Inspector did, however, extend the compliance period by 12 months to allow for a Council-owned or more suitable site to be made available. No such sites came forward, and no provision was made for alternatives within the district.

12. In 2004, a planning application was submitted to regularise the development, supported by an 81-signature petition from local residents. The application was refused by the Local Planning Authority and subsequently dismissed at appeal. Despite this, no further enforcement action was taken, as the Council continued to have no alternative sites available for the occupants.
13. In 2008, the Eastwood/Smith family also moved onto Cherry Hill Farm. Two years later, in 2010, the Council's Head of Planning and Portfolio Holder for Planning visited the site to discuss the ongoing situation. Following that meeting, another application was submitted to regularise the site. This too was refused by the Planning Committee and later dismissed at appeal.
14. Nevertheless, the families have continued to live at Cherry Hill Farm. To date, no further enforcement action has been taken, again due to the lack of alternative site provision in the area.

Green Belt considerations

15. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (2024) (as amended) (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 circumstances. Development that does not fall to be considered under one of these categories will be considered inappropriate development and 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.
16. The National Planning Policy for Traveller Sites (revised in December 2024) document, which sits alongside the NPPF, considers traveller sites (temporary or permanent) in the Green Belt to constitute inappropriate development. In addition, the document states that

subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh the harm to the Green Belt so as to establish very special circumstances.

17. Moreover, para. 155 of the NPPF enunciates a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are: -
18. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
19. Of particular relevance is exception b) of para. 155 which states "*There is a demonstrable unmet need for the type of development proposed*". This is further clarified in the footnote which states "*...in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites*".
20. The National Planning Policy for Traveller Sites (2024) para. 25 requires that in addition to the above, when making decisions on such planning applications the following criteria are considered:
 - a) the existing level of local provision and need for sites;
 - b) the availability (or lack) of alternative accommodation for the applicants;
 - c) other personal circumstances of the applicant;
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
 - e) that they should determine applications for sites from any travellers and not just those with local connections.
21. Furthermore, Policy H7 contained within the Council's Core Strategy (2011) document states that the Council will allocate 15 pitches for gypsy and traveller accommodation by 2018. Policy GT1 of the Council's Allocations Document (2014) allocates a site of 1 hectare (removed from the Green Belt) for gypsy and traveller accommodation in the Western part of the district. Policy GB1 of the Core Strategy

(2011) seeks to protect Green Belt land by directing development away from Green Belt land so far as is practicable.

Impact on the Character and Openness of the Green Belt

22. Policy CP1 of the Core Strategy, together with Policies DM1 and DM3 of the Development Management Plan, are relevant to the assessment of design and layout. These policies require new development to respect local character, be of a high design quality, and contribute positively to its surroundings. The National Planning Policy Framework (NPPF) supports the effective use of land for housing but requires that this be achieved without undermining the prevailing character, setting, or openness of sensitive areas such as the Green Belt.
23. The concept of openness within the Green Belt has both a spatial and a visual dimension. Spatially, openness relates to the absence of built form. Any new structure on previously undeveloped land inevitably results in some loss of openness. Visually, harm arises where development is prominent within the landscape or introduces an urbanising influence into an otherwise rural setting. Case law has established that both dimensions must be assessed together, and that even relatively modest development can cause material harm where it consolidates built form or disrupts the rural character of the Green Belt.
24. This application is retrospective and therefore the actual physical and visual impacts of the development can be directly observed. The site, which measures approximately 802m², has already been enclosed by 1.8m high close-boarded timber fencing, incorporating double gates providing vehicular access from the adjoining road. The land has been covered with hardcore and gravel, formalising its use and eroding its rural appearance. Within the site a number of structures and features are present, including a single-storey timber outbuilding and an electricity box along the southern boundary, as well as a designated space for a touring caravan. On the opposite side of the site there are two static mobile homes, a dog pen and a small children's play area. Collectively, these elements give the land the appearance of a self-contained residential compound rather than an open and undeveloped parcel.
25. The development is harmful to spatial openness because the introduction of fencing, surfacing, outbuildings and mobile homes has resulted in the loss of a previously open site. This transformation represents a permanent and significant reduction in openness. The development is also harmful to visual openness. While the boundary fencing provides a degree of screening, it creates a pronounced sense of enclosure, reinforcing the perception of built development within the Green Belt. The structures and uses within the site are evident and consolidate the urbanising character of the land.

26. The change in character is marked. The site has been transformed from a rural plot to a visually enclosed and domesticated compound. This is at odds with the open and undeveloped character of the Green Belt and gives rise to an urbanising effect that amounts to sprawl. Preventing such sprawl is a core purpose of Green Belt policy. The development therefore directly conflicts with both the spatial and visual objectives of Green Belt designation.
27. In policy terms, inappropriate development within the Green Belt is by definition harmful. Paragraph 153 of the NPPF confirms that such development should not be approved except in very special circumstances (VSC), which must clearly outweigh the harm to the Green Belt and any other harm.
28. Notwithstanding the above, Policy H of the National Planning Policy for Gypsy and Traveller Sites (PPTS) document states that potential traveller sites should be well planned and soft landscaped, that positively enhance the environment and increase openness. They should not be enclosed by hard landscaping to such a degree that a site could be seen as deliberately isolated from the rest of the community.
29. In summary, because this application seeks to regularise existing development, its harmful impact on openness is not theoretical but observable. The site has been fundamentally altered from an open and undeveloped parcel to an enclosed and urbanised compound. This has caused significant harm to both the spatial and visual openness of the Green Belt and to its rural character. The development therefore constitutes inappropriate development, contrary to Policy GB1 of the Core Strategy, the Green Belt provisions of the NPPF, unless it can be demonstrated that there are very special circumstances which outweigh the harm to the green belt. These very special circumstances will be explored below.

Very Special Circumstances

30. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets whilst, amongst other things, protecting local amenity and the environment.
31. The Planning Policy for Traveller Sites (PPTS) defines, for planning purposes only, gypsies and travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to

travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such". (PPTS Appendix 1 December 2024).

32. The NPPTS further sets out that when determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- a. Whether they previously led a nomadic habit of life;
 - b. The reasons for ceasing their nomadic habit of life;
 - c. Whether there is intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
33. However, the Court of Appeal (*Smith v Secretary of State for Levelling Up, Housing & Communities & Anor*, 2022) has relatively recently (November 2022) held that the Government's definition of gypsies and travellers within the NPPTS is unlawfully discriminatory. This is because (amongst other reasons) Romany Gypsies are members of an ethnic group, the defining feature of which was not being nomadic but "the act of living in caravans". It was apparent from the Public Sector Equality Duty analysis of this definition that the equality objectives set out at s149(1) of the Equality Act 2010 were not met, with The Court concluding that the exclusion of this definition by the Government was to reduce the number of gypsies and travellers who can obtain permanent or temporary planning permission.
34. Policy H7 of the Council's Core Strategy seeks to allocate 15 pitches by 2018 and indicates these are to be provided by 2018. This commitment is reflected through an allocation of a site at Michelin's Farm (Ref: Policy GT1) in the Council's Allocations Plan. However, the possible development of this site has encountered various difficulties, including contamination, issues of land ownership and highway access. Development has yet to commence, neither has the Council exercised its power to compulsory purchase the site and despite pre-application enquiries, no application for planning permission has been submitted or granted. There are no other known alternative sites available for development. There are no other allocated sites in the district and no public sites available for occupation.
35. The case officer has consulted with colleagues in the Planning Policy section who reaffirm that *"There is no update or movement on the Core Strategy allocation for 15 pitches at Michelins Farm. Indeed, the site's owner/developer has made representations at the last Local Plan consultation about their intention not to develop the site for such, and around its unsuitability to do so. We are not aware of a firm strategic position from Members to change this"*.

36. The Council's latest formal assessment of the need for additional Gypsy or Traveller pitches is set out in the South Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Update 2019. This assessment identified a need for up to 18 additional pitches for households meeting the PPTS definition of a Traveller with a further 3 pitches for households where it was unknown whether the definition was met. Of note according to the aforementioned assessment, 1 of these 18 pitches is made up by "1 temporary pitch", which refers to the temporary permission granted on this application site. The application site was occupied at the time of this assessment. Whilst sites at Land Adjacent to St Theresa, Pudsey Hall Lane, Canewdon (reference 18/00318/FUL) and Land Opposite 2 Goldsmith Drive, Rayleigh (reference 17/01240/FUL), Land North of 172 Rawreth Lane (reference 21/00146/FUL), Caravan at Land West of Pumping Station Watery Lane, Rawreth (22/00229/FUL), and Rainbows End, Beeches Road, Rawreth (21/00673/FUL) have received planning permission since this assessment took place, these sites only comprised a total of 7 pitches and therefore there remains a need for at least 11 pitches dedicated to households meeting the PPTS definition. This updates the previous requirement to Policy H7 of the Core Strategy.
37. The Gypsy and Traveller Accommodation Assessment (GTAA) 2019 update is the Council's most up to date position as of 27th September 2024 relating to need for additional pitches in the district. The GTAA stated of the Gypsy and Traveller households in Rochford that met the planning definition, it showed between the years 2016-2021 the council had a need for, and this included the current unmet need of any unauthorised pitches, 14 additional pitches to be delivered by 2021, with a further pitch to be provided in the following 5 year period 2021 – 2026, amounting to 15 additional pitches required by 2026. The GTAA forecast up to 2038 was for 18 additional pitches.
38. Since the publication of the 2019 GTAA, and in light of the recent decision for the plot adjoining this site, 15 pitches have been delivered. However, as with any other form of housing, there is no ceiling upon provision.
39. As previously stated, in December 2023 the government changed the planning definition of a Gypsy and Traveller following a successful court case, where the definition was found to unlawfully discriminate against the elderly or infirm who had to give up travelling permanently because it was no longer possible for them to do so. The changes in this definition now meant that those Gypsy and Travellers, who in 2019 were found not to meet the definition, now more than likely did and as a result an additional need for pitches from these families now had to be delivered. This has added an additional 11 pitches to be provided over the plan period, plus an assumed need for 3 additional pitches where interviews were not possible. The figures are therefore 18 who met the 2015 definition plus 3 where it was unknown plus another 11 who now

likely met the new amended definition. This equals 32 additional pitches. As previously mentioned, 15 additional pitches have been approved since 2019. 32 - 15 leaves a further 17 pitches to be delivered over the plan period to 2038.

40. The Council's latest published Gypsy and Traveller Accommodation Assessment December 2024 sets out the need for a further 60 pitches over the plan period 2024 - 2042 for Gypsy and Traveller households in Rochford that met the planning definition in Appendix 1 of the PPTS 2024. With an immediate need in the next 0 to 5 years for 37 pitches.
41. Paragraph 28 of the PPTS states if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
 - a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;
 - b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);
 - c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site
42. Para 11 d) of the NPPF states the following where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
43. As previously attested to, the local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites. Of particular relevance and an important material consideration is an appeal relating to a proposed traveller site at the Pumping Station, Watery Lane (app ref: APP/B1550/C/16/3162651) was allowed in 2017. The Planning Inspector in relation to this site stated that as the vast majority of the district is designated Green Belt (tightly drawn to existing settlements) any potential traveller site would have to be on

land that is currently designated Green Belt, meaning that the application site being on Green Belt land does not necessarily mean that the application should be refused on this basis, as any other future traveller site for the Rochford District would also have to be on land that is currently Green Belt.

44. The Inspector for the appeal, which was allowed in February 2021 at Pudsey Hall Lane, Canewdon (ref: APP/B1550/C/18/3209438) stated that the Council has an under supply of pitches and the position has not improved since permissions were granted for the above appeal sites. The Inspector goes on to state that in fact, the position is worse than in the 2018 timescale in which a 15-pitch allocation was to be delivered but was not met and has now long expired with no realistic prospect of an application coming forward as things currently stand.
45. In referring to the need for sites in the district, the Planning Inspector for the appeal (app ref: APP/B1550/C/16/3162651) in relation to the traveller site at the Pumping Station, Watery Lane Rawreth, stated the following in regards to the lack of traveller site provision in the district: *“Delay in delivery of [policy] GT1 means that currently no provision of pitches is being realised through the development plan process. The only way at the moment (and for the last 6 years following the adoption of a 15-pitch requirement) is in response to a planning application. Given the existing situation, the Council accepted at the hearing that it did not have a 5-year supply of specific deliverable sites as required by paragraph 10 of the PPTS. Neither does it have a supply of sites or broad locations for growth for years 6 to 10 also required by that same paragraph. Given the extent of Green Belt in the District, ad hoc sites coming forward are more likely than not going to be within it.”*
46. More recently, the Inspector for the appeal at Land Opposite 2 Goldsmith Drive (app ref: APP/B1550/C/18/3212763) made the following observations in relation to the supply of gypsy and traveller sites:
- [40.] The Council witness confirmed that although he had recently learned that there was potential for the Michelins Farm site to be the subject of a compulsory purchase order, there was no certainty that the site would move forward. He explained that options were going to be considered, potentially in September 2021, for addressing the supply of sites, and that this has been hampered by other factors including staff availability in the Council’s planning policy team. In summary while the Michelins Farm site, which is the only allocated site, has not been ruled out by the Council, there is no certainty that it will deliver the necessary supply of sites and there are no other options currently available.*
- [41.] The Council officer also confirmed that the Council has no criteria based policy which would address ‘windfall’ sites, neither had it had such a policy for several years. Taken together with the significant and as yet unresolved delay in bringing forward the Michelins Farm site,*

this amounts not only to an absence of supply of sites but also a failure in terms of policy provision. These factors also weigh significantly in favour of the development.

47. This view was also supported by the Inspector for the appeal at Pudsey Hall Lane, Canewdon (app ref: APP/B1550/C/18/3209438) whereby it was discussed that in the absence of a 5-year supply, significant weight is warranted to the deficit in supply which has remained unchanged for some years. Taking into account the above, it is clear that despite the residential development for use as a Gypsy and Traveller site being deemed inappropriate development in the Green Belt, there is an absence of a five-year supply of sites and this should be given significant weight.
48. The case officer considered it was prudent to seek advice of colleagues within the Council's Planning Policy section to ascertain whether there had been any further updates in relation to gypsy and traveller pitch provision within the district and they previously stated in relation to an earlier application at the neighbouring site that *"A new Essex-wide GTAA has been commissioned, with fieldwork having taken place in 2023. This will provide an updated need figure for the period 2023-2042, based on the latest methodologies and also including the update to the definition. This will inform the future need figures the Emerging Local Plan will need to address and based on it, officers will be producing a site assessment paper and assessing if there is sufficient supply to meet needs through existing sites or if a call for further sites is needed. We were supplied with a draft of this in late September, however we are querying the data with the consultants, ORS, meaning this latest assessment is not yet in a position to go before Members or be adopted.*

The next Local Plan consultation stage (Regulation 18) is expected to take place in 2025, although due to the recent Government consultation on major planning reforms, the previously-adopted Local Development Scheme is likely to be updated and should not be used as a guide. As a consequence, there is presently no formal adopted strategy for meeting the District's G&T accommodation needs, other than the existing GT1 site allocation at Michelins Farm, which has clear issues with deliverability".

49. Furthermore, it is noted that permission has already been granted on three separate occasions - twice in 2024 and once in 2025 - for retrospective developments on the adjacent site at Cherry Hill Farm (LPA refs. 24/00540/FUL, 24/00541/FUL, and 25/00102/FUL), which culminated in 6No. pitches. However, despite these approvals, there remains a significant shortfall of suitable sites across the District.
50. The Council's Business Manager for Planning has also confirmed that *"The Council published an updated GTAA 2024 which has increased the district's need for a further 60 pitches over the plan period 2024 -*

2042 with an immediate need in the next 0 to 5 years for 37 pitches. Rochford still has an unmet need”.

Lack of alternative sites

51. There are no pitches that have been delivered through the Council's policy provision and there are no public sites currently available. No other suitable and available sites accessible to the applicant have been identified. At present there are 17 pitches which benefit from planning permission as of August 2021. Whilst there have been a number of sites granted planning permission recently (as detailed above), none of these are available.
52. It is considered by the case officer and demonstrated by the applicant, that there are a lack of alternative provisions, and this weighs heavily in favour of the development attracting very significant weight.

Gypsy and Traveller Status

53. The ethnicity and the personal circumstances of an applicant would not usually be a material consideration of a planning application as they would not ordinarily be accorded any significant weight compared to local development plan and national policy considerations. It is, however, recognised that the needs of those who can substantiate Gypsy and Traveller status for planning purposes do call for special consideration and are a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community, as clearly highlighted by the production of the National Planning Policy for Traveller Sites (NPPTS).
54. The applicant claims Gypsy and Traveller status stating that travelling on the road had been their lifestyle for many years but now stopped. Finding a settled base for the family, so their children could access continuous education, provide a base to enable the economic cultural travelling practice for work to continue, whilst the remaining family remained home became a priority. Travelling as a family would occur during school holidays.
55. The subject plot is currently occupied by a couple and their six children. The children of school age are home-schooled, whilst the two eldest are actively seeking local employment. All children have previously had access to formal education due to having a settled base and are involved in extracurricular activities, such as gymnastics clubs. The family is well settled at Cherry Hill Farm, and the children are considered to be thriving in this environment. They have no experience of a travelling lifestyle, other than travel undertaken together as a

family. It is reported that the children enjoy their education and club involvement, are in good health, and are progressing well. A stable and permanent base is considered essential to ensure continued access to education and to support the children's broader social and developmental needs.

56. Refusing the application would contribute towards loss of the family's home, thus interfering with their private and family life, and the apparent lack of immediately available alternative accommodation makes such interference more serious. In the absence of other available sites, there would be a possibility of a roadside existence. This situation is made more prevalent by the fact that there are children who attend nearby primary schools. These matters are relevant to the proposed occupants' rights under Article 8 of the European Convention on Human Rights in relation to respect for private and family life, and also to Article 1 of the First Protocol in relation to peaceful enjoyment and protection of property, and as incorporated by the Human Rights Act 1998.
57. Furthermore, Policy E, paragraph 16 of the PPTS confirms that Traveller sites, whether temporary or permanent are inappropriate development in the Green Belt. Policy E carries on to state: "Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances".
58. The application site would continue to provide stability and enable consistent access to medical and education services, notably for the children, through a settled base in an area with family nearby. This is also supported by the identified lack of alternative available and affordable sites. As such, any alternative would not be in the best interest of the children who would not have access to a fixed education or health care.
59. Having regard to the above, the personal circumstances of the applicants and their families weigh significantly in favour of the development.

Green Belt Balance

60. It has been identified that the current use of the site is harmful to the Openness of the Green Belt, which should be given substantial weight. However, significant weight is attached to the need for gypsy and traveller sites, the lack of supply of sites particularly the uncertainty in bringing forward the only allocated site, the absence of policy and the lack of available alternative accommodation for the applicant and his extended family (which includes children) and the accessibility to health and education services which a stable base provides.

61. Given the lack of availability and delivery for gypsy and traveller sites within the district and the extent of Green Belt land within the district, it is inevitable that site provision will need to be accommodated within the Green Belt. The health of the applicant and his wife are a consideration, and no other consideration is inherently more important, however, they are not a determinative factor. In this case, the best interest of the applicants and their families would weigh considerably in favour of granting planning permission.
62. Policy E of the PPTS states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm. The NPPF makes it clear that any harm to the Green Belt must be clearly outweighed by other considerations. In this case, there are a number of matters which are considered to weigh significantly in favour of the application and this conclusion would be consistent with the outcome of the appeal decisions discussed. Subsequently, the cumulative weight of these other considerations clearly outweighs the substantial harm arising from inappropriateness and urban sprawl in the Green Belt.

Design

63. As previously stated, this application is submitted on a wholly retrospective basis, seeking to regularise existing development on the site. The site accommodates residential structures that are characteristic of traveller site development, including single-storey, timber-framed buildings with pitched roofs and a steel-framed dog pen. These structures are of a modest scale and domestic in function, contributing to the residential use of the site without materially altering its character or appearance.
64. The static mobile homes currently on the land fall within the statutory definition of a “caravan” as set out in relevant legislation. An ancillary outbuilding is also present on the site, used for domestic storage and laundry purposes. All of the existing buildings have been in situ for a considerable period and are not subject to the Enforcement Notice issued in 2002. Accordingly, they are now immune from enforcement action by virtue of the passage of time, in accordance with Section 171B of the Town and Country Planning Act 1990.
65. As such, this application seeks to formally regularise the retention of these buildings and associated caravans through inclusion within the red line of the application site.
66. The site can be reasonably considered to constitute, in part, Previously Developed Land (PDL) as defined in Annex 2 of the National Planning Policy Framework (NPPF). While not all areas may meet the strict PDL criteria, the presence of longstanding residential structures and hardstanding clearly establishes a previously developed character across substantial parts of the site.

67. A native hedgerow is located along the rear boundary of the site, just beyond the application site boundary. Maintenance responsibilities for this hedgerow are shared between the applicant and the adjacent landowner. No alterations or removal of the hedgerow are proposed as part of this application, and its retention contributes positively to the landscape setting and ecological value of the site.
68. In terms of surfacing, the site incorporates areas of permeable gravel, providing sustainable drainage benefits, and a small area of block paving to the front of the mobile homes, which offers safe and practical access. The extent of hard surfacing is minimal and does not result in significant visual or environmental harm.
69. When assessed against Policy DM1 of the Rochford District Council Development Management Plan, which sets out general development criteria, the proposal is considered compliant. The development does not give rise to adverse impacts on residential amenity, highway safety, or landscape character. Furthermore, it makes efficient use of land already in residential use and contributes to meeting accommodation needs for the traveller community in a lawful and managed way.
70. In summary, the retrospective nature of the proposal reflects a long-established residential use of the site. The development is proportionate, policy-compliant, and represents a pragmatic regularisation of lawful, low-impact structures that support continued occupation in a sustainable and appropriate manner.

Impact on Residential Amenity

71. Paragraph 135(f) of the NPPF places a clear emphasis on the need for development to support health and well-being by achieving a high standard of amenity for existing and future users. This policy objective is echoed in Policy DM1 of the Development Management Plan, which seeks to ensure that all development proposals respect the amenity of neighbouring occupiers. This includes avoiding undue overlooking, preserving privacy, mitigating overbearing or enclosing effects, and safeguarding access to natural light.
72. The term "amenity" encompasses a set of baseline environmental and spatial conditions that individuals can reasonably expect to enjoy within and around their dwellings. These conditions include, but are not limited to: privacy, outlook, access to daylight and sunlight, and freedom from an oppressive sense of enclosure. In assessing development proposals, the Local Planning Authority (LPA) must consider whether any adverse impacts on these aspects are both demonstrable and significant, having regard to the site-specific context and the characteristics of the surrounding built environment.

73. In this case, the site is enclosed by a 1.8-metre-high close-boarded timber fence, which functions as an effective visual screen and mitigates the potential for direct overlooking at ground level. The development comprises single-storey structures, the scale and massing of which are modest and proportionate relative to the surrounding built form. This significantly reduces the likelihood of adverse impacts associated with overbearing effects, overshadowing, or loss of outlook for adjacent occupiers.
74. Furthermore, the spatial configuration of the wider Cherry Hill Farm site provides for generous separation distances between individual plots and structures. The intervening distances, coupled with the low-rise nature of the buildings, ensure that the development does not materially diminish levels of light, privacy, or openness experienced by neighbouring occupants. The arrangement of buildings is such that it avoids the creation of visually intrusive built form and does not give rise to a “tunnelling” or enclosing effect when viewed from neighbouring properties.
75. It is also relevant to note that the proposal involves the retention and regularisation of existing structures, the physical impact of which can be clearly and directly observed. No objections have been received from neighbouring occupiers, suggesting that the development has not given rise to any localised concerns regarding amenity. While third-party comments are not determinative in planning decisions, the absence of any representations—particularly in the context of a retrospective application—is a material consideration that supports the conclusion that the development does not result in demonstrable harm.
76. In summary, the existing built form is appropriately sited, scaled, and screened so as to avoid any unacceptable impact on residential amenity. The development complies with the relevant criteria set out in Policy DM1 and aligns with the overarching objectives of the NPPF. It is therefore concluded that the proposal is acceptable in amenity terms.

Flooding

77. 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.

Highways and Access

78. Policies DM1 and DM3 of the Council’s Development Management Plan require development proposals to provide an appropriate level of car parking, commensurate with the scale and nature of the development. Policy DM30 further supports the creation of accessible environments and stipulates that developments should comply with the

Council's adopted parking standards. These policies aim to ensure that new development does not give rise to on-street parking stress, highway safety concerns, or access issues for users of all abilities.

79. Paragraph 116 of the NPPF provides a clear test for when development should be resisted on highways grounds. It states that development should only be refused where there would be either an *unacceptable impact on highway safety*, or where the *residual cumulative impacts on the road network would be severe*. This is a high bar, and it places the burden on decision-makers to provide clear evidence of harm before withholding permission on such grounds.
80. The application site is currently accessed via Chelmsford Road. This established access is to remain in use without modification. The site benefits from sufficient space to accommodate the parking and turning of vehicles entirely off the public highway. This ensures that there is no need for reversing or waiting on the public highway, thereby maintaining safe ingress and egress for all users. The access arrangements reflect good practice in highway design and meet the expectations of local and national policy.
81. Importantly, the application is retrospective in nature and relates to a use that is already taking place on site. There is no evidence to indicate that the existing use has given rise to any highway safety incidents, congestion, or operational issues on the surrounding road network. The use of the shared access has not led to any demonstrable conflict with other road users, and the anticipated level of vehicular movements is not considered to represent an intensification that would give rise to concern. In this context, any impact on the highway network must be considered negligible.
82. It is also relevant to note that no objection has been raised by the local highway authority. In the absence of any technical evidence to the contrary, there is no reason for the Local Planning Authority to take an alternative view. Whilst it is accepted that all development generates some level of traffic, this does not in itself justify refusal. The threshold for highways-based refusal set by national policy is intentionally high to prevent unduly restrictive decision-making. On this occasion, there is no credible basis for concluding that either limb of the NPPF test has been triggered.
83. In summary, the proposal provides safe and suitable access, as well as sufficient off-street parking and turning space, in accordance with the Council's adopted standards. There is no evidence of unacceptable harm to highway safety or of any severe impact on the capacity of the road network. As such, the proposal complies fully with Policies DM1, DM3, and DM30 of the Development Management Plan, and with paragraph 116 of the NPPF. There is therefore no reasonable or justified basis to refuse the application on highways or access grounds.

Refuse and Waste Storage

84. 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.

Trees

85. Policy DM25 of the Council's Development Management Plan (2014) prioritizes the conservation and enhancement of existing trees and woodlands, especially Ancient Woodland, due to their significant ecological and landscape value. The policy restricts development that adversely affects these natural features unless it can be clearly demonstrated that the benefits of the development outweigh the need to retain them. Furthermore, where damage or loss is unavoidable, appropriate mitigation must be implemented to compensate by replacing trees or woodlands of equivalent value or area.
86. In this case, the proposal is retrospective, meaning it involves works that have already been carried out without prior planning approval. This status raises particular concerns, as retrospective applications must justify why the development should be accepted despite the lack of prior consent and any potential unmitigated impacts on protected natural features.
87. During the site visit, the case officer observed that the site is enclosed by close-boarded timber fencing, effectively screening the development from public view and reducing visual impact on the surrounding environment. Importantly, the submitted planning application forms confirm that no trees have been removed during or prior to the development works. This suggests that the retrospective nature of the proposal has not resulted in any loss or damage to trees on or near the site.
88. Given the retention of all existing trees and the absence of direct or indirect harm, the proposal appears to comply with the aims and requirements of Policy DM25 despite its retrospective submission.

However, the retrospective nature means that this compliance is contingent on the accuracy of the submitted information and the lack of unreported impacts on tree health or root systems.

89. Overall, whilst retrospective developments can pose challenges for planning enforcement and policy adherence, in this instance the proposal does not conflict with the policy's intent to protect valuable trees and woodlands, and therefore may be considered acceptable on tree conservation grounds.

On-site Ecology

90. The National Planning Policy Framework at paragraph 187, 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.
91. 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.
92. 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.
93. The application is entirely retrospective in nature and has been submitted to regulate part of an existing development established for many years. The case officer can confirm that no ecological appraisal has been submitted. However, the application site is covered in hardstanding and there are no requirements to undertake any works

that would affect any habitats or species in or around the site. In conclusion, it is considered that the proposal is established for some time and unlikely to affect any protected species adversely.

Off-Site Ecology

94. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the 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 arising from demand from future residents of proposed residential developments. The development falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice, the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) and Habitat Regulations Assessment (HRA) record has been completed and the development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. Usually in these circumstances a RAMS payment of £163.86 per dwelling is required.
95. However, given this particular plot has been in situ for some twenty two years (according to the planning application forms work commenced in 2002) and was in situ prior to the adoption (20th October 2020) of The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) by Rochford District Council, it is considered unreasonable to require the RAMs payment to be made.

Biodiversity Net Gain

96. 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.
97. 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.

98. 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.

Equalities and Diversity Implications

99. 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.

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

101. Taking account of the nature of the proposed development and representations received, it is 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

102. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: No comments received.

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Planning Policy for Traveller Sites (December 2024).

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – policies GB1, H7, T8.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM5, DM25, DM27, DM30.

Rochford District Council Local Development Framework Allocations Plan (2014) – GT1.

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be carried out in complete accordance with the following approved plans Plan 1 (Location Plan), Plan 2 (Block Plan), and Plan 3 (Layout Plan) all received by the Local Planning Authority on the 7th August 2025.

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

2. Notwithstanding the approved plans, no more than three caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), shall be stationed on the pitch at any one time. This shall include a maximum of two static caravans and one touring caravan per pitch.

REASON: To ensure the development complies with the approved details and maintains the scope assessed during the application process.

3. Save for one vehicle not exceeding 7.5 tonnes, no vehicle over 3.5 tonnes shall be stationed, parked, or stored on the land. All vehicles must be for the sole use of the occupiers of the development hereby permitted, with this restriction applying per pitch.

REASON: To maintain appropriate control over the use of the land in the interests of protecting the Green Belt from commercial development and safeguarding the amenity of neighbouring residents.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.

Application No:	25/00507/LBC Zoning: Rochford Town Centre and Rochford Conservation Area.
Case Officer	Mr Duncan Law
Parish:	Rochford Parish Council
Ward:	Roche South
Location:	Site Of 47 And 49 Back Lane Rochford
Proposal:	Change of use of the building from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit

SITE AND PROPOSAL

1. Listed Building consent is sought for a change of use of the building from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. two bedroomed residential unit. No external alterations are proposed. The accommodation would comprise a kitchen and living room on the ground floor with two bedrooms and bathroom on the first floor
2. The vacant application site is located to the rear, and forms part of, the group listing for the Grade II listed Nos. 45, 47 and 49 West Street, a row of eighteenth- to nineteenth-century shops constructed in gault brick with a grey slate roof hipped to the right (List Entry No. 1112569). The site is also located within the Rochford Conservation Area and Rochford the Town Centre Area Action Plan (AAP) in the central AAP Character area and the West Street and Market Square Conservation Area Character area. The surrounding area is of a mixed character with commercial, retail, residential and leisure uses all within the immediate vicinity. A large public car park is to the south. A planning application has also been made in respect of the proposed works under reference 25/00506/FUL.
3. The Historic England statutory listing states:

ROCHFORD WEST STREET TQ 8790 NE/SE (south side) 15/271 & 16/271 Nos. 45, 47 and 49 (Odd) 23.7.73 GV II Row of shops. C18/C19. Gault brick. Grey slate roof hipped to right. 2 rear chimney stacks. 2 storeys. 4 first floor small paned vertically sliding sashes. Nos. 45 and 47 to left with continuous fascia and cornice above shop fronts, each with a door to left of a single pane shop window. Moulded

sills. End and door pilasters with capitals and bases. Fanlights over part glazed doors. To right is a round headed doorway with keystone. Ornate tracery to semi-circular fanlight. C20 door. No. 49. C20 recessed shop front window to left door to right with fanlight over.

RELEVANT PLANNING HISTORY

4. Application No. 25/00506/FUL - Change of use of the building from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit – Pending decision.
5. Application No. 25/00482/FUL - Change of use of the first floor from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit. Pending decision.
6. Application No. 25/00483/LBC - Change of use of the first floor from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit. Pending decision.

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). Furthermore, assessment against the Planning (Listed Buildings and Conservation Areas) Act 1990 is required. The proposal raises the following main issues:
 - impact of the proposal on the Special Interest of the Listed Building and Rochford Conservation Area;
9. The buildings subject to application are within the Rochford Conservation Area and are Grade II Listed Buildings. Paragraph 203 of the National Planning Policy Framework (2024) (as amended) (NPPF) states that: 'plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should consider:
 - (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.'

10. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a Conservation Area. Policy ENV1 of the Council's Core Strategy promotes the protection and enhancement of the natural landscape and habitats and the protection of historical and archaeological sites. With regards the revised NPPF, section 16 sets out government advice on conserving and enhancing the historic environment.
11. The facades will subject to appropriate joinery repairs and redecoration to the existing windows, doors and surrounds that are proposed thereby preserving the building and its setting including features of architectural and historic interest that are presented to the surrounding Conservation Area.
12. The proposed development will result in affects to the heritage significance of the listed building through alterations to their fabric, fittings and fixtures and amendments to layout through the removal of walls. It is considered however that the proposal would not remove any identified heritage asset or result in significant harm to the historic fabric of the listed buildings or their setting. The councils' Heritage Consultant is supportive of the repair of the listed building through a sympathetic set of proposals that are not considered to cause harm to the fabric or special interest of the Listed Building nor adversely affect the wider Conservation Area. The council's Heritage Consultant has been consulted on this application and the accompanying application for planning permission and has raised no objection.
13. As a result, it is considered that the proposal will lead to less than substantial harm to the host listed buildings. As a result of the continued use of the building, it is considered that there is public benefit from the proposal in accordance with paragraph a) to d) 203 of the NPPF. In making this assessment, it is considered that the proposed development would comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, specifically paragraph 203 and Policy ENV1 of the Council's Core Strategy.

EQUALITIES AND DIVERSITY IMPLICATIONS

14. 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.

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

16. Taking account of the nature of the proposed development and representations received, it is 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

17. Grant Listed Building Consent.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received.

Neighbour representations: None received.

Essex County Council Place Services Built Heritage Consultant: No objections.

The building affected by this application is located to the rear and forms part of the group listing for the Grade II listed Nos. 45, 47 and 49 West Street, a row of eighteenth- to nineteenth-century shops constructed in gault brick with a grey slate roof hipped to the right (List Entry No. 1112569). The site is also located within the Rochford Conservation Area.

The proposal comprises internal alterations only, to facilitate the conversion of the property to residential use. A site visit was conducted on 22nd August 2025 to assess the proposals. It was confirmed that the building retains no internal architectural features of historic significance. Furthermore, the existing internal partitions are modern additions, and their removal is therefore considered acceptable.

Upon the review of submitted documents I raise no concerns regarding the proposal, which, in my opinion, would cause no harm to the significance of the Rochford Conservation Area or to the listed building in terms of the National Planning Policy Framework (NPPF, December 2024). Therefore, the proposal would preserve the special interest of the listed building in accordance with Section 16(2) and would preserve the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Relevant Development Plan Policies:

National Planning Policy Framework (2024) (as amended).
Core Strategy Adopted Version (December 2011) – Policy ENV1.
Development Management Plan (December 2014).
Planning (Listed Buildings and Conservation Areas Act) 1990.

RECOMMENDATION: GRANT

Conditions:

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

REASON: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby approved shall be carried out in accordance with the following plans and drawings:

Received 11th July 2025
Dwg. 25.164/02 Elevations 1/2
Dwg. 25.164/03 Elevations 2/2

Received 26th September 2025
Dwg. 25.164/04 Rev C Proposed Floor Plans
Dwg. 25.164/05 Rev A Location Information

REASON: To define the consent and to conform with the requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Application No:	25/00506/FUL Zoning: Rochford Town Centre and Rochford Conservation Area
Case Officer	Mr Duncan Law
Parish:	Rochford Parish Council
Ward:	Roche South

Location:	47 And 49 Back Lane Rochford
Proposal:	Change of use of the building from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit

SITE AND PROPOSAL

1. Planning permission is sought for a change of use of the building from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. two bedroomed residential unit. No external alterations are proposed. The accommodation would comprise a kitchen and living room on the ground floor with two bedrooms and bathroom on the first floor.
2. The vacant application site is located to the rear, and forms part of, the group listing for the Grade II listed Nos. 45, 47 and 49 West Street, a row of eighteenth- to nineteenth-century shops constructed in gault brick with a grey slate roof hipped to the right (List Entry No. 1112569). The site is also located within the Rochford Conservation Area and Rochford the Town Centre Area Action Plan in the central AAP Character area and the West Street and Market Square Conservation Area Character area. The site is not located within a shopping frontage area. The surrounding area is of a mixed character with a commercial, retail, residential and leisure uses all within the immediate vicinity. A large public car park is to the south.
3. A Listed Building application has also been made in respect of the proposed works under reference 25/00507/LBC. The Historic England listing states:

ROCHFORD WEST STREET TQ 8790 NE/SE (south side) 15/271 & 16/271 Nos. 45, 47 and 49 (Odd) 23.7.73 GV II Row of shops. C18/C19. Gault brick. Grey slate roof hipped to right. 2 rear chimney stacks. 2 storeys. 4 first floor small paned vertically sliding sashes. Nos. 45 and 47 to left with continuous fascia and cornice above shop fronts, each with a door to left of a single pane shop window. Moulded sills. End and door pilasters with capitals and bases. Fanlights over part glazed doors. To right is a round headed doorway with keystone. Ornate tracery to semi-circular fanlight. C20 door. No. 49. C20 recessed shop front window to left door to right with fanlight over.

RELEVANT PLANNING HISTORY

4. Application No. 25/00507/LBC - Change of use of the building from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit – Pending decision.
5. Application No. 25/00482/FUL - Change of use of the first floor from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit. Pending decision.

6. Application No. 25/00483/LBC - Change of use of the first floor from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit. Pending decision.

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). The site falls within Rochford Town Centre, where policies from the Development Management Plan, Core Strategy and the Rochford Area Action Plan 2014 are applicable.
9. Policy RTC5 of the Council's Core Strategy seeks to produce an Area Action Plan for Rochford Town Centre which delivers an enhanced retail offer for Rochford. The Council's 2014 Rochford Town Centre Area Action Plan (RTCAAP) policies set out local requirements to ensure the success of this centre and has a character area-led approach. Back Lane is located within the Rochford Town Centre Area Action Plan in the central RTCAAP Character area and the West Street and Market Square Conservation Area Character area.
10. Policy 6 – Character Area A: Central Area of the RTCAAP states that development in the central area will support and strengthen the retail function and character of the area. Policy 6.1 requires new development to respond positively to local townscape character and protect and enhance this character.
11. Policy DM35 – Upper Floor Locations in Town Centres of the Council's Development Management Plan (2014) states that the 'Council will permit the use of the upper floors of shops and other commercial premises in town centres for residential purposes. Permission will be granted, where appropriate, to ensure that accommodation is self-contained and suitably located with separate access from the street and that such accommodation provides a satisfactory standard of residential convenience and amenity.'
12. The proposed conversion would however result in the loss of employment space (office) and in their consultation response, the Council's Economic Regeneration officers note that the site '...could have otherwise been occupied by a business, contributing to employment, footfall and vitality within the wider town centre. As such,

it would be prudent for the applicant to demonstrate that the offices have been appropriately marketed as available for lease for the period of 12 months they have been vacant.' In response, vacancy and marketing evidence was provided by the applicant that highlighted that the first-floor offices have been marketed as vacant for over 2 years with no take up.

13. Whilst the site frontage onto West Street is secondary, this actual application site is to the rear fronting the service road Back Lane. As such officers consider that there is no conflict with Policy 3 to the RTCAAP in that the secondary frontage town centre offer would not be impacted and that furthermore, increased residential presence would be likely to support local shops and services.
14. There is policy support for the conversion of upper floors to residential use in the town centre area that will not result in the loss of any retail space. The proposal is comparable involving back of house space which is, on balance, acceptable subject to the material considerations below.

Impact on Layout, Character and Design

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 Council's 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'. The Council's policies DM1 and CP1 advise that proposals should have regard to the detailed advice and guidance in Supplementary Planning Document 2 (SPD2). 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 and regard must also be had to the detailed advice and guidance in SPD2, as well as to the Essex Design Guide. SPD2 is however, mute on any design implications of conversions as proposed.
16. The government at paragraph 135 (a) – (d) of the NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the built environment and landscape setting, whilst not discouraging appropriate innovation and change (such as increased densities) and establish or

maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.

17. The proposal would sympathetically convert the ground floor of an existing listed building with specific detailing to be secured through an application for Listed Building consent reference 25/00507/LBC so would not have any considerable adverse impact on local character.
18. The proposal seeks a change of use only for the existing offices to a residential use with no external changes proposed in a mixed-use area of retail, commercial and retail. As such the proposals under consideration are in accordance with policy DM1 that seeks to ensure that buildings are harmonious in character, scale, form and proposed materials, would have an acceptable relationship with adjacent properties and have an acceptable visual impact in terms of the street scene. There is further compliance with policy DM35 of the Development Management Plan as the accommodation is self-contained with an independent and separate access from the street.

Effect on heritage assets - conservation area, setting of listed buildings

19. The buildings subject to this application are within the Rochford Conservation Area and are Grade II Listed Buildings. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area. Policy ENV1 of the Council's Core Strategy promotes the protection and enhancement of the natural landscape and habitats and the protection of historical and archaeological sites. With regards the revised NPPF, section 16 sets out government advice on conserving and enhancing the historic environment.
20. The proposed development will result in affects to the heritage significance of the listed building through alterations to their fabric, fittings and fixtures. It is considered however that the proposal would not remove any identified heritage asset or result in significant or substantial harm to the historic fabric of the listed buildings or their setting. The councils' Heritage Consultant is supportive of the repair of the listed buildings through a sympathetic set of proposals that are not considered to cause harm to the fabric or special interest of the Listed Building nor adversely affect the wider Conservation Area. The council's Heritage Consultant has been consulted on this application and upon the accompanying Listed Building application for Listed Building Consent and has raised no objection.

21. As a result, it is considered that the proposal will lead to less than substantial harm to the host listed buildings, as a result of the continued use of the building, it is considered that there is public benefit from the proposal in accordance with paragraph 203 of the NPPF. In making this assessment, it is considered that the proposed development would comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework, specifically paragraph 203 and Policy ENV1 of the Council's Core Strategy.

Impact on Residential Amenity

22. At paragraph 135 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users'. Policy DM1 of the Council's Development Management Plan seeks to ensure that new developments avoid overlooking, ensuring privacy, and promoting visual amenity, and create a positive relationship with existing and nearby buildings. The Council's Supplementary Planning Document 2 (SPD2) Housing design contains guidance relating to the density of conversion proposals in relation to surrounding properties. Proposals which will result in over-development or unreasonably high density compared to the surrounding area will not be acceptable. Given the location within the town centre, the dwellings however would be densely compact and there is little separation. There are no opposable first floor windows in the rear elevation of this proposal nor in the proposed conversion to residential of the adjoining 47-49 West Street to the immediate north currently under consideration under applications 25/00482/FUL and 25/00483/LBC.
23. The development involves minimal physical external change negating any overshadowing or overbearing concerns and no fenestration is proposed. No objections have been received from neighbouring properties and taking the above considerations into account, the application is considered to be acceptable with respect to residential amenity issues and as such complies with Policy DM1 of the Development Management Plan.

Housing Mix

24. Policy H5 of the Core Strategy 2011 requires new dwellings to contain a mix of dwelling types. The proposal would provide 1 No. 2 bedroomed house which would not result in an over concentration of one dwelling type and is considered to assist in increasing the supply of a range of homes and in accord with policy H5.

Amenity space & Refuse

25. SPD2 requires that flats, when built, are provided with a minimum balcony area of 5m² with ground floor dwellings having a minimum

patio garden of 50m² or the provision of a useable communal resident's garden on the basis of a minimum area of 25m² per flat and that these methods can be combined. SPD2 is however, mute on any amenity space implications for conversions as proposed. The Essex Design Guide advocates every home having the benefit of some individual private or communal private amenity space which can include balconies. Given that the proposal involves the conversion of an existing building within a town centre and a larger garden space would not be possible on the site, this is not considered sufficient reason to warrant refusal.

26. All developments must provide a dedicated storage area for waste and recycling containers. All enclosures and storage areas should be located or constructed within the property boundary and be visible and easily accessible to users/residents in order to encourage use. Appendix 1 of the Development Management Plan (2014) dictates the refuse requirements of new developments to help developers to deliver efficient, adaptable storage facilities for recyclable materials and waste. Storage facilities must meet the needs of today's recyclable material markets, waste collection operations and be flexible enough to meet the demands of the future, facilities should be easily serviced and no more than 10 metres from the closest point of access for a refuse collection vehicle. It is important that all waste services are provided in a manner that delivers safe and efficient working practices. In this instance an integral shared bin storage area is proposed with external access to the street, ensuring that it is an accessible and functional location. In terms of capacity, the application proposes the below provision to be shared with the dwelling under 25/00482/FUL - Change of use of the first floor from offices (Class E) to residential (Class C3) with internal alterations to form 1 No. residential unit that has been found to acceptable to the Council's Principal Streets and Recycling Officer:

- 1 x 360ltr refuse
- 1 x 360ltr recycling and
- 140ltr compostable bin

Technical Housing Standards

27. The Ministerial Statement of 25 March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise 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. 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. Until such 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.

28. A 2 bedroomed three-person two storey dwelling is required to be 70 sqm plus provide 2 sqm of storage. The submitted plan shows a dwelling of 78.2 sqm with 2 sqm of storage. The bedrooms would be 9.9 sqm and 19sqm respectively equating to one double and one single bedroom and in accordance with the Technical Housing Standards.

Parking and Highway Safety

29. Policy DM1 of the Council's Development Management Plan 2014 requires sufficient car parking to be provided with new developments and policy DM30 of the Development Management Plan 2014 requires development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards as set out within the Parking Standards Design and Good Practice guide (2010).
30. Policy T8 of the Core Strategy 2011 also refers to parking requirements advising that relaxation of the requirements is possible for town centre locations and sites close to the train stations. The 2024 Essex Parking Guidance Part 1: Parking Standards Design and Good Practice was published in September 2024. As per Figure 2-1: Connectivity levels throughout Essex, Rochford is considered to have 'good connectivity'. The application proposes the construction of 1 No. 2 bedroomed house that triggers a parking space requirement of 1 plus 0.25 visitor spaces. No parking is proposed.
31. In accordance with paragraph 116 of the NPPF, 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. The town centre location is almost adjoining to Back Lane public car park and when considered with the sustainable location of the site near to services and public transport as agreed by the county Highways officers, the proposal is considered acceptable and compliant with Policy DM1 and policy DM30 of the Development Management Plan 2014, Policy T8 of the Core Strategy 2011, paragraph 113 of the NPPF and the parking standards for Essex (Parking Standards Design and Good Practice 2024).

Ecology

32. Policy DM27 of the Development Management Plan states that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal

clearly outweighs the need to safeguard the nature conservation value of the priority habitat, and/or the priority species or its habitat.

33. The revised NPPF at chapter 15 titled 'protect and enhance biodiversity and geodiversity' sets out government views on minimizing the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
34. Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. In England, BNG was mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.
35. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. It is noted however that there are statutory exemptions which mean that the biodiversity gain condition does not always apply. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the development hereby approved is considered to meet the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric). Therefore, as the development does not impact an onsite priority habitat and there is less than 25 square metres of onsite habitat, Schedule 7A is not triggered in this instance.
36. As a result, it is considered that there will not be any significant impacts to protected species or habitats as result of the limited development and as such the proposal would not conflict with Policy DM27 of the Council's adopted Development Management Plan.

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs)

37. The Council have adopted a Supplementary Planning Document relating to mitigating cumulative impacts from residential development

in the district on the sites of European ecological importance along the district's coastline. The application site is 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 (SPA and RAMSAR). 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. To accord with Natural England (NE) requirements and standard advice and Essex Coastal Recreational Disturbance Avoidance and Mitigation Strategy (RAMs), a Habitat Regulations Assessment (HRA) record is required to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. New residential development usually mitigates impact by way of a financial contribution per dwelling of £169.45 which has been received from the applicant.

EQUALITIES AND DIVERSITY IMPLICATIONS

38. 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.

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

40. Taking account of the nature of the proposed development and representations received, it is 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

41. APPROVE subject to conditions.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rochford Parish Council: No comments received.

Neighbour representations: No comments received.

Essex County Council Highways: No objection.

The information that was submitted in association with the application has been fully considered by the Highway Authority. A zero-car parking standard has been applied. The local highway network is protected by parking restrictions. In transport terms, the site is considered to be in a sustainable location close to all of Rochford's Town Centre's facilities including frequent and extensive public transport that are all within walkable distance. Therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to first occupation, 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.

2. 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.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and the NPPF 2024.

Informatives:

- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

Rochford District Council Principal Streets and Recycling Officer, Environmental Services: No objection.

For the two buildings, if they have no room for storage to the rear then I would suggest the properties share the bins which would be 1 x 360ltr refuse and 1 x 360ltr recycling and a 140ltr compostable bin. The collections would be from Back Lane, bins out by 7am on a Thursday.

If there is room to the rear for 1 set then another could go in Back Lane but this isn't ideal due to the cars driving down the lane but as we saw on google maps it seems most properties leave the bins outside so don't know how you would say no to them.

No bins would be able to be left in West Street or put out for collection in West Street either.

Essex County Council Place Services Built Heritage Consultant:

No objections.

The building affected by this application is located to the rear and forms part of the group listing for the Grade II listed Nos. 45, 47 and 49 West Street, a row of eighteenth- to nineteenth-century shops constructed in gault brick with a grey slate roof hipped to the right (List Entry No. 1112569). The site is also located within the Rochford Conservation Area.

The proposal comprises internal alterations only, to facilitate the conversion of the property to residential use. A site visit was conducted on 22nd August 2025 to assess the proposals. It was confirmed that the building retains no internal architectural features of historic significance. Furthermore, the existing internal partitions are modern additions, and their removal is therefore considered acceptable.

Upon the review of submitted documents I raise no concerns regarding the proposal, which, in my opinion, would cause no harm to the significance of the Rochford Conservation Area or to the listed building in terms of the National Planning Policy Framework (NPPF, December 2024). Therefore, the proposal would preserve the special interest of the listed building in accordance with Section 16(2) and would preserve the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Rochford District Council Economic Regeneration: No objection.

Falling just outside the Secondary Shopping Area, this site would not be subject to the same protective considerations for Class E uses that we would see for the ground floor units fronting 47-49 West Street, where it would be considered that a proliferation of residential conversions in this area is such that it has started to undermine the vitality of the town centre retail frontages, as designated in the Rochford Town Centre Area Action Plan (AAP).

However, it should be noted that should the proposals vary to include any change of use of the ground floor retail/commercial units fronting West Street at Nos 47-49, this will be strongly resisted, on the basis that this would further erode the commercial and retail nature of a designated Shopping Frontage. The team has had success in preventing similar proposals in recent years in order to preserve centrally located retail and commercial space in a market town that is undergoing considerable residential development.

In the RTCAAP, the site falls just within Character Area A (Central Area), policies for which are centred on the Market Square and Primary/Secondary Retail Areas. However, the general text also reads: Development in the central area will support and strengthen the retail function and character of the area. It also borders Character Area C (Southern Approach). This policy states: Development in the southern approach area enhance this important and prominent approach into Rochford town centre and support the existing office uses in the Locks Hill employment site. Other relevant excerpts include, new development will be acceptable where it would lead to the creation of more residential units or community facilities, in particular those catering for

young people, and new development will respond positively to local townscape character and protect and enhance the character of the Rochford conservation area.

As such, the proposal broadly accords with this or at least does not contradict any aspects directly. It does, however, involve the loss of employment space, which could have otherwise been occupied by a business, contributing to employment, footfall and vitality within the wider town centre. As such, it would be prudent for the applicant to demonstrate that the offices have been appropriately marketed as available for lease for the period of 12 months they have been vacant.

Relevant Development Plan Policies:

National Planning Policy Framework (2024) (as amended).

Rochford District Council Local Development Framework
Core Strategy Adopted Version (December 2011) – Policies CP1, H5, H6, RTC5, T8, ENV1, ENV9.

Rochford District Council Local Development Framework
Development Management Plan (December 2014) – Policies DM1, DM4, DM27, DM30, DM35.

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

Rochford District Council Local Development Framework Rochford Town Centre Area Action Plan (2015) – Policy 3.

Supplementary Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide (2018).

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 shall be constructed in accordance with the following approved plans:

Received 11th July 2025
Dwg. 25.164/02 Elevations 1/2
Dwg. 25.164/03 Elevations 2/2

Received 26th September 2025
Dwg. 25.164/04 Rev C Proposed Floor Plans
Dwg. 25.164/05 Rev A Location Information

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

3. Prior to first occupation, the cycle parking shown on Dwg. 25.164/04 Rev C Proposed Floor Plans 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 of the County Council's Development Management Policies.

4. 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 first occupiers of the dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. Prior to first occupation within the development hereby approved, the bin store shown on Dwg. 25.164/04 Rev C Proposed Floor Plans shall be provided. Thereafter it shall remain in perpetuity and solely for use as a bin store and for no other purpose.

REASON: In the interests of ensuring sufficient bin storage arrangements are in place at the site in accordance with Appendix 1 and policy DM1 of the Council's Development Management Plan 2014.

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

Application No :	25/00580/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	5 Cherry Hill Farm - Land Opposite Witherdens Farm Chelmsford Road Rawreth
Proposal :	Use of Land as a Gypsy and Traveller pitch (No.5). Retrospective (part) Siting of 1 x mobile home (caravan) and 2 x touring caravans, a Laundry Room and Storage outbuilding.

SITE AND PROPOSAL

1. The application site consists part of Cherry Hill Farm, a large parcel of land and Traveller site located to the east of Chelmsford Road within the settlement boundary of Rawreth soth of the junction made with Rawreth Lane. The existing site is entirely within the Metropolitan Green Belt. The Cherry Hill site is currently in use as a Traveller site and is sub-divided into 12 plots.
2. Some of the plots on the site benefit from retrospective planning permission granted in 2024 and 2025 to regularise the use of the site as a Traveller site. This application seeks retrospective planning permission to regularise plot No.5, which comprises the siting of 1 x mobile home (caravan) and 2 x touring caravans, a Laundry Room and Storage outbuilding. Access to the site is gained from the A1245 and comprises of a hardstanding parking area.

RELEVANT PLANNING HISTORY

3. Application No. 10/00582/COU - Change Use of Site to Provide 12 No. Residential Travellers Caravans and Retain Existing Access – Refused – 1st November 2010.
4. Application No. 24/00540/FUL – Use of Land as Gypsy and Traveller Pitch. 1x Mobile Home, 1x Touring Caravan, 1x Day Room (Retrospective). – Application Permitted – 13th November 2024.
5. Application No.24/00541/FUL – Use of Land as Gypsy and Traveller Pitch. The Retention of a Pitched Roof 2 Bedroom Dwelling, 1x Day Room, 1x Touring Caravan/Motor Home (Retrospective) – Application Permitted – 20th November 2024.
6. Application No. 25/00102/FUL - Use of land as a traveller site; Plot 4 - 1 x residential dwelling (2 bed) with outbuildings and day room (retrospective)Plot 7 - 1 x residential dwelling (3 bed) 1 x static caravan and day room outbuilding (retrospective)Plot 8 - 1 x static caravan (proposed) 2 x touring caravan storage and outbuilding/dayroom

(retrospective)Plot 11 - 1 x residential dwelling (2 bed) and outbuilding for laundry (retrospective) – Approved – 28th May 2025.

7. Application No. 25/00577/FUL - Use of Land to create a Gypsy and Traveller pitch with 2 x Mobile Home (caravans) and 1 x touring caravan, with various outbuildings (retrospective) – Not Yet Determined.

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).

Background Information

10. Cherry Hill Farm was purchased by a family member in the early 1980s, at a time when it was becoming increasingly difficult to sustain a travelling lifestyle. For generations, the family had lived and worked on the road, but long-established stopping places were disappearing, and opportunities for work while travelling were changing. Establishing a permanent base became a priority—both to provide the children with consistent access to education and to allow family members to continue travelling for work while others remained at home. Travelling as a family was then limited to school holidays.
11. In late 2002, family members moved onto Cherry Hill Farm with their caravans and began living on the land. Shortly after, on 18th October 2002, the Council issued two Enforcement Notices: one for the change of use of the land to residential caravan use, and another for the laying of a hard surface and driveway. The family appealed these notices, but the appeal was dismissed on 13 June 2003. The Inspector did, however, extend the compliance period by 12 months to allow for a Council-owned or more suitable site to be made available. No such sites came forward, and no provision was made for alternatives within the district.
12. In 2004, a planning application was submitted to regularise the development, supported by an 81-signature petition from local residents. The application was refused by the Local Planning Authority and subsequently dismissed at appeal. Despite this, no further enforcement action was taken, as the Council continued to have no alternative sites available for the occupants.

13. In 2008, the Eastwood/Smith family also moved onto Cherry Hill Farm. Two years later, in 2010, the Council's Head of Planning and Portfolio Holder for Planning visited the site to discuss the ongoing situation. Following that meeting, another application was submitted to regularise the site. This too was refused by the Planning Committee and later dismissed at appeal.
14. Nevertheless, the families have continued to live at Cherry Hill Farm. To date, no further enforcement action has been taken, again due to the lack of alternative site provision in the area.

Green Belt considerations

15. Section 13 – Protecting Green Belt land of the National Planning Policy Framework (2024) (as amended) (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 circumstances.
16. Development that does not fall to be considered under one of these categories will be considered inappropriate development and 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.
17. The National Planning Policy for Traveller Sites (revised in December 2024) document, which sits alongside the NPPF, considers traveller sites (temporary or permanent) in the Green Belt to constitute inappropriate development. In addition, the document states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh the harm to the Green Belt so as to establish very special circumstances.
18. Moreover, para. 155 of the NPPF, enunciates that a number of other circumstances where it is considered that development within the green belt does not constitute inappropriate development, and these are: -
19. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
 - a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b. There is a demonstrable unmet need for the type of development proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
20. Of particular relevance is exception b) of para 155 which states *"There is a demonstrable unmet need for the type of development proposed"*. This is further clarified in the footnote which states *"...in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites"*.
21. The National Planning Policy for Traveller Sites (2024) para. 25 requires that in addition to the above, when making decisions on such planning applications the following criteria are considered:
- f) the existing level of local provision and need for sites;
 - g) the availability (or lack) of alternative accommodation for the applicants;
 - h) other personal circumstances of the applicant
 - i) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
 - j) that they should determine applications for sites from any travellers and not just those with local connections
22. Furthermore, Policy H7 contained within the Council's Core Strategy (2011) document states that the Council will allocate 15 pitches for gypsy and traveller accommodation by 2018. Policy GT1 of the Council's Allocations Document (2014) allocates a site of 1 hectare (removed from the Green Belt) for gypsy and traveller accommodation in the Western part of the district. Policy GB1 of the Core Strategy (2011) seeks to protect Green Belt land by directing development away from Green Belt land so far as is practicable.

Impact on the Character and Openness of the Green Belt

23. Policy CP1 of the Core Strategy, together with Policies DM1 and DM3 of the Development Management Plan, are relevant to the assessment of design and layout. These policies require new development to respect local character, be of a high design quality, and contribute positively to its surroundings. The NPPF supports the effective use of land for housing but requires that this be achieved without undermining the prevailing character, setting, or openness of sensitive areas such as the Green Belt.

24. The concept of openness within the Green Belt has both a spatial and a visual dimension. Spatially, openness relates to the absence of built form. Any new structure on previously undeveloped land inevitably results in some loss of openness. Visually, harm arises where development is prominent within the landscape or introduces an urbanising influence into an otherwise rural setting. Case law has established that both dimensions must be assessed together, and that even relatively modest development can cause material harm where it consolidates built form or disrupts the rural character of the Green Belt.
25. This application is retrospective and therefore the actual physical and visual impacts of the development can be directly observed. The site, which measures approximately 363m², has already been enclosed by 1.8m high close-boarded timber fencing, incorporating double gates providing vehicular access from the adjoining road. The land has been covered with hardcore and gravel, formalising its use and eroding its rural appearance. Within the site a number of structures and features are present, including a single-storey day room and a separate storage building, as well as designated spaces for 2No. touring caravans (one is adjacent to the northern boundary and the remaining caravan adjacent to the western boundary). Located adjacent to the southern boundary is 1No. static mobile home. Collectively, these elements give the land the appearance of a self-contained residential compound rather than an open and undeveloped parcel.
26. The development is harmful to spatial openness because the introduction of fencing, surfacing, outbuildings and mobile homes has resulted in the loss of a previously open site. This transformation represents a permanent and significant reduction in openness. The development is also harmful to visual openness. While the boundary fencing provides a degree of screening, it creates a pronounced sense of enclosure, reinforcing the perception of built development within the Green Belt. The structures and uses within the site are evident and consolidate the urbanising character of the land.
27. The change in character is marked. The site has been transformed from a rural plot to a visually enclosed and domesticated compound. This is at odds with the open and undeveloped character of the Green Belt and gives rise to an urbanising effect that amounts to sprawl. Preventing such sprawl is a core purpose of Green Belt policy. The development therefore directly conflicts with both the spatial and visual objectives of Green Belt designation.
28. In policy terms, inappropriate development within the Green Belt is by definition harmful. Paragraph 153 of the NPPF confirms that such development should not be approved except in very special circumstances (VSC), which must clearly outweigh the harm to the Green Belt and any other harm.

29. Notwithstanding the above, Policy H of the National Planning Policy for Gypsy and Traveller Sites (PPTS) document states that potential traveller sites should be well planned and soft landscaped, that positively enhance the environment and increase openness. They should not be enclosed by hard landscaping to such a degree that a site could be seen as deliberately isolated from the rest of the community.
30. In summary, because this application seeks to regularise existing development, its harmful impact on openness is not theoretical but observable. The site has been fundamentally altered from an open and undeveloped parcel to an enclosed and urbanised compound. This has caused significant harm to both the spatial and visual openness of the Green Belt and to its rural character. The development therefore constitutes inappropriate development, contrary to Policy GB1 of the Core Strategy, the Green Belt provisions of the NPPF, unless it can be demonstrated that there are very special circumstances which outweigh the harm to the green belt. These very special circumstances will be explored below.

Very Special Circumstances

31. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets whilst, amongst other things, protecting local amenity and the environment.
32. The Planning Policy for Traveller Sites (PPTS) defines, for planning purposes only, gypsies and travellers as:
- “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”.* (PPTS Appendix 1 December 2024).
33. The PPTS further sets out that when determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- Whether they previously led a nomadic habit of life;
 - The reasons for ceasing their nomadic habit of life;
 - Whether there is intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

34. However, the Court of Appeal (Smith v Secretary of State for Levelling Up, Housing & Communities & Anor, 2022) has relatively recently (November 2022) held that the Government's definition of gypsies and travellers within the PPTS is unlawfully discriminatory. This is because (amongst other reasons) Romany Gypsies are members of an ethnic group, the defining feature of which was not being nomadic but "the act of living in caravans". It was apparent from the Public Sector Equality Duty analysis of this definition that the equality objectives set out at s149(1) of the Equality Act 2010 were not met, with The Court concluding that the exclusion of this definition by the Government was to reduce the number of gypsies and travellers who can obtain permanent or temporary planning permission.
35. Policy H7 of the Council's Core Strategy seeks to allocate 15 pitches by 2018 and indicates these are to be provided by 2018. This commitment is reflected through an allocation of a site at Michelin's Farm (Ref: Policy GT1) in the Council's Allocations Plan. However, the possible development of this site has encountered various difficulties, including contamination, issues of land ownership and highway access. Development has yet to commence, neither has the Council exercised its power to compulsory purchase the site and despite pre-application enquiries, no application for planning permission has been submitted or granted. There are no other known alternative sites available for development. There are no other allocated sites in the district and no public sites available for occupation.
36. The case officer has consulted with colleagues in the Planning Policy section who reaffirm that *"There is no update or movement on the Core Strategy allocation for 15 pitches at Michelins Farm. Indeed, the site's owner/developer has made representations at the last Local Plan consultation about their intention not to develop the site for such, and around its unsuitability to do so. We are not aware of a firm strategic position from Members to change this"*.
37. The Council's latest formal assessment of the need for additional Gypsy or Traveller pitches is set out in the South Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Update 2019. This assessment identified a need for up to 18 additional pitches for households meeting the PPTS definition of a Traveller with a further 3 pitches for households where it was unknown whether the definition was met. Of note according to the aforementioned assessment, 1 of these 18 pitches is made up by "1 temporary pitch", which refers to the temporary permission granted on this application site. The application site was occupied at the time of this assessment. Whilst sites at Land Adjacent to St Theresa, Pudsey Hall Lane, Canewdon (reference 18/00318/FUL) and Land Opposite 2 Goldsmith Drive, Rayleigh (reference 17/01240/FUL), Land North of 172 Rawreth Lane (reference 21/00146/FUL), Caravan at Land West of Pumping Station Watery Lane, Rawreth (22/00229/FUL), and Rainbows End,

Beeches Road, Rawreth (21/00673/FUL) have received planning permission since this assessment took place, these sites only comprised a total of 7 pitches and therefore there remains a need for at least 11 pitches dedicated to households meeting the PPTS definition. This updates the previous requirement to Policy H7 of the Core Strategy.

38. The Gypsy and Traveller Accommodation Assessment (GTAA) 2019 update is the Council's most up to date position as of 27th September 2024 relating to need for additional pitches in the district. The GTAA stated of the Gypsy and Traveller households in Rochford that met the planning definition, it showed between the years 2016-2021 the council had a need for, and this included the current unmet need of any unauthorised pitches, 14 additional pitches to be delivered by 2021, with a further pitch to be provided in the following 5 year period 2021 – 2026, amounting to 15 additional pitches required by 2026. The GTAA forecast up to 2038 was for 18 additional pitches.
39. Since the publication of the 2019 GTAA, and in light of the recent decision for the plot adjoining this site, 15 pitches have been delivered. However, as with any other form of housing, there is no ceiling upon provision.
40. As previously stated, in December 2023 the government changed the planning definition of a Gypsy and Traveller following a successful court case, where the definition was found to unlawfully discriminate against the elderly or infirm who had to give up travelling permanently because it was no longer possible for them to do so. The changes in this definition now meant that those Gypsy and Travellers, who in 2019 were found not to meet the definition, now more than likely did and as a result an additional need for pitches from these families now had to be delivered. This has added an additional 11 pitches to be provided over the plan period, plus an assumed need for 3 additional pitches where interviews were not possible. The figures are therefore 18 who met the 2015 definition plus 3 where it was unknown plus another 11 who now likely met the new amended definition. This equals 32 additional pitches. As previously mentioned, 15 additional pitches have been approved since 2019. 32 - 15 leaves a further 17 pitches to be delivered over the plan period to 2038.
41. The Council's latest published Gypsy and Traveller Accommodation Assessment December 2024 sets out the need for a further 60 pitches over the plan period 2024 - 2042 for Gypsy and Traveller households in Rochford that met the planning definition in Appendix 1 of the PPTS 2024. With an immediate need in the next 0 to 5 years for 37 pitches.
42. Paragraph 28 of the PPTS states if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they

could overcome planning objections to particular proposals using planning conditions or planning obligations including:

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;
- b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);
- c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

43. Para 11 d) of the NPPF states the following where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- iii. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- iv. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

44. As previously attested to, the local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites. Of particular relevance and an important material consideration is an appeal relating to a proposed traveller site at the Pumping Station, Watery Lane (app ref: APP/B1550/C/16/3162651) was allowed in 2017. The Planning Inspector in relation to this site stated that as the vast majority of the district is designated Green Belt (tightly drawn to existing settlements) any potential traveller site would have to be on land that is currently designated Green Belt, meaning that the application site being on Green Belt land does not necessarily mean that the application should be refused on this basis, as any other future traveller site for the Rochford District would also have to be on land that is currently Green Belt.

45. The Inspector for the appeal, which was allowed in February 2021 at Pudsey Hall Lane, Canewdon (ref: APP/B1550/C/18/3209438) stated that the Council has an under supply of pitches and the position has not improved since permissions were granted for the above appeal sites. The Inspector goes on to state that in fact, the position is worse than in the 2018 timescale in which a 15-pitch allocation was to be delivered but was not met and has now long expired with no realistic prospect of an application coming forward as things currently stand.

46. In referring to the need for sites in the district, the Planning Inspector for the appeal (app ref: APP/B1550/C/16/3162651) in relation to the traveller site at the Pumping Station, Watery Lane Rawreth, stated the following in regards to the lack of traveller site provision in the district: *“Delay in delivery of [policy] GT1 means that currently no provision of pitches is being realised through the development plan process. The only way at the moment (and for the last 6 years following the adoption of a 15-pitch requirement) is in response to a planning application. Given the existing situation, the Council accepted at the hearing that it did not have a 5-year supply of specific deliverable sites as required by paragraph 10 of the PPTS. Neither does it have a supply of sites or broad locations for growth for years 6 to 10 also required by that same paragraph. Given the extent of Green Belt in the District, ad hoc sites coming forward are more likely than not going to be within it.”*
47. More recently, the Inspector for the appeal at Land Opposite 2 Goldsmith Drive (app ref: APP/B1550/C/18/3212763) made the following observations in relation to the supply of gypsy and traveller sites:
- [40.] The Council witness confirmed that although he had recently learned that there was potential for the Michelins Farm site to be the subject of a compulsory purchase order, there was no certainty that the site would move forward. He explained that options were going to be considered, potentially in September 2021, for addressing the supply of sites, and that this has been hampered by other factors including staff availability in the Council’s planning policy team. In summary, while the Michelins Farm site, which is the only allocated site, has not been ruled out by the Council, there is no certainty that it will deliver the necessary supply of sites and there are no other options currently available.*
- [41.] The Council officer also confirmed that the Council has no criteria based policy which would address ‘windfall’ sites, neither had it had such a policy for several years. Taken together with the significant and as yet unresolved delay in bringing forward the Michelins Farm site, this amounts not only to an absence of supply of sites but also a failure in terms of policy provision. These factors also weigh significantly in favour of the development.*
48. This view was also supported by the Inspector for the appeal at Pudsey Hall Lane, Canewdon (app ref: APP/B1550/C/18/3209438) whereby it was discussed that in the absence of a 5-year supply, significant weight is warranted to the deficit in supply which has remained unchanged for some years. Taking into account the above, it is clear that despite the residential development for use as a Gypsy and Traveller site being deemed inappropriate development in the Green Belt, there is an absence of a five-year supply of sites and this should be given significant weight.

49. The case officer considered it was prudent to seek advice off colleagues within the Planning Policy section to ascertain whether there had been any further updates in relation to gypsy and traveller pitch provision within the district and they previously stated in relation to an earlier application at the neighbouring site that *“A new Essex-wide GTAA has been commissioned, with fieldwork having taken place in 2023. This will provide an updated need figure for the period 2023-2042, based on the latest methodologies and also including the update to the definition. This will inform the future need figures the Emerging Local Plan will need to address and based on it, officers will be producing a site assessment paper and assessing if there is sufficient supply to meet needs through existing sites or if a call for further sites is needed. We were supplied with a draft of this in late September, however we are querying the data with the consultants, ORS, meaning this latest assessment is not yet in a position to go before Members or be adopted.*

The next Local Plan consultation stage (Regulation 18) is expected to take place in 2025, although due to the recent Government consultation on major planning reforms, the previously-adopted Local Development Scheme is likely to be updated and should not be used as a guide. As a consequence, there is presently no formal adopted strategy for meeting the District’s G&T accommodation needs, other than the existing GT1 site allocation at Michelins Farm, which has clear issues with deliverability”.

50. Furthermore, it is noted that permission has already been granted on three separate occasions - twice in 2024 and once in 2025 - for retrospective developments on the adjacent plots at Cherry Hill Farm (LPA refs. 24/00540/FUL, 24/00541/FUL, and 25/00102/FUL), which culminated in 6No pitches. However, despite these approvals, there remains a significant shortfall of suitable sites across the district.
51. The Councils Business Manager for Planning has also confirmed that *“The Council published an updated GTAA 2024 which has increased the district’s need for a further 60 pitches over the plan period 2024 - 2042 with an immediate need in the next 0 to 5 years for 37 pitches. Rochford still has an unmet need”.*

Lack of alternative sites

52. There are no pitches that have been delivered through the Council’s policy provision and there are no public sites currently available. No other suitable and available sites accessible to the applicant have been identified. At present there are 17 pitches which benefit from planning permission as of August 2021. Whilst there have been a number of sites granted planning permission recently (as detailed above), none of these are available.

53. It is considered by the Council and demonstrated by the applicant, that there are a lack of alternative provisions, and this weighs heavily in favour of the development attracting very significant weight.

Gypsy and Traveller Status

54. The ethnicity and the personal circumstances of an applicant would not usually be a material consideration for a planning application, as they would not ordinarily be accorded any significant weight compared to local development plan and national policy considerations. It is, however, recognised that the needs of those who can substantiate Gypsy and Traveller status for planning purposes do call for special consideration and are a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life for travellers, while respecting the interests of the settled community, as clearly highlighted by the production of the National Planning Policy for Traveller Sites (NPPTS).
55. The applicant claims Gypsy and Traveller status. The applicant is a single parent residing at a rural plot with four dependent children, following the loss of their spouse. As the sole caregiver, the applicant bears full responsibility for the day-to-day care and long-term welfare of the family. Practical support with childcare, particularly for the two youngest children, is provided by a trusted neighbour living nearby. This informal but consistent arrangement enables the applicant to maintain employment, which is essential for the family's financial stability.
56. Of the four children, the two eldest are in full-time employment, while the two youngest are home-schooled. All four have benefited from structured education and have experienced continuity in their learning due to the stability of their living arrangements. Educational progress amongst the children is reported to be strong, with positive engagement and outcomes noted.
57. The family has a demonstrable connection to the local area and is well-integrated within the immediate community. The children, in particular, are thriving in the current environment. Their lifestyle has been predominantly settled, with only limited experience of travel outside of family occasions. This established stability is seen as a critical factor in their ongoing academic, emotional, and social development.
58. From a welfare perspective, the provision of a stable and permanent residential base is vital. It ensures uninterrupted access to education, healthcare services, and community support networks. Moreover, it supports the psychological and emotional security necessary for the children's continued growth and resilience. Disruption to this stability would pose significant risks to their development and access to essential services.

59. In summary, the applicant's current living arrangement provides a secure foundation that meets the educational, developmental, and emotional needs of the children. Maintaining this base is not only in the best interests of the family but aligns with broader social and policy objectives around child welfare, access to education, and community integration.
60. Refusing the application would contribute towards loss of the family's home, thus interfering with their private and family life. The apparent lack of immediately available alternative accommodation makes such interference more serious. In the absence of other available sites, there would be a possibility of a roadside existence. This situation is made more prevalent by the fact that there are children who attend nearby primary schools. These matters are relevant to the proposed occupants' rights under Article 8 of the European Convention on Human Rights in relation to respect for private and family life, and also to Article 1 of the First Protocol in relation to peaceful enjoyment and protection of property, and as incorporated by the Human Rights Act 1998.
61. Furthermore, Policy E, paragraph 16 of the PPTS confirms that Traveller sites, whether temporary or permanent are inappropriate development in the Green Belt. Policy E carries on to state: "Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances".
62. The application site would continue to provide stability and enable consistent access to medical and education services, notably for the children, through a settled base in an area with family nearby. This is also supported by the identified lack of alternative available and affordable sites. As such, any alternative would not be in the best interest of the children who would not have access to a fixed education or health care.
63. Having regard to the above, the personal circumstances of the applicants and their families weigh significantly in favour of the development.

Green Belt Balance

64. It has been identified that the current use of the site is harmful to the Openness of the Green Belt, which should be given substantial weight. However, significant weight is attached to the need for gypsy and traveller sites, the lack of supply of sites particularly the continued uncertainty in bringing forward the only allocated site, the absence of policy and the lack of available alternative accommodation for the applicant and his extended family (which includes children) and the

accessibility to health and education services which a stable base provides.

65. Given the lack of availability and delivery for gypsy and traveller sites within the district and the extent of Green Belt land within the district, it is inevitable that necessary site provision will need to be accommodated within the Green Belt. The health of the applicant and his dependants are a consideration, and no other consideration is inherently more important, however, they are not a determinative factor. In this case, the best interest of the applicants and their families would weigh considerably in favour of granting planning permission.
66. Policy E of the PPTS states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm. The NPPF makes it clear that any harm to the Green Belt must be clearly outweighed by other considerations. In this case, there are a number of matters which are considered to weigh significantly in favour of the application and this conclusion would be consistent with the outcome of the appeal decisions discussed. Subsequently, the cumulative weight of these other considerations clearly outweighs the substantial harm arising from inappropriateness and urban sprawl in the Green Belt.

Design

67. As previously set out, this application is submitted on a wholly retrospective basis and seeks to regularise the established use and development currently present on the site. The application relates to a traveller site accommodating a combination of residential structures and caravans which together contribute to the residential use of the land.
68. The site currently includes two single-storey, timber-framed buildings with pitched roofs. The first building measures approximately 4.2m in length, 2.3m in depth, and 3.2m in height, with an internal floor area of approximately 9.7m². The second building is larger, measuring approximately 5.9m in length, 2.7m in depth, and 3.2m in height, providing an internal floor area of approximately 15.9m². These structures are used respectively as a day room and for domestic storage. They are modest in scale, subordinate in appearance, and perform an ancillary function directly related to the residential occupation of the site. Their presence does not result in any material harm to the character, openness, or visual amenity of the area and they integrate acceptably within the wider context of the site's established use.
69. In addition to these buildings, the site contains one static mobile home and two touring caravans. All three units fall within the legal definition of a "caravan" under Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968,

as amended. These units have been stationed on the land for a substantial period of time and form the primary means of residential accommodation on the site.

70. It is significant to note that none of the structures referenced above are subject to the Enforcement Notice issued in 2002. Furthermore, they have remained in continuous use on the site for a period exceeding the ten-year immunity threshold prescribed under Section 171B(3) of the Town and Country Planning Act 1990. As such, these elements of the development are now lawful by virtue of the passage of time and are immune from enforcement action. This application therefore seeks to formally regularise their retention through inclusion within the red line boundary of the application site.
71. In planning terms, the existing development reflects the functional and physical characteristics commonly associated with traveller site accommodation. The layout and scale of built form is proportionate and domestic in nature, consistent with national policy objectives set out in the Planning Policy for Traveller Sites (PPTS, 2015), which seeks to provide settled and sustainable living environments for traveller families, where access to services, education, and healthcare can be secured.
72. Furthermore, the site can reasonably be considered, at least in part, to constitute Previously Developed Land (PDL) within the meaning of Annex 2 of the NPPF. While certain areas of the site may not strictly satisfy the full definition (e.g., areas not formerly occupied by permanent structures), the presence of long-established buildings, hardstanding, and associated infrastructure clearly demonstrates a developed and residential character across a substantial portion of the land.
73. In terms of surfacing, the site incorporates areas of permeable gravel, providing sustainable drainage benefits. The extent of hard surfacing is minimal and does not result in significant visual or environmental harm.
74. In conclusion, the structures and use in question are established, and materially consistent with both the definition and character of a traveller site. Their retention would regularise the planning status of the site without introducing any new or intensified impacts. The application is therefore supported by clear legal grounds, functional justification, and alignment with relevant national planning policy.
75. Moreover, when assessed against Policy DM1 of the Rochford District Council Development Management Plan, which sets out general development criteria, the proposal is considered compliant. The development does not give rise to adverse impacts on residential amenity, highway safety, or landscape character. Furthermore, it makes efficient use of land already in residential use and contributes to

meeting accommodation needs for the traveller community in a lawful and managed way.

76. In summary, the retrospective nature of the proposal reflects a long-established residential use of the site. The development is proportionate, policy-compliant, and represents a pragmatic regularisation of lawful, low-impact structures that support continued occupation in a sustainable and appropriate manner.

Impact on Residential Amenity

77. Paragraph 135(f) of the NPPF places a clear emphasis on the need for development to support health and well-being by achieving a high standard of amenity for existing and future users. This policy objective is echoed in Policy DM1 of the Council's Development Management Plan, which seeks to ensure that all development proposals respect the amenity of neighbouring occupiers. This includes avoiding undue overlooking, preserving privacy, mitigating overbearing or enclosing effects, and safeguarding access to natural light.
78. The term "amenity" encompasses a set of baseline environmental and spatial conditions that individuals can reasonably expect to enjoy within and around their dwellings. These conditions include, but are not limited to: privacy, outlook, access to daylight and sunlight, and freedom from an oppressive sense of enclosure. In assessing development proposals, the Local Planning Authority (LPA) must consider whether any adverse impacts on these aspects are both demonstrable and significant, having regard to the site-specific context and the characteristics of the surrounding built environment.
79. In this case, the site is enclosed by a 1.8-metre-high close-boarded timber fence, which functions as an effective visual screen and mitigates the potential for direct overlooking at ground level. The development comprises single-storey structures, the scale and massing of which are modest and proportionate relative to the surrounding built form. This significantly reduces the likelihood of adverse impacts associated with overbearing effects, overshadowing, or loss of outlook for adjacent occupiers.
80. Furthermore, the spatial configuration of the wider Cherry Hill Farm site provides for generous separation distances between individual plots and structures. The intervening distances, coupled with the low-rise nature of the buildings, ensure that the development does not materially diminish levels of light, privacy, or openness experienced by neighbouring occupants. The arrangement of buildings is such that it avoids the creation of visually intrusive built form and does not give rise to a "tunnelling" or enclosing effect when viewed from neighbouring properties.

81. It is also relevant to note that the proposal involves the retention and regularisation of existing structures, the physical impact of which can be clearly and directly observed. No objections have been received from neighbouring occupiers, suggesting that the development has not given rise to any localised concerns regarding amenity. While third-party comments are not determinative in planning decisions, the absence of any representations—particularly in the context of a retrospective application—is a material consideration that supports the conclusion that the development does not result in demonstrable harm.
82. In summary, the existing built form is appropriately sited, scaled, and screened so as to avoid any unacceptable impact on residential amenity. The development complies with the relevant criteria set out in Policy DM1 and aligns with the overarching objectives of the NPPF. It is therefore concluded that the proposal is acceptable in amenity terms.

Flooding

83. 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.

Highways and Access

84. Policies DM1 and DM3 of the Council's Development Management Plan require development proposals to provide an appropriate level of car parking, commensurate with the scale and nature of the development. Policy DM30 further supports the creation of accessible environments and stipulates that developments should comply with the Council's adopted parking standards. These policies aim to ensure that new development does not give rise to on-street parking stress, highway safety concerns, or access issues for users of all abilities.
85. Paragraph 116 of the NPPF provides a clear test for when development should be resisted on highways grounds. It states that development should only be refused where there would be either an *unacceptable impact on highway safety*, or where the *residual cumulative impacts on the road network would be severe*. This is a high bar, and it places the burden on decision-makers to provide clear evidence of harm before withholding permission on such grounds.
86. The application site is currently accessed via Chelmsford Road. This established access is to remain in use without modification. The site benefits from sufficient space to accommodate the parking and turning of vehicles entirely off the public highway. This ensures that there is no need for reversing or waiting on the public highway, thereby maintaining safe ingress and egress for all users. The access

arrangements reflect good practice in highway design and meet the expectations of local and national policy.

87. Importantly, the application is retrospective in nature and relates to a use that is already taking place on the site. There is no evidence to indicate that the existing use has given rise to any highway safety incidents, congestion, or operational issues on the surrounding road network. The use of the shared access has not led to any demonstrable conflict with other road users, and the anticipated level of vehicular movements is not considered to represent an intensification that would give rise to concern. In this context, any impact on the highway network must be considered negligible.
88. It is also relevant to note that no objection has been raised by the local highway authority. In the absence of any technical evidence to the contrary, there is no reason for the Local Planning Authority to take an alternative view. Whilst it is accepted that all development generates some level of traffic, this does not in itself justify refusal. The threshold for highways-based refusal set by national policy is intentionally high to prevent unduly restrictive decision-making. On this occasion, there is no credible basis for concluding that either limb of the NPPF test has been triggered.
89. In summary, the proposal provides safe and suitable access, as well as sufficient off-street parking and turning space, in accordance with the Council's adopted standards. There is no evidence of unacceptable harm to highway safety or of any severe impact on the capacity of the road network. As such, the proposal complies fully with Policies DM1, DM3, and DM30 of the Development Management Plan, and with paragraph 116 of the NPPF. There is therefore no reasonable or justified basis to refuse the application on highways or access grounds.

Refuse and Waste Storage

90. 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.

Trees

91. Policy DM25 of the Development Management Plan 2014 prioritizes the conservation and enhancement of existing trees and woodlands, especially Ancient Woodland, due to their significant ecological and landscape value. The policy restricts development that adversely affects these natural features unless it can be clearly demonstrated that the benefits of the development outweigh the need to retain them. Furthermore, where damage or loss is unavoidable, appropriate mitigation must be implemented to compensate by replacing trees or woodlands of equivalent value or area.
92. In this case, the proposal is retrospective, meaning it involves works that have already been carried out without prior planning approval. This status raises particular concerns, as retrospective applications must justify why the development should be accepted despite the lack of prior consent and any potential unmitigated impacts on protected natural features.
93. During the site visit, the case officer observed that the site is enclosed by close-boarded timber fencing, effectively screening the development from public view and reducing visual impact on the surrounding environment. Importantly, the submitted planning application forms confirm that no trees have been removed during or prior to the development works. This suggests that the retrospective nature of the proposal has not resulted in any loss or damage to trees on or near the site.
94. Overall, while retrospective developments can pose challenges for planning enforcement and policy adherence, in this instance the proposal does not conflict with the policy's intent to protect valuable trees and woodlands, and therefore may be considered acceptable on tree conservation grounds.

On-site Ecology

95. Paragraph 187 to the NPPF, indicates the importance of avoiding impacts on protected species and their habitat. Where impact is considered to occur, appropriate mitigation is required to offset the identified harm. Policy DM27 to the council's Local Development Framework Development Management Plan, 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.

96. 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.
97. 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.
98. The application is entirely retrospective in nature and has been submitted to regulate part of an existing development. The case officer can confirm that no ecological appraisal has been submitted. However, the application site is covered in hardstanding and there are no requirements to undertake any works that would affect any habitats or species in or around the site. In conclusion, it is considered that the proposal is established for some time and unlikely to affect any protected species adversely.

Off-Site Ecology

99. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the 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 of future residents of proposed residential developments. The development falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) an Habitat Regulations Assessment (HRA) record has been completed and the development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. Usually in these circumstances a RAMS payment of £163.86 per dwelling is required.
100. However, given this particular plot has been in situ for some twenty two years (according to the planning application forms work commenced in 2002) and was in situ prior to the adoption (20th October 2020) of The Essex Coast Recreational disturbance Avoidance

and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) by Rochford District Council, it is considered unreasonable to require the RAMs payment to be made.

Biodiversity Net Gain

101. 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.
102. 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.
103. 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.

Equalities and Diversity Implications

104. 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.
105. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.
106. Taking account of the nature of the proposed development and representations received, it is considered that the proposed development

would result in a positive impact on a protected group as defined under the Equality Act 2010.

CONCLUSION

107. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council: Having considered the application noted above, Rawreth Parish Council now look to Rochford District Council to determine under the relevant planning policies if very special circumstances are met which override the inappropriate development in the Green Belt and, that the applicant can demonstrate that the harm by way of inappropriateness and any other harm is clearly outweighed by other considerations such as to amount to very special circumstances.

Neighbour representations: No comments received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024) (as amended).

Planning Policy for Traveller Sites (December 2024).

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) – policies GB1, H7, T8.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM5, DM25, DM27, DM30.

Rochford District Council Local Development Framework Allocations Plan (2014) – GT1.

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

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

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

4. The development hereby permitted shall be carried out in complete accordance with the following approved plans Plan 1 (Location Plan), Plan 2 (Block Plan), and Plan 3 (Layout Plan) all received by the Local Planning Authority on the 13th August 2025 and Elevations Floor Plans and Roof Plans of the Day Room and Storage Building received by the Local Planning Authority on the 27th August 2025.

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

5. Notwithstanding the approved plans, no more than three caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), shall be stationed on the pitch at any one time. This shall include a maximum of one static caravan and two touring caravans per pitch.

REASON: To ensure the development complies with the approved details and maintains the scope assessed during the application process.

6. Save for one vehicle not exceeding 7.5 tonnes, no vehicle over 3.5 tonnes shall be stationed, parked, or stored on the land. All vehicles shall be for the sole use of the occupiers of the development hereby permitted, with this restriction applying per pitch.

REASON: To maintain appropriate control over the use of the land in the interests of protecting the Green Belt from commercial development and safeguarding the amenity of neighbouring residents.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.

Application No :	25/00536/FUL Zoning : Unallocated
Case Officer	Mr Richard Kilbourne
Parish :	Hockley Parish Council
Ward :	Hockley
Location :	Land Rear Of 9 Highams Road Hockley
Proposal :	The erection of 1 No. three bedroom bungalow with associated parking and amenity to the rear of the existing property 9 Highams Road, Hockley, SS5 4DG.

SITE AND PROPOSAL

1. The application property is a bungalow with roof accommodation situated at the junction of Highams Road and Hawks Lane. Highams Road has a mixture of houses, bungalows and chalet bungalows along its length, generally with substantial plots. Hawks Lane joins Highams Road on the outside of a right-angled bend and number 9 is on the north-east side of this junction. To the south-west is a bowling green, Hockley Bowling Club. Hawks Lane is a private road with no pavement or street lighting. There are five chalet bungalows in Hawks Lane, all on the left (south western) side as one enters the road, two before a sharp bend and three beyond it following the curvature of the lane. At the end of the lane is a British Telecommunications (BT) maintenance depot with a phone mast adjacent to it. It is a no through road to traffic, but there is a pedestrian link onto Gladstone Road to the north. Opposite the first two properties in Hawks Lane, numbers 1 and 2, is the side of 9 Highams Road, the property having a plot which is approximately 25 metres deep from front to rear. Apart from the BT depot and the bowling green, the surrounding area is predominantly residential.
2. As noted in the previous officer's report (24/00900/FUL – see Planning History Section), some works have already been carried out on the site. However, these do not represent implementation of any part of the current application and do not amount to “development” as defined under Section 55 of the Town and Country Planning Act 1990. The works observed include the renovation of the existing bungalow, the erection of a fence along the boundary shown on the submitted plans (separating the existing bungalow from the site of the proposed new dwelling), and the removal of trees and other planting from the rear garden. Whilst the Parish Council and some residents have assumed these activities relate to implementing the proposal, none appear to require planning permission. For example, the fence is considered permitted development as it does not exceed 2 metres in height.
3. According to the submitted planning application forms and plans full planning permission is sought for the erection of a detached single storey dwellinghouse. The proposed development will require the subdivision of the plot, and the proposed development will be constructed in what is the rear garden of this property (No.9). Topographically the site is relatively flat. The front elevation of the proposed dwellinghouse will face Hawks Lane, with access directly off. According to the submitted plans the private amenity space serving the proposal will be situated towards the rear/side.

RELEVANT PLANNING HISTORY

4. Application No. 24/00900/FUL - The erection of two No. three-bedroom bungalows with associated parking and amenity to the rear of the

existing property 9 Highams Road, Hockley – Refused - 14th May 2025. Reasons for refusal:

1. *The proposal would constitute an over intensive cramped development leaving the existing dwelling at 9 Highams Road with a poor relationship to the proposed with inadequate space between it and the proposed adjacent bungalow resulting in a relationship which would fail to relate well to the existing street pattern and more spacious character of the locality. The development would therefore be detrimental to the appearance of the area and contrary to the provisions of policies H1 and CP1 of the Council's Core Strategy and would result in a poor relationship with existing and nearby buildings contrary to part (x) of policy DM1 and contrary to parts (i) and (ii) of policy DM3 of the Council's Development Management Plan. If allowed, it would lack fit with the overall form and layout of the site surroundings and fail to take the opportunity to help raise the standard of design in the area contrary to paragraph 139 b) of the National Planning Policy Framework.*
2. *The proposed bungalow on plot 1 would as a result of the close siting across the narrow private street undesirably overlook the front windows of No. 2 Hawks Lane opposite giving rise to unreasonable loss of privacy between opposing dwellings arising from the narrow street setting, contrary to the provisions of part (ix) to policy DM1 of the Council's Development Management Plan.*
3. *Insufficient information has been submitted with the application to allow the Local Planning Authority to properly consider the impact of the proposal in respect of biodiversity net gain. The Local Planning Authority is not satisfied that the baseline for biodiversity net gain has been accurately assessed as the planting on the Hawks Lane footpath has not been included in the calculations. If allowed the proposal could lead to an unacceptable impact on bio – diversity.*

MATERIAL PLANNING CONSIDERATIONS

5. 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.
6. 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 the Development

7. The National Planning Policy Framework (NPPF) was revised in December 2024 (and further amended in February 2025) and 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.
8. 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.
9. 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.
10. 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 9.25m for detached houses or 15.25m 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 1m between habitable rooms and plot boundaries.

11. 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.
12. According to the Council's GIS database the application site is located wholly within the settlement boundary of Hockley. Therefore, given that the application relates to a site within the settlement zone, the broad principle of development is acceptable.

Housing Land Supply

13. Rochford District Council cannot currently demonstrate a five-year supply of deliverable housing sites as required by the 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.
14. According to the submitted plans the proposal proposes the severance of a portion of the applicants curtilage for the construction of a detached single 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 were permitted it would contribute to the existing shortfall, which is an important material planning consideration that cannot lightly be put aside.

Design

15. 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.

16. 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).
17. 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.
18. 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.
19. 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.
20. The issue is therefore whether this proposal is appropriate in terms of scale, height, position, materials and relationship with the surrounding area.

Layout

21. The application proposes the subdivision of the residential curtilage of a single-storey detached dormer bungalow to create a new single-storey detached dwelling on an irregularly shaped plot measuring approximately 500m². The site lies to the rear of the host property and

would be accessed via a private road that already serves several other dwellings and a BT depot. Whilst this shared access prevents the proposed dwelling from being entirely isolated, the scheme nonetheless constitutes backland development. It arises from the intensification of an existing rear garden and would sit behind the established building line of Highams Road, which is a defining element of the local street scene.

22. This stretch of Highams Road is characterised by a staggered yet coherent rhythm of predominantly single-storey or dormer-style dwellings, each set within long, narrow rear gardens typically measuring between 25m and 32m in depth. These gardens are integral to the area's spatial character, creating a sense of openness, low-density spaciousness, and a regularity in plot proportions. The proposed subdivision would truncate the host dwelling's garden to just 4.8m at its deepest point, narrowing to 4m. This represents a marked departure from the prevailing pattern and would leave the host property visually and functionally constrained, undermining its proportional relationship to the plot and detracting from the area's established suburban form.
23. The proposed new dwelling would be rotated 90° to front the private access road. This approach does respond to the existing context, as other properties along the private road present their principal elevations to it. However, despite being context-led in orientation, the resulting plot still represents tandem development, with the new dwelling positioned directly behind the host property. This arrangement would alter the traditional pattern of elongated rear gardens on Highams Road, replacing open space with built form and creating a denser, more visually enclosed arrangement that is uncharacteristic of the area's prevailing grain.
24. Although the scheme satisfies minimum quantitative amenity space standards, the qualitative impacts are negative. The reduced rear garden to the host dwelling would severely limit its outdoor amenity function, while the proximity of the additional dwelling could compromise privacy, outlook, and the perception of space. The replacement of open green space with built form would also diminish the visual permeability of the street block, contributing to a perception of overdevelopment.
25. The scale of the proposed dwelling intensifies this effect. While its elongated rectilinear footprint is consistent with the general form of surrounding houses, the overall footprint of approximately 190m² is nearly double that of the host property (99m²) and significantly larger than other dwellings on Hawks Lane, which range from 78m² to 105m². This disparity in size would make the new dwelling visually prominent within a constrained and irregular plot, reinforcing its divergence from the established pattern of development.

26. In policy terms, the proposal fails to comply with the Council's Policies CP1 and DM1, as it would not maintain the prevailing character of Highams Road, would fail to positively contribute to its setting, and result in substandard spatial relationships. It also conflicts with SPD2 and the Essex Design Guide, which cautions against garden land and tandem development that disrupts established plot patterns. Furthermore, it does not meet the NPPF and National Design Guide requirements for context-led design that would reinforce local character and spatial integrity.
27. In conclusion, while the decision to orient the dwelling towards the private road reflects an awareness of the immediate context, this does not mitigate the harm arising from the subdivision of the host property's garden, the loss of the long-garden pattern, the introduction of a disproportionately large building, and the creation of a cramped, tandem arrangement. The proposal therefore represents inappropriate backland intensification and is contrary to both local and national planning policy.

Appearance

28. The proposed dwelling adopts a simple, elongated rectilinear footprint measuring approximately 11m deep by 19m wide. Eaves height would be 2.4m with a ridge height of 5.8m, comparable to surrounding dwellings (e.g., No. 9 Highams Road at 6.8m high to the ridge). The height is deliberately restrained to reflect the suburban context and minimise visual dominance.
29. The front elevation, facing Hawks Lane, incorporates two projecting hipped-roofed elements, which provide vertical emphasis and visual articulation. Centrally located between these projections is the main entrance. Each projection features a large window, creating a symmetrical and balanced façade. To the side (adjacent to No. 9 Highams Road), a single-storey outrigger is proposed, which will incorporate a garage door and modest window and is set back 2.4m from the main front elevation, with its ridge lowered by 1m to make it appear subservient to the host dwelling.
30. The rear elevation includes two windows and bi-fold doors opening to private amenity space, supplemented by a personnel door and smaller window. No windows are proposed on the north-facing elevation, while the south-facing elevation (towards No. 9) includes a large fixed-pane window. It is considered that the fenestration is proportionate and breaks up the massing effectively.
31. The material palette comprises facing brick, render, and a concrete-tile roof, which mirrors those commonly found in the area, with uPVC double-glazed windows and doors also in keeping. The restrained material choice helps integrate the dwelling into its surroundings without appearing incongruous or obtrusive.

32. Internally, the layout accommodates three bedrooms (one with dressing room and en-suite), family bathroom, open-plan kitchen/dining, utility room, lounge, garage, hallway, and storage—reflecting a contemporary family-oriented arrangement.
33. From a townscape perspective, the design is modest and consistent with the local vernacular. Variations in nearby building forms and materials mean the proposal would not appear alien within the street scene. As such, the design is considered acceptable and in line with SPD2, the NPPF and Policy DM1.
34. Overall, whilst the proposed dwelling demonstrates a restrained and contextually sympathetic design in terms of height, materials, and architectural detailing, these merits do not overcome the fundamental harm caused by its siting, scale, and relationship to surrounding development. The subdivision of the host property's garden would result in the loss of the established long-plot pattern, create a cramped tandem arrangement, and introduce a disproportionately large dwelling that would appear dominant within a constrained and irregular plot. This would undermine the prevailing spatial character of Highams Road, erode visual openness, and fail to maintain the area's established suburban form.
35. The scheme therefore represents inappropriate backland intensification that conflicts with Policies CP1 and DM1, SPD2, the Essex Design Guide, and the design objectives of the NPPF and National Design Guide. Any positive aspects of the design are outweighed by the unacceptable impacts on local character, spatial integrity, and residential amenity.

Impact on Residential Amenity

36. Paragraph 135(f) of the NPPF establishes the principle that developments should contribute to the creation of safe, inclusive, and accessible environments that promote health and well-being, while also achieving a high standard of amenity for existing and future users. This principle is embedded within local policy, notably Policy DM1, which requires proposals to safeguard the amenity of neighbouring occupiers by avoiding undue overlooking, maintaining adequate privacy, and promoting a positive visual relationship between new and existing built form. Policy DM3 further reinforces this by requiring a robust assessment of the potential impact of development on residential amenity, encompassing considerations such as daylight, outlook, noise, and visual dominance.
37. The concept of residential amenity encompasses a range of environmental and experiential conditions that residents can reasonably expect to enjoy daily. In evaluating any planning application, the LPA is required to assess whether the proposed

development would give rise to demonstrable and unacceptable harm to the living conditions of neighbouring occupiers. Such harm may manifest in the form of loss of privacy through overlooking, reduction in daylight or sunlight, or the creation of a visually overbearing built form that diminishes the quality of the residential environment.

38. In this case, the proposed erection of a single storey detached dwelling is not considered likely to generate adverse environmental impacts in terms of noise, air quality, or water pollution. These are not identified as material concerns in relation to the nature and scale of the proposed use, which is residential in character and compatible with the surrounding context.
39. Para 7.1 of the Councils 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.
40. Objections have been raised by residents of Gladstone Road and Highams Road regarding the potential for overlooking. However, the proposal relates to a single-storey bungalow, a form of development that inherently limits opportunities for harmful overlooking when compared with two-storey dwellings or developments incorporating habitable accommodation within the roofspace. Any views from ground floor windows would be incidental and appropriately mitigated by boundary treatments. The erection of 2m boundary fencing - ordinarily achievable under permitted development rights - could be secured by condition if permission were to be granted, thereby safeguarding the privacy of adjoining occupiers.
41. Furthermore, in the event of approval, it would be reasonable and necessary to impose conditions restricting the insertion of dormer windows, rooflights, or other forms of upper-storey accommodation. Without such controls, there could be future risk of unacceptable overlooking. The application as submitted, however, makes no provision for such features, and the dwelling as proposed presents no material risk of overlooking.
42. In spatial terms, the proposal achieves appropriate separation distances to neighbouring properties. The dwelling would be set approximately 6m from the boundary with No. 11 Highams Road, whose rear garden adjoins the application site. This degree of offset, when combined with a 2m high close-boarded fence, is sufficient to preserve the amenity of occupiers to No. 11 in line with established planning practice. Along the northern boundary, the dwelling would sit around 1m from the boundary adjoining properties fronting Gladstone Road. Here, there is in excess of 10m between the rear elevations of

those dwellings and the flank wall of the proposed bungalow. Importantly, no openings are proposed in this elevation. Given this separation and the absence of fenestration, the relationship would not give rise to harmful overlooking, loss of light, or overbearing effects.

43. A further separation of over 7m would exist between the flank elevation of the proposed dwelling and the rear elevation of No. 9 Highams Road (the applicant's property). Again, this boundary is already marked by a 2m high timber fence and contains no openings at ground floor level. The combination of physical separation, screening, and single-storey form ensures that the proposal would not adversely affect the amenity of occupiers of No. 9.
44. When assessed against the relevant national and local policy frameworks, including those concerned with safeguarding residential amenity, the proposal performs satisfactorily. The distances achieved, the absence of upper-floor accommodation, and the ability to secure boundary treatments and restrict future roof alterations by condition together provide robust safeguards. As such, the concerns expressed are not substantiated by the evidence or by an objective planning assessment, and it can reasonably be concluded that the proposal would not give rise to unacceptable overlooking or loss of privacy.
45. Previous concerns have been raised regarding the potential impact of the proposed development on the residential amenity of the occupiers of No. 2 Hawks Lane, situated directly opposite the application site. In an attempt to address these concerns, the applicant has amended the scheme, reducing the number of dwellings from two to one and revising the design accordingly.
46. Notwithstanding these amendments, a material issue of overlooking remains. No. 2 Hawks Lane benefits from front-facing windows which directly address the application site. The proposed bungalow would similarly incorporate a principal front-facing window serving its kitchen, living, and dining space. This constitutes the primary habitable room window for the dwelling, supplemented only by a secondary window located on the return elevation. The proposed dwelling would be set back within the plot by approximately 3m, creating a face-to-face separation distance of around 9.5m.
47. While front-facing windows are generally considered less sensitive in amenity terms, given that views from the public realm already afford a degree of overlooking, the circumstances in this instance are atypical. The front windows of No. 2 Hawks Lane are elevated to a height that reduces views from pedestrians within the street. Accordingly, these windows currently enjoy a level of privacy that would be materially eroded by the introduction of direct, sustained overlooking from the proposed bungalow opposite.

48. It is therefore considered that the proposal would give rise to an unacceptable degree of overlooking, resulting in demonstrable harm to the residential amenity of the occupiers of No. 2 Hawks Lane. The development would, as such, be contrary to Policy DM1 of the Development Management Plan, which requires new development to safeguard the privacy and amenity of existing occupiers.

Living Conditions of Future Occupiers

Garden Sizes

49. 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.
50. Policy DM3 of the Council's Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD2 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.
51. The Council's Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two-bedroomed dwellings where a minimum private garden area of 50m² would be required. The proposed development would provide 1 No. three bedroomed dwelling. According to the submitted layout plan (ref: 201 Revision P3) the proposal would have a private amenity of 198m², which would satisfy the outdoor amenity space requirements, as set out in SPD2.
52. Furthermore, as the plot is being severed, the existing property (No.9 Highams Road) would have a private amenity space of 238m², which is in accord with guidance advocated within the SPD.

Technical Housing Standards

53. 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.
54. 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.

55. 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.
56. A one storey dwelling which would comprise three bedrooms accommodating either four or five people would require a minimum Gross Internal Floor Area (GIA) of 74m² or 86m² respectively. Additionally, the dwelling must have a minimum of 2.5m² of built-in storage. The standards above stipulate that double bedrooms must equate to a minimum of 11.5m², 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.
57. According to the submitted plans, the Gross Internal Floor area of the proposed dwellinghouse equates to approximately 171m², and as such in terms of overall GIA the proposal would way exceed the minimum specified technical standards.
58. The table below shows the Gross Internal Floor area for each of the bedrooms (all measurements are approximate).

Bedroom No.1	17m ²
Bedroom No.2	18m ²
Bedroom No.3	10m ²

59. According to the submitted plans all the bedrooms comply with aforementioned policies and exceed the Internal floor area requirements. Furthermore, it was noted that a storage area is proposed within the utility room, which will measure 2.6m² and as such complies with the relevant guidance.
60. 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.
61. 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.

Trees

62. Policy DM25 of the Development Management Plan establishes a clear framework for the treatment of trees in relation to development proposals. It places considerable emphasis on the retention of existing trees, especially those which contribute strongly to public amenity, and its objectives are twofold: firstly, to conserve and enhance trees and woodlands, particularly Ancient Woodland, and secondly, to resist their loss or deterioration unless the benefits of development demonstrably outweigh the harm. Where tree loss is unavoidable, the policy requires proportionate and effective mitigation, including the replacement of removed trees with planting of equivalent or enhanced value, quality, or area, so as to ensure no net loss of biodiversity, amenity, or landscape character in the long term. The policy therefore requires a nuanced approach, not simply an assessment of the number of trees removed but also a qualitative evaluation of their condition, landscape contribution, and biodiversity value, alongside the adequacy of mitigation measures.
63. In support of the application, the applicant has submitted a comprehensive arboricultural evidence base prepared by Matthew Game, dated 16 July 2025. This includes a tree survey, arboricultural impact assessment, arboricultural method statement, and tree protection plan. The survey identifies a total of sixteen trees within the site, of which nine are proposed for removal to facilitate the development. The trees identified for removal are predominantly categorised as Grade C under BS5837:2012, denoting specimens of low quality and limited remaining contribution in years. Only one of the trees proposed for removal is categorised as Grade B, signifying moderate quality and some landscape or conservation value. The arboricultural report makes clear that the trees are largely non-native, ornamental species associated with the domestic garden of the existing dwelling, and they do not form part of an established woodland or ecological corridor of wider significance.
64. Although the numerical loss of more than half of the trees on site appears substantial, Policy DM25 requires consideration of both quality and wider contribution. The predominance of Grade C specimens, combined with their ornamental and non-native character, indicates that their collective biodiversity and amenity value is limited. Their contribution is primarily private, confined within the curtilage of the dwelling, with little visual presence in the public realm. The removal of one Grade B tree does represent a modest reduction in landscape value, but not to the extent that it would materially alter the character of the locality or result in significant harm to public amenity. From a biodiversity perspective, the limited ecological value of these trees

means that their loss would not result in the same level of harm as would the removal of native or semi-natural woodland. Importantly, Policy DM25 anticipates such scenarios by requiring mitigation through replacement planting. Given the scale and domestic character of the site, it is entirely feasible to secure replanting that would meet or exceed the long-term biodiversity and amenity value of those trees lost, particularly if native species of higher ecological value are chosen.

65. During consultation, the Council's Arboricultural Officer initially expressed concern that the applicant's plans did not plot root protection areas (RPAs), as required by BS5837. Without these constraints identified, there is a degree of uncertainty as to whether the trees proposed for retention would be adequately safeguarded during the construction process. The Council's Arboricultural Officer then submitted a revised response and stated the following *"Although no clear position for the barrier protection is shown on the TPP, it does mention in the report that the trees will be protected using heras fencing to the extent of the red circle plotted around the trees, which is the RPA shown on the drawing as a red circle with cross hatch within. I am happy this is sufficient to approve and can enforce against should it be required"*.

66. It is clear that the proposal will result in the loss of several trees, including one of moderate quality. However, the overall harm would be limited given the predominance of low-quality, non-native specimens, their minimal public visibility, and their restricted biodiversity function. The lack of statutory protection further constrains the Council's ability to resist removal, while replacement planting can be secured by condition to ensure no net long-term loss of biodiversity, amenity, or landscape character. On this basis, the proposal is judged to comply with the requirements of Policy DM25, subject to conditions requiring an appropriate replacement planting scheme and protective measures for those trees that will be retained.

Impact on Highway Safety

67. Policies DM1 and DM3 of the Council's Development Management Plan emphasize the importance of providing sufficient car parking to support new developments, while Policy DM30 underlines the need for accessible environments by requiring parking facilities to comply with the Council's adopted standards. These policies collectively aim to balance the needs of vehicular access and parking with sustainable, safe, and convenient travel.

68. In line with paragraph 116 of the NPPF, planning decisions should only be refused on highway grounds where there is clear evidence of unacceptable highway safety risks or severe residual cumulative impacts on the road network. This threshold is significant as it places the emphasis on proportionality, ensuring that minor or manageable impacts do not result in unwarranted refusals.

69. The proposal includes a detailed site layout plan demonstrating dedicated vehicular access and egress directly onto Hawk Lane, a private road approximately 4.8m wide. While this width is modest and could limit traffic flow, the road is currently unrestricted and regularly accommodates residential traffic, including access to existing properties and the BT depot. The absence of formal restrictions or known access issues suggests that the road can sustainably support the limited additional traffic generated by a single dwelling.
70. Critically, the parking provision proposed meets and exceeds Council standards, with two side-by-side off-street spaces and an additional space within an attached garage, each measuring 5.5m by 3m. This ensures that all vehicles associated with the new dwelling can be accommodated within the site boundary, preventing overspill parking on Hawk Lane or neighboring roads. The retention of three existing parking spaces for the original dwelling further mitigates any risk of cumulative parking stress in the locality.
71. The Council's consultation with Essex County Council Highways Authority provides an authoritative expert assessment. The Highways Engineer specifically states the following; *"The proposal includes subdivision of the site, and construction of one dwelling. The dwelling includes a minimum of two off-street parking spaces. Vehicle access for the proposal will be taken from Hawk Lane which is a private road. The applicant should seek permission from the landowner for the installation of the crossover. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*.
72. Additionally, the Highways Authority recommends conditions related to cycle parking, storage of materials, and travel information, which reflects good practice in promoting sustainable travel and mitigating construction impacts. The imposition of such conditions would further ensure that the development's transportation effects remain controlled and aligned with wider policy objectives.
73. From a highway safety perspective, the site's proximity to a sharp bend in Hawk Lane presents an acknowledged visibility constraint. However, this is balanced by the typically reduced speeds drivers adopt when negotiating bends, which mitigates the potential for accidents. The lack of objection from the Highways Authority suggests that any risks are low and manageable, further supported by the limited scale of additional traffic movements associated with one new dwelling.
74. Officer's also recognize the need for careful management of construction impacts, given that larger vehicles will access the site temporarily. A construction management plan conditioned upon approval would ensure safe and efficient operation during this phase, minimizing disruption to existing users of Hawk Lane. Such measures

are essential in safeguarding the ongoing safety and convenience of road users during works.

75. In conclusion, the proposed development would deliver sufficient parking and safe, practical vehicular access in compliance with the Council's policies and adopted standards. The absence of objections from the Highway Authority, combined with the lack of evidence of severe cumulative impacts or unacceptable highway safety risks, demonstrates that the proposal aligns with paragraph 116 of the NPPF. Whilst the private status and physical characteristics of Hawk Lane impose some constraints, the scale of development and mitigations proposed ensure these do not translate into material highway concerns.
76. Therefore, officers advise the proposal is justified in considering the application acceptable in highways and transportation terms. The proposal balances the need to support residential development with the imperative to maintain a safe and accessible highway environment.

Flooding considerations

77. 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.

Drainage

78. Development on sites such as this can generally reduce the permeability of at least part of the site and change 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, 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.

Refuse and Waste Storage

79. 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.

On-site Ecology

80. Paragraph 180 to the NPPF 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. Policy DM 27 to the Council's Local Development Framework Development Management Plan, 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.
81. 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.
82. 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.
83. A Preliminary Ecological Appraisal (PEA), prepared by Matthew Game and dated 10th July 2024, is submitted in support of the proposed development. At the time of the Case Officer's site visit, the majority of vegetation on-site had already been cleared. The appraisal assessed potential ecological impacts and the presence of protected species or

habitats. The submitted PEA reaches the following conclusions, which are summarised below.

“The site does not lie within any statutory or non-statutory designated areas, though it is located within an Impact Risk Zone (IRZ) for Hockley Woods and the Crouch and Roach Estuaries Sites of Special Scientific Interest (SSSI). However, the proposed development is not considered a high-risk activity under the IRZ criteria. Due to the distance from these designated sites, no impacts are anticipated. Best practice measures should be employed during construction to minimise the risk of pollution or tree damage.

There are no notable habitats within the site itself, and all habitats present are common and of low ecological value. Two notable habitats, including a patch of deciduous woodland, are located within 2km of the site, but the development is not expected to impact them due to its small scale and the presence of physical barriers around the site.

In relation to protected species, no ponds were identified within 500 metres of the site, and the habitat is assessed as having low value for amphibians and reptiles. As such, no impacts are anticipated for these groups. Similarly, the buildings and trees on-site offer negligible roosting potential for bats, although one bat box is recommended to enhance roosting opportunities. Habitat suitable for bat foraging and commuting is limited, and any loss is considered minor due to the availability of better-quality habitat in the surrounding area. A sensitive lighting strategy will be implemented to reduce potential disturbance to bats.

The site does not offer suitable habitat for badgers, hazel dormice, otters, or water voles, and no impacts on these species are anticipated. Hedgehogs may be present in the local area, but suitable habitat is being retained within the site, and therefore no negative effects are expected.

Birds are likely to be present in the surrounding area, and while no significant impacts are anticipated, precautionary measures must be taken if construction is to occur during the nesting season (March to August). Any active nests identified must be protected until the young have fledged. Finally, the site is considered unlikely to support notable invertebrate species due to the limited diversity of habitats present”.

84. In conclusion, the ecological appraisal found no significant constraints to development. With the implementation of standard best practice during construction and minor enhancements such as bat box installation and sensitive lighting, the proposed development is not expected to have any adverse ecological impacts and as such the proposal complies with policy DM27 and guidance advocated within the NPPF.

Off-Site Ecology

85. 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.

86. 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

87. 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.

88. 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

89. 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.

90. Colleagues in Essex County Council Place Services Ecology who state

"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. 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.

We note a similar application was previously submitted (24/00900/FUL) and refused partially on grounds of insufficient information in relation to Biodiversity Net Gains. The information submitted for this application has been updated in line with our response for the previous application.

We have reviewed Biodiversity Net Gain Assessment (Matthew Game Consultancy, July 2025) and Statutory Biodiversity Net Gain – Calculation tool (July 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The BNG information has been updated from the previous application, and note that the line of trees has correctly been changed to individual trees. However, condition sheets have not been submitted for these trees. This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.*

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: Mixed scrub and individual trees.

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.

It is noted 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:

- *From reviewing the Post-Development Habitat Creation Plan it appears that the created trees would be within an area of vegetated garden. As per the statutory metric guidelines, trees cannot be used as a biodiversity enhancement within private gardens, and therefore cannot be included as a means of achieving net gain”.*

91. In conclusion it is not considered that the proposal complies with the requirements mandated within the BNG regulations and as such this forms an additional reason for refusal.

Other Matters

92. Some neighbours have raised concerns such as whether the applicants have a right of access to the road, which as previously mentioned is a private road and they are also concerned regarding increased damage to it necessitating more frequent repairs. These objections relate to private matters and are not a material planning consideration.

93. Concerns have been raised that the proposal could place pressure on existing infrastructure, particularly when considered alongside other developments in the area. While such points are noted, it is important to emphasise that the application relates solely to the provision of one additional dwelling. The concerns expressed are anecdotal, with no empirical evidence submitted to substantiate them.

94. From a planning perspective, the scale of development is de minimis. The marginal demand generated by a single dwelling—whether in relation to highways, education, healthcare, utilities, or other local services—would be negligible and readily absorbed within existing infrastructure networks. Infrastructure strain generally arises from the cumulative impacts of major housing allocations or multi-plot schemes; it is not reasonable to apply the same argument to a single dwelling of modest scale.

95. National and local planning policy frameworks make clear that development should only be resisted on infrastructure grounds where there is demonstrable, material harm that cannot be mitigated. No such evidence has been provided in this case. On the contrary, the delivery of a single dwelling represents proportionate growth that makes efficient use of land without giving rise to adverse cumulative impacts.

96. Accordingly, it is concluded that the proposal would not result in any material or measurable impact on existing infrastructure provision, and that the concerns raised cannot be substantiated.

97. 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.
98. An objector 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 nothing 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.
99. 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. 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, whilst 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.

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):

Hockley Parish Council: Object to the planning application due to highway concerns, the proposed development is situated on a private road with no footpaths or street lighting . The maintenance of the road is funded by the properties within the road. Members are concerned that works have already started on the development.

Essex County Council Highways Authority: No objection subject to the imposition of conditions relating to cycle parking, storage of materials, and residents travel information.

Rochford District Council Arboricultural Officer: No root protection areas are plotted to any of the plans. BS 5837 recommends that a tree constraints plan and tree protection plan show the tree constraints which includes the root protection areas. Without this information we do not know if the trees are

being protected to the correct extent, either the crown spread of root protection area, whichever is the greatest.

Revised comments: Although no clear position for the barrier protection is shown on the TPP, it does mention in the report that the trees will be protected using heras fencing to the extent of the red circle plotted around the trees, which is the RPA shown on the drawing as a red circle with cross hatch within. I am happy this is sufficient to approve and can enforce against should it be required.

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:

12No. responses objecting to the proposal on the following grounds (summarised):

- The proposal constitutes overdevelopment.
- The infrastructure in the area cannot cope
- Trees have been removed in order to facilitate the development
- The proposal is out of character for the local area
- There is inadequate car parking being provided
- The proposal constitutes backland development
- I am worried that the proposal will have an impact on the tree which is located in my curtilage, in particular the roots, which may impinge on its long term viability.
- The proposal if allowed will set a precedent for similar types of development in the locality
- The garden space left for the existing property will be too small
- The site looks very tight and vehicles may not be able to safely access/egress the site
- There are no pavements in the locality and the proposal may have a detrimental impact on highway safety
- The developer has not tried to overcome the previous reasons for refusal
- The proposal has had a detrimental impact on local wildlife
- The proposal will lead to increased wear and tear on Hawks Lane
- The footprint of the proposal is much larger than any of the neighbouring properties
- There is an increased chance of road safety concerns
- The proposal will result in direct overlooking and loss of privacy
- Hawks Lane is a private with no pavements or streetlighting. The lane is too narrow to accommodate additional vehicles in particular HGV's

- Headlight glare would impact on bedroom when vehicles are leaving the proposed dwellinghouse;
- The accompanying supporting documents are full of inaccuracies and inconsistencies
- Numerous trees have been removed
- The proposal will cause over shadowing and block light

The applicants agent has submitted the following comments in support of the application.

- In response to concerns raised by local residents and the Parish Council regarding traffic, pedestrian safety, overdevelopment, privacy, and environmental impact, the applicant's agent has provided detailed clarifications and updates.
- The agent emphasizes that Hawks Lane is a private, no-through road primarily used by residents, with access already permitted and unchanged by the proposals. The existing road conditions, including the absence of pavements and lighting, remain as is, and previous highway approvals for similar developments support the current application. Sufficient space exists for vehicle manoeuvring, including emergency and service vehicles.
- Regarding site layout and design, the agent highlights that the proposed bungalow meets or exceeds local garden size standards and parking requirements. Revised plans address overlooking concerns through building orientation and fencing. Updated ecology reports correct earlier inaccuracies, and tree works are framed as maintenance rather than preparatory clearance.
- Concerns about lighting, noise, and other impacts are considered manageable through planning conditions. The agent confirms no construction has commenced on site.
- Overall, the agent argues that the proposal complies with relevant planning and design standards, does not worsen existing road or pedestrian safety issues, and appropriately responds to previous objections and concerns

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).

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: REFUSE

1. The proposed subdivision and erection of a new dwelling constitutes inappropriate backland development which, by reason of its siting, scale, and tandem arrangement, would truncate the host property's garden to an uncharacteristically shallow depth, eroding the long-garden pattern that defines Highams Road and resulting in a cramped and visually discordant form of development. While the orientation of the proposed dwelling to front the private road reflects the context of other properties along that access, the scheme would nonetheless disrupt the established urban grain and introduce a disproportionately large building into a constrained plot. The development would therefore cause harm to the character and appearance of the area, contrary to Policies CP1 of the Council's Core Strategy and DM1 of the Council's Development Management Plan, supplementary guidance within SPD2, the Essex Design Guide, and the NPPF and National Design Guide requirements for context-led, high-quality design that reinforces local identity.
2. The proposed development, by virtue of the positioning and relationship of its principal front-facing habitable room window in close proximity to the front-facing windows of No. 2 Hawks Lane, would result in an unacceptable level of direct overlooking. Unlike the general relationship between opposing frontages, the front windows of No. 2 Hawks Lane are elevated above street level and are not presently subject to direct views from the public realm. The proposal would therefore introduce a new and harmful loss of privacy to the occupiers of No. 2 Hawks Lane. The development is consequently considered to result in an adverse impact on residential amenity, contrary to Policy DM1 of the Development Management Plan, which requires new development to safeguard the privacy and amenity of existing occupiers.
3. The application fails to demonstrate compliance with the statutory requirement to deliver a minimum 10% biodiversity net gain, as required by Schedule 7A of the Town and Country Planning Act 1990 (as amended). In particular, insufficient and incomplete information has been provided to assess both the baseline and post-development biodiversity values, and the proposals include biodiversity enhancements that cannot be counted under the statutory metric (i.e. trees within private gardens). The application also fails to provide required supporting documents, including habitat plans, condition

sheets, and details necessary to secure long-term management and monitoring of biodiversity enhancements.

In the absence of this information, the Local Planning Authority cannot be satisfied that the proposal complies with national legislation or the expectations of the Biodiversity Net Gain Planning Practice Guidance. The application is therefore contrary to the requirements of Schedule 7A of the Town and Country Planning Act 1990, the Environment Act 2021, and relevant guidance set out in the Biodiversity Net Gain Planning Practice Guidance (PPG, Paragraph: 011 Reference ID: 74-011-20240214).

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

Application No :	24/00725/FUL Zoning : Rayleigh Town Centre Boundary and within the Rayleigh Secondary Shopping Frontage Area
Case Officer	Mr Richard Kilbourne
Parish :	Rayleigh Town Council
Ward :	Wheatley
Location :	156 - 158 High Street Rayleigh Essex
Proposal :	Change of use of vacant first floor and part of ground floor of disused restaurant and rear function room (Class E) to a 12-bedroom (17-person) House in Multiple Occupation (Sui Generis), including a rear extension, alterations to fenestration, a first-floor roof terrace, and associated car parking, amenity space, and cycle and refuse storage to the rear.

SITE AND PROPOSAL

1. The application site consists of a two-storey, mixed-use property located to the north side of High Street in Rayleigh Town Centre close to the junctions with Love Lane and Castle Road. It is understood that the existing building is of commercial nature with the ground floor (Use Class E) with ancillary accommodation at first floor. Both the ground floor commercial unit and the first-floor ancillary accommodation are the subject of the application.
2. The application site is surrounded by a mixture of uses, with a Royal Mail unit directly to the east of the site and commercial units to the west and adjacent. A primary school can be found to the north of the application site.
3. The existing building is constructed of facing brick with a pitched roof adjacent the highway and a two-storey rear extension with a hipped roof. It is understood that the building was previously two semi-

detached dwellings which were converted into one building. The commercial unit on the ground floor was previously occupied by 'Thirteen Fusion Restaurant', however the application submission indicates that the unit has been vacant since 2017.

4. The application seeks planning permission for a change of use from Use Class E to a 12-bedroom, 17-person, HMO (Sui Generis – outside of any use class). Whilst much of the development would be inside the property, externally it is proposed to construct a 1.7m high privacy screen to the existing rear roof terrace, install new double-glazing to the existing single storey rear extension, and render the existing single storey rear extension.
5. It is acknowledged in this instance that the application submission and Planning Statement indicates the use class would change to Use Class C4 ('Houses in multiple occupation'). This is incorrect; a 12-bedroom, 17-person HMO exceeds the threshold to be considered a "small" HMO and therefore there would be no correct Use Class. Such uses outside of the use class classification are termed Sui Generis. The description of development has been amended and the application has been determined on these merits.

RELEVANT PLANNING HISTORY

6. Application No. 18/00527/FUL - Demolition of existing building and construct A3 unit (ground floor), with 10 No. flats above and associated car parking to rear – Refused - 18.03.2020.
7. Application No. 07/01120/FUL - Retrospective Application to Retain Ramp and Balustrade to Front Entrance – Approved - 06.02.2008.
8. Application No. 07/00315/FUL - Demolition of Existing Rear Structure. Erection of Two Single Storey Side Extensions. Erection of First Floor Extension, New Shop Front and Change of Use of Ground Floor with Internal Alterations to A3 Restaurant – Approved - 06.06.2007.
9. Application No. 07/00323/ADV - Display 1 x Fascia Sign with Internally Illuminated Lettering – Approved - 06.06.2007.
10. Application No. 06/00872/COU - Change of Use From A1 Retail to A1 Retail and A3 Restaurant (Ground Floor Only) – Approved - 08.12.2006.
11. Application No. 06/00873/FUL - Material Change to Elevation, Including the Relocation of Existing External Staircase, Extension of Ground Floor Retail Space by 4 square metres and Rebuilding of Existing Single Storey Extension Adjacent to Post Office Building – Approved - 05.12.2006.

12. Application No. 05/00899/FUL - Demolition of Existing A1 Unit and Stores, Erection of A1 and A3 Unit at Ground Floor with 9 No. Flats Above and Car Parking to the Rear – Approved - 21.02.2006.

MATERIAL PLANNING CONSIDERATIONS

13. 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.
14. 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).
15. The application site is located within the Rayleigh Town Centre Boundary and within the Rayleigh Secondary Shopping Frontage Area as defined in the Rayleigh Centre Sarea Action Plan (2015).
16. Policies RTC1 and RTC2 of the Council's Core Strategy promote the protection and enhancement of retail and commercial uses within Town Centres. It is understood that the existing building is vacant, however appears at one point to have been occupied by a restaurant at ground floor. The application submission indicates that the building has been continually marketed since 2017 however has received no interest – it is pertinent to note that the Council's Strategic Planning & Economic Regeneration Team disputes this fact and notes that they have been monitoring the site for some time and it does not appear to have been on the market.
17. Policy RTC4 of the Core Strategy seeks to ensure that Rayleigh Town Centre's role as the District's Principal Town Centre is retained through the implementation of the Area Action Plan (henceforth, AAP) which strives to deliver the following:
- a. Improved accessibility to and within the town centre;
 - b. A safe and high-quality environment for residents and visitors;
 - c. A predominance of retail uses, including intensification of existing retail uses, which cater to a variety of needs;
 - d. A range of evening leisure uses;
 - e. Promotes provision of community facilities, including exploration of potential locations for a healthcare facility and, if appropriate, deliver of such facility.
18. Policy 3 of the AAP states that predominant uses within Rayleigh Town Centre (including both primary and secondary frontages) should be Use Class A1. The AAP acknowledges that non-A1 uses may be acceptable within the Town Centre where these would:

- a. Not have a detrimental impact on, or undermine the predominance of A1 uses;
- b. Not create a cluster of non-A1 uses;
- c. Entail the provision of non-A1 uses which are considered to contribute to the overall offer and encourage people into the town centre;
- d. Not have a negative impact on the amenity and character of Rayleigh.

Housing Land Supply

19. Rochford District Council is currently unable to demonstrate a five-year supply of deliverable housing sites, as required by the National Planning Policy Framework (2024) (as amended) (NPPF). As a result, paragraph 11(d) of the NPPF is engaged, triggering the 'tilted balance'. This means that there is a presumption in favour of sustainable development, and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
20. The submitted proposal seeks to sever part of the applicant's curtilage to facilitate the partial change of use of the existing building into a House in Multiple Occupation (HMO), comprising 12 bedrooms and accommodating up to 17 occupants. According to the Council's most recent Annual Monitoring Review, the current housing land supply stands at 4.53 years, falling short of the five-year requirement. Therefore, this proposal would result in a net gain in housing provision and contribute to addressing the existing shortfall—an important material consideration that must be given significant weight in the decision-making process.

Change of Use

21. The application proposes a Change of Use of part of the ground floor, and first floor to Use Class C3 - a 12-bedroom, 17-person house of multiple occupation. The ground floor commercial unit would be reduced in size as a result of the proposal from 390m² to 265m² and would become self-contained from the rest of the development. This would constitute a direct loss of 125m² of available commercial space, which would erode the diversity of offerings within the Town Centre; the proposed change of use is therefore, in principle, considered to conflict with the aims of the Rayleigh AAP and the Council's Adopted Core Strategy.
22. Notwithstanding the above, it is prudent to note that Policy DM35 of the Council's Development Management Plan states that, where self-contained residential units can be provided in the Town Centre, the Council will approve first floor residential conversions. Whilst this is acknowledged, it is prudent to note that the supporting text for Policy

DM35 states that a conversion of upper floors in a town centre should have regard to the potential leisure or retail uses that could be suitably accommodated within the unit. Policy DM35 makes clear that *“A change of use should not result in a net loss of leisure or retail use within the town centre”*.

23. As discussed, the proposed change of use would constitute a net loss of some 125m² of space within the building that could be utilised for retail or leisure uses. It is acknowledged that the application submission argues that the building has been vacant and continually marketed since 2017 with no interest, this statement is refuted by the Strategic Planning & Economic Regeneration Team who have been monitoring the site for some time and state that: -

“Using the Street View function on Google Maps, it is possible to view both the latest street view image (June 2024), but also earlier ones from April 2021, November 2020, April 2019, August 2018 and July 2017. At no point on any of these images is a board visible advertising the unit’s availability, nor do I recall in my time as Regeneration Officer in the Economic Regeneration Team (February 2018-September 2020) seeing any detail of this unit being advertised online, e.g. through Rightmove Commercial. It can be surmised that any attempts to market the property for a commercial use were cursory at best.”

24. Furthermore, the Strategic Planning & Economic Regeneration team state that *“It cannot therefore be said that there is not demand for a restaurant or alternative retail/leisure premises of this size in Rayleigh”*

25. Having regard to the above, whilst it is acknowledged that the existing unit has been vacant for some time, this is not substantive evidence that there is a lack of demand for similar sized leisure/retail units within Rayleigh Town Centre. As such, any reduction in size of a unit of this nature is contrary to Policy DM35 of the Development Management Plan and would not contribute to the protection, preservation, or vitality of the Secondary Shopping Frontage and would therefore fall contrary to Policies RTC1 and RTC2, and the aims of the Rayleigh Area Action Plan.

26. Having regard to the above, the proposed Change of Use would constitute a loss of available retail/leisure space within the Town Centre and is therefore considered to be harmful to the vitality and viability of Rayleigh Town Centre. It therefore falls contrary to the aims of the Rayleigh AAP, Policy DM35 of the Development Management Plans, and Policies RTC1 and RTC2 of the Core Strategy.

27. It is acknowledged that the Strategic Planning & Economic Regeneration Team have suggested that the proposed ground floor retail/leisure unit could be secured under condition, whilst the change of use of the first floor would be considered acceptable in principle. It is prudent to note that they have suggested this on the basis that a period

of marketing be conducted first. There is no in-principle objection to this, however this should form the basis of a new application submission once marketing has been conducted; it is not considered reasonable in this instance to secure such marketing by way of condition.

Impact on Character and Appearance

28. Policy CP1 of the Council's Core Strategy seeks to promote good, high-quality design that has regard for local flavour. This is supported by the Essex Design Guide, and Policy DM1 of the Development Management Plan.

29. Guidance for non-residential developments within Town Centres such as Rayleigh, is supported by the Council's Supplementary Planning Document 4 – Shop Fronts, Security and Design (henceforth, SPD4).

Paragraph 4.5 'Appearance of a Shop Front Elevation Suitable for a Traditional Location' of SPD4 states that in considering the overall appearance of an elevation suitable for a traditional location, consideration should be given to its relationship with neighbouring buildings. The new elevation should be compatible with its context in materials, scale, and visual intricacy in order to take its place within a harmonious street scene.

30. The application does not propose any material changes to the front façade of the building adjacent the high street. To the rear elevation it is proposed to construct a canopy over the entrance door. This would be screened from view of the street scene by virtue of its location and would not be visible from the high street.

31. It is also proposed to remove the existing temporary structure to the rear elevation and construct a permanent structure with fenestrations in its place. This would largely, to the visible eye, be a like-for-like replacement and therefore it would not appear incongruous, or out of character.

32. The application also proposes the removal of the air conditioning units and installation of a timber guarding to the rear terrace. This is considered acceptable in design terms.

Impact on Residential Amenity

33. Paragraph 135(f) of the NPPF is clear in its requirement for developments to create places that are safe, inclusive, and accessible, promoting health and well-being, and providing a high standard of amenity for both existing and future users. These national aims are reflected in local policies, notably Policy DM1, which seeks to protect privacy, prevent overlooking, and ensure positive relationships between

buildings, and Policy DM3, which requires that the impact of development proposals on residential amenity be fully assessed.

34. Amenity, in planning terms, refers to the reasonable expectations of comfort and quality of life that residents are entitled to enjoy on a daily basis. In considering planning applications, the Local Planning Authority (LPA) must assess whether a development would give rise to material harm, either to existing neighbours or future occupiers, through impacts such as overlooking, overshadowing, enclosure, noise, or poor internal layout.
35. The proposed development includes a communal roof terrace of approximately 21m² in a predominantly commercial town centre context. While this space offers some level of outdoor amenity to future residents, its small size and communal nature raise concerns around potential noise and disturbance - particularly during evenings or weekends when ambient noise levels are lower.
36. A 1.7m high privacy screen is proposed around the majority of the terrace, which is a welcome inclusion to limit overlooking and enhance privacy. However, no details have been submitted regarding the screen's material, acoustic performance, or appearance, and no noise management strategy has been provided to demonstrate how use of the terrace will be controlled.
37. Notwithstanding these omissions, officers consider that these issues are capable of being addressed through appropriately worded conditions. Conditions could require full details of the screen's construction and acoustic performance. As such, while the terrace presents a potential source of harm, it is not considered that this alone would justify refusal, subject to the imposition of relevant conditions. Moreover, it is considered that the window arrangement will not result in any demonstrable harm to residential amenity of neighbouring properties by virtue of overlooking or loss of privacy.
38. In contrast, far more serious concerns arise from the proposed internal layout, which is fundamentally flawed in respect of the quality of accommodation it provides for future occupiers. While some window openings are retained and offer acceptable levels of outlook and light, a number of habitable rooms - specifically bedrooms - are served by windows with critically poor separation distances.
39. The most notable example is a first-floor bedroom window on the eastern flank elevation, which faces directly onto the blank side wall of No. 154 High Street, a two-storey commercial property with no windows on that side. The submitted plans (Ref: 013 Rev A) confirm a separation distance of just 3.1m (approx.) between the habitable window and the neighbouring wall. This proximity is far below any reasonable standard and will result in an oppressive, visually enclosed, and overbearing environment for the occupier of that room. The

window will offer no meaningful outlook or visual relief and will significantly limit daylight penetration.

40. Crucially, this is not an isolated case. A mirrored arrangement exists on the western flank elevation, indicating a repeated design flaw that affects multiple rooms. The cumulative impact is a scheme that fails to provide even the most basic level of residential quality. There is no evidence that alternative layouts were considered, nor are any mitigation measures proposed to address these issues.
41. The failure to provide adequate outlook and natural light to habitable rooms, particularly bedrooms, represents a serious and unresolvable shortcoming. Unlike domestic housing bedrooms are spaces where high amenity standards are essential, given the amount of time residents are likely to spend in them in HMO settings, particularly given the nature of the proposal. The proposed arrangements fall demonstrably short of these standards and would result in substandard living conditions for future occupants.
42. This is not merely a matter of subjective judgment or marginal shortfall. The internal amenity provided by the scheme is so poor as to conflict directly with the objectives of the NPPF and local planning policies DM1 and DM3, which require high-quality, well-designed places that promote well-being and deliver appropriate levels of amenity.
43. In conclusion, while the potential noise and privacy issues associated with the communal terrace can, on balance, be addressed by condition, the scheme is fundamentally unacceptable in terms of internal residential quality. The proposed layout would result in several habitable rooms suffering from poor outlook and severely restricted daylight due to their proximity to adjacent blank flank walls. These shortcomings would result in an unacceptably poor standard of living for future residents.
44. The development therefore fails to comply with Paragraph 135 of the NPPF and Policies DM1 and DM3 of the Development Plan. The failure to secure adequate internal amenity provision constitutes a clear and robust reason for refusal.

Air Quality Management Area

45. The site is located within an Air Quality Management Area (AQMA) designated due to elevated pollutant levels, particularly nitrogen dioxide. The Council's policy DM35 seeks to restrict sensitive uses in such locations unless it can be demonstrated that occupants will not be exposed to harmful air quality levels.
46. The proposal involves a modest scale of residential development and a slight reduction in on-site parking, which may marginally reduce vehicle emissions. However, the application lacks a formal Air Quality

Assessment or mitigation strategy, limiting the robustness of the evidence base.

47. No objection has been received from the Council's Environmental Compliance Officer, but this absence of objection should not be interpreted as confirmation that the proposal fully complies with Policy DM35. The site's central location with good access to sustainable transport is a material consideration supporting the acceptability of residential use. Nonetheless, without quantitative data or proposed mitigation measures—such as improved ventilation or air filtration—there remains uncertainty about the exposure of future residents to existing poor air quality.
48. National policy emphasizes avoiding sensitive developments in polluted areas unless mitigation is ensured. While the limited scale and sustainable location mitigate concerns, a more detailed assessment would strengthen confidence that future occupiers' health is protected.
49. Regarding air quality, the development does not demonstrably worsen existing conditions and benefits from sustainable transport options reducing reliance on private vehicles. Yet, the absence of a formal air quality assessment or mitigation strategy means that compliance with Policy DM35 is not unequivocally established. On balance, the development is considered acceptable in relation to air quality but would benefit from conditions or further assessment to ensure future occupiers are not exposed to harmful pollution levels.
50. Overall, the proposal meets the relevant standards for residential amenity and air quality, subject to suitable planning conditions addressing noise management and air quality mitigation. These measures will be essential to ensure the long-term wellbeing of future residents in this town centre location within an AQMA.

Impact on Rayleigh Primary School

51. Concerns have been raised regarding the potential for overlooking of the playground and classrooms at Rayleigh Primary School, located to the north east of the application site on the opposite side of Love Lane. These concerns centre around the introduction of habitable rooms within the proposed development that will face towards the school site.
52. The case officer recognises that the safeguarding of children and the protection of privacy in relation to sensitive uses such as educational facilities are legitimate planning considerations. However, these must be weighed against the physical characteristics of the site, the urban context, and relevant planning policy and guidance.
53. In this case, the separation distance between the proposed development and the school is in excess of 24m. This distance meets, and in many cases exceeds, established privacy and separation

standards typically applied in residential planning contexts. While it is acknowledged that habitable rooms will face the school, the separation provided by the public realm (highway) (Love Lane) and intervening dwellings and structures acts as a physical and visual buffer. These elements substantially limit the degree and intimacy of any potential overlooking.

54. Furthermore, in an urban or suburban context, it is not unusual for school playgrounds and similar open spaces to be overlooked to some extent by surrounding development. This is often an inherent characteristic of mixed-use and higher-density environments. Importantly, there is no reasonable expectation that a school playground - a publicly visible and externally oriented space - will be entirely free from overlooking, especially when viewed from this degree of distance and from within a residential setting.
55. It is also relevant to note that the nature of the views involved - across a street and at a relatively oblique angle - would not permit close or intrusive observation of individual children. Any views from the habitable rooms would be passive and incidental, rather than direct or sustained. The relationship does not, in planning terms, result in an unacceptable loss of privacy or give rise to a safeguarding concern that would justify refusal of the application.
56. In conclusion, while the presence of habitable rooms facing the school is acknowledged, the physical separation, intervening features, and typical urban context combine to ensure that any overlooking would be limited and not materially harmful. The proposal is therefore considered to accord with relevant amenity and safeguarding policies and does not warrant refusal on these grounds.

Sustainability

57. The Ministerial Statement of 25 March 2015 introduced significant changes to national planning policy concerning technical housing standards. The purpose of the changes was to simplify and streamline the existing array of housing standards by consolidating them into a unified system. This included the introduction of new, optional Building Regulations relating to water efficiency and accessibility, as well as a new Nationally Described Space Standard (NDSS). From the date the Deregulation Bill 2015 received Royal Assent, national policy has made it clear that planning permissions should not include requirements for compliance with technical housing standards unless local authorities have existing adopted policies relating specifically to access, internal space, or water efficiency.
58. Rochford District Council has adopted such policies. Policy H6 of the Core Strategy relates to access, Policy DM4 of the Development Management Plan covers internal space, and Policy ENV9 of the Core Strategy addresses water efficiency. As a result, the Council is

permitted to require compliance with the national technical standards as outlined in the Ministerial Statement. Until such time as Policy DM4 is revised, it must be applied in conjunction with the NDSS. Accordingly, all new dwellings must meet the requirements set out in the DCLG Technical Housing Standards – Nationally Described Space Standard (March 2015).

59. Although the Code for Sustainable Homes has been phased out, including the associated requirements under Part L of the Building Regulations, the Ministerial Statement did not alter policy relating to energy performance. As such, Policy ENV9 of the Core Strategy remains in effect and continues to require that all new dwellings meet Code Level 4 in terms of energy efficiency.
60. The NDSS sets minimum internal space requirements for new dwellings. Key requirements include: a minimum of 7.5m² for single bedrooms, and 11.5m² for double bedrooms. In addition, at least one double bedroom in a property must be at least 2.75m wide, with all other double rooms no less than 2.55m wide. Areas with a ceiling height below 1.5m are excluded from gross internal area (GIA) calculations. At least 75% of the GIA must have a minimum ceiling height of 2.3m. Built-in wardrobes are included in the floor area measurements, provided they do not reduce the minimum room widths. The NDSS also outlines minimum storage requirements based on the overall size of the dwelling.
61. The current proposal is for a House in Multiple Occupation (HMO) containing 12 bedrooms, comprising 5No. double bedrooms and 7No. single bedrooms. Some of the rooms are offered with private ensuite facilities, while others would share communal shower rooms. Two storage cupboards are shown on the submitted plans, one at ground floor level measuring 2.3m² and another at first floor level measuring 3.2m², contributing towards the minimum storage requirement.
62. In terms of compliance with the space standards, all proposed bedrooms meet the minimum space and width requirements except for two rooms. One single bedroom falls just short at 7.2m², representing a shortfall of 0.3m². One double bedroom measures 10.3m², a shortfall of 1.2m²; however, this room could reasonably be reclassified as a single bedroom. Given the minor nature of these shortfalls, they are not considered significant enough to warrant refusal of the application on space standard grounds.
63. The proposal includes two communal kitchen/living areas. The ground floor room measures 26m², while the first-floor communal area measures approximately 31m². In terms of private amenity space, there is a ground floor garden area measuring 26m² and a first-floor roof terrace of 21m². Whilst the amenity space provided on-site is relatively limited, King George's Playing Fields are located

approximately 460m from the site, offering accessible public open space for future occupants.

64. It is also considered appropriate to attach a condition requiring details of landscaping and boundary treatments, in the event that planning permission is granted, to enhance the usability and privacy of the external amenity areas.

Highways and Parking

65. The application proposes the formation of 6No. vehicle parking spaces to the rear of the application site, and 11No. cycle spaces. The Essex Parking Guidance (2024, adopted by the Council in January 2025) states that for a HMO within the Sui Generis Use Class, a pragmatic approach will be taken to determine the level of parking required, inclusive of an assessment of the location and connectivity level of the site. It is acknowledged that the Council's adopted parking standards state *"for main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development"*
66. The application site is considered to be located in a sustainable location in close proximity to local amenities – being within Rayleigh Town Centre – and transport links. Essex County Council as Local Highways Authority (henceforth, ECC) were consulted on the proposal and agree that the level of parking provided by the development would be suitable, having regard to the location of the development.
67. It is acknowledged that there have been several representations received in objection to the proposal regarding parking and impact on the highway network (including from the Town Council). Paragraph 116 of the NPPF states that an application should only be refused on highway grounds if the impact on the highway network, after mitigation, is severe. In absence of an objection from ECC as Highways Authority, the Local Planning Authority has no reason to conclude that the proposal would be detrimental to the safe operation of the highway. Parking restrictions are in-force along the street scene to prevent inappropriate fly parking and protect the highway network.

On-site Ecology

68. Paragraph 180 of the NPPF highlights the importance of avoiding adverse impacts on protected species and their habitats. Where such impacts are unavoidable, appropriate mitigation measures must be implemented to offset any identified harm. Similarly, Policy DM27 of the Council's Local Development Framework Development Management Plan – requires careful consideration of the effects of development on the natural landscape, including designated habitats and protected species.

69. National planning policy further requires the planning system to contribute to and enhance the natural environment by minimising harm to biodiversity and, where possible, securing net gains. In addition to the UK Biodiversity Action Plan, development proposals should also have regard to Local Biodiversity Action Plans (LBAPs), including those at both District and County levels.
70. The publication of Publicly Available Specification (PAS 2010) by the British Standards Institution has provided local authorities with clear guidance on how to take effective action to halt biodiversity loss and promote sustainable development. Under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, public authorities have a statutory duty to consider biodiversity conservation in the exercise of their functions. PAS 2010 seeks to standardise the application of this duty, ensuring greater clarity and consistency regarding the ecological information required during the planning process.
71. Section 41 of the NERC Act identifies species and habitats of principal importance for the conservation of biodiversity in England. There are currently 56 habitats and 943 Species of Principal Importance in England (SPIE), with most of the UK's legally protected species included on this list. While the presence of a protected species triggers legal obligations and remains a primary consideration in planning decisions, the broader biodiversity value of a site must now also be assessed.
72. No ecological appraisal has been submitted in support of this application. However, based on the site's characteristics and surrounding context, the proposed development is considered to pose a negligible risk to protected species or habitats. The site is located in the heart of a well-established mixed-use commercial and residential area, subject to constant levels of vehicular and pedestrian activity—conditions generally unsuitable for sensitive ecological receptors.
73. The proposed works are predominantly internal. The rear of the building comprises a car park, and access along the side is fully hard-surfaced. The site is directly adjacent to an existing parking area, exposed to regular disturbance from noise and movement. It is also limited in size and ecological potential, offering no suitable habitat for foraging, sheltering, or breeding by wildlife.
74. Given these factors, and in the absence of any notable ecological features in the immediate vicinity, it is concluded that the development will not result in any adverse impacts on protected species or wider biodiversity interests. Accordingly, no further ecological assessment is considered necessary in this instance.

Off-Site Ecology

75. The application site is located within the *Zone of Influence (Zol)* for one or more European designated sites identified under the emerging *Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)*. This designation indicates that new residential developments in the area have the potential to cause a *Likely Significant Effect (LSE)* on the sensitive interest features of these coastal European sites. Such effects are primarily attributed to increased recreational pressures from future residents.
76. The proposal is for a House in Multiple Occupation (HMO) comprising 12 bedrooms. This scale of development falls below the threshold at which bespoke advice from Natural England is provided. However, in accordance with Natural England's standard advice and the requirements of the Essex Coast RAMS, a *Habitat Regulations Assessment (HRA)* has been undertaken to determine whether the development could result in a Likely Significant Effect.
77. As part of HRA Stage 1 (Screening Assessment), it is confirmed that the site falls within the Zol of the Essex Coast RAMS, and the proposed use as a 12-bedroom HMO constitutes a qualifying residential development. Therefore, the assessment proceeds to HRA Stage 2 (Appropriate Assessment), which considers whether the proposal would adversely affect the integrity of any European site, either alone or in combination with other developments.
78. The development does not propose 100 or more dwellings (or equivalent), and the site is not located within or directly adjacent to a designated European site. Based on this, and in line with RAMS guidance, it is concluded that the impacts arising from the proposed development can be mitigated through a proportionate financial contribution towards strategic mitigation measures. Provided this contribution is secured, the development is not considered to have an adverse affect on the integrity of the designated sites. In this instance, consultation with Natural England is not required.
79. As the competent authority, the Local Planning Authority concludes that the proposed HMO falls within the scope of the RAMS strategy. It is considered that such development, by virtue of its location and residential nature, is likely to have a significant effect on the interest features of the European sites through increased recreational activity.
80. Therefore, mitigation is necessary in the form of a financial contribution. The RAMS Steering Group has agreed a methodology for calculating financial contributions from HMOs, using a conversion ratio of 2.46 bedrooms per dwelling. This ratio is used to determine the equivalent number of dwellings for which a RAMS contribution is required, rounded up to the nearest whole number. In this case, 12 bedrooms

divided by 2.46 equals 4.87, which is rounded up to 5 RAMS contributions.

81. At the time of this assessment, the required financial contribution has not been paid to the Local Planning Authority. As such, the absence of this mitigation measure constitutes an additional reason for refusal of the application, as the proposal would otherwise fail to comply with the requirements of the Habitat Regulations and the Essex Coast RAMS.

Biodiversity Net Gain

82. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. 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). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.
83. Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
84. Following the grant of planning permission where the statutory biodiversity gain condition applies, the developer would be required to apply to the local authority and have the condition discharged prior to commencement of the development. At this stage the developer would be required to submit detailed information as to how the minimum BNG net gain requirement would be achieved.
85. At the planning application stage an applicant must indicate whether they consider that the development proposed would be subject to the statutory biodiversity gain condition or not and if not, which of the exemptions would apply.
86. In this case the applicant has indicated that the biodiversity net gain condition would not apply as the development is below the threshold and is therefore subject to the de minimis exemption. The Case Officer agrees that the mandatory biodiversity net gain would not be applicable in this instance as the development relates primarily to a material change of use with only marginal external alterations which are below the threshold to which biodiversity net gain would be considered necessary. The proposal would result in no material loss of habitat.

Other Matters

87. 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.
88. 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 are wide. However, there is well-established case law which provides a degree of clarity on what constitutes a material consideration in practice.
89. 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.
90. 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.
91. 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.
92. Numerous objections have been received from local residents, citing fears related to potential anti-social behaviour, poor property maintenance, and excessive noise levels. However, these concerns are entirely speculative in nature and lack any evidential basis. No substantive information has been provided to suggest that the

proposed use would inherently generate the types of impacts described. Importantly, such assertions are not supported by any professional assessments or empirical data that could elevate them beyond mere supposition or emotion.

93. The planning system is not designed to operate on the basis of perceived threats, prejudice, or fear of particular social groups. It must be guided by evidence-based assessment and adherence to material planning considerations. There is no policy basis - either within the local development plan or the NPPF - that supports the refusal of planning permission solely on the grounds of apprehension about the future behaviour of potential occupants or whether a property would be adequately maintained.
94. Concerns have also been raised by objectors regarding the potential impact of the proposed HMO on local services, including GP surgeries, dentists, drainage, and other infrastructure. However, the scale of the proposal - a 12No. bedroom HMO - does not represent a level of development that would typically generate a requirement for infrastructure contributions or trigger formal consultation with service providers such as the NHS or utility companies. No statutory consultees have raised objections or requested additional information regarding capacity issues, and no requests have been made in relation to education, healthcare, drainage, or other services. In the absence of any technical evidence to demonstrate that the proposed development would result in an unacceptable burden on local infrastructure, these concerns, whilst understood, cannot be treated as material grounds for refusal. Planning decisions must be based on evidence and established policy, not on speculation about service capacity.
95. Objections have been raised concerning the identity or background of potential future occupants of the proposed HMO. It must be made explicitly clear that such concerns are not material planning considerations and cannot, under any circumstances, form the basis for refusing planning permission. Planning decisions must be based solely on land use, design, amenity impact, and compliance with relevant planning policy — not on speculation, prejudice, or assumptions about who may reside in the property. To consider such matters would be both legally improper and contrary to the principles of fair and objective decision-making within the planning system.

Equalities and Diversity Implications

96. 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.

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

98. 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

99. Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rayleigh Town Council: Objects to the proposal on the basis of lack of parking/access and also the development being in an unsuitable location.

Essex County Council Highways Authority: No objection subject to conditions and informatives.

Rochford District Council Environmental Health: No response received.

Rochford District Council Strategic Planning & Economic Regeneration Team which is summarised below:

Policy DM35 of the Development Management DPD supports the use of upper floors in town centre commercial buildings for residential purposes, provided the accommodation is self-contained, has independent street access, and offers a satisfactory standard of living. The policy recognises that upper floors can contribute to housing supply in sustainable locations. However, the supporting text adds an important caveat: before allowing residential conversions, consideration must first be given to the potential for continued commercial, retail, or leisure use of the space. Residential use should only be permitted where such uses are not suitable or where a lack of demand can be clearly demonstrated. Additionally, any change of use must not result in a net loss of commercial, retail, or leisure functions within the town centre.

In relation to a recent planning application concerning a former restaurant in Rayleigh, the applicant claims that the building has been vacant since 2017 and has been continuously marketed since that time. This statement is strongly contested by the Economic Regeneration and Strategic Planning teams. Evidence from regular town centre vacancy mapping exercises and Google Street View images from 2017 to 2024 shows no indication that the

property was ever actively marketed. Furthermore, during the tenure of a Regeneration Officer from 2018 to 2020, no records were found of the unit being advertised online, such as through platforms like Rightmove Commercial. This suggests that any marketing efforts have been superficial and fall short of the "bona fide" efforts required by policy.

The lack of marketing is particularly concerning given the wider commercial context in Rayleigh. The town centre has experienced consistently low vacancy rates and an active hospitality sector, with several new restaurants, bars, and cafes opening in recent years. This indicates strong ongoing demand for commercial premises of this size and type and undermines the applicant's claim that the space is unsuitable for continued retail or leisure use.

The site lies within a Secondary Shopping Area, as defined by the Rayleigh Centre Area Action Plan (RCAAP) 2015. Under RCAAP Policy 3, a change of use away from retail (Class A1) is only acceptable if it does not harm the predominance of retail uses and if the new use makes a positive contribution to the town centre. The current proposal would reduce the commercial floor space from 390 sqm to 265 sqm, a net loss of 125 sqm. Although the retained ground floor unit would still provide an active frontage and remain a viable size, the reduction may limit its appeal. As such, it would be prudent to require a period of genuine marketing in its existing commercial form to properly assess demand before any conversion is approved.

It is also critical to consider the implications of introducing residential accommodation directly above and behind the remaining commercial unit. Any future use of the ground floor for retail, food, or leisure must not be compromised by potential conflicts over noise, deliveries, servicing, or ventilation. Likewise, steps must be taken to ensure residential amenity is protected from commercial impacts. Without adequate safeguards, the unit could become unlettable, leading to long-term vacancy and harming the town centre's vitality. To prevent this, it would be reasonable to impose planning conditions that protect the ground floor unit for ongoing town centre use (Class E or similar), and to prohibit its future conversion to residential through permitted development rights.

Other relevant planning considerations include the fact that the site falls within an Air Quality Management Area (AQMA). This designation may further restrict upper-floor residential development under Policy DM35, and guidance should be sought from Environmental Health officers. In addition, the site lies within the Zone of Influence for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Residential development here is likely to increase recreational pressure on sensitive coastal habitats, requiring a financial contribution toward mitigation. For Houses in Multiple Occupation (HMOs), a RAMS formula is applied based on a 2.46 ratio. For this 12-room scheme, the required contribution equates to five RAMS payments.

In summary, while upper-floor residential development can support housing delivery in town centres, this proposal raises several concerns. These include the lack of credible evidence of marketing, the potential loss of viable commercial space, impacts on future uses, and policy constraints related to air quality and ecological mitigation. Planning policy supports the retention of commercial activity at ground floor level, and it is recommended that any approval be conditioned to ensure long-term protection of town centre uses.

Neighbour representations:

105 No. neighbour representations have been received objecting to the proposal which are summarised as follows:

- Too many housing developments in the Town Centre
- Disrespectful to the community
- Concerns regarding safety of children attending the nearby primary school.
- Concerns over congestion and parking
- Noise and disturbance caused by the first floor terrace
- Overdevelopment
- Concerns over who will be housed in the development
- The building has been left empty for a prolonged period of time despite interested parties so that it can be turned into flats
- Lack of infrastructure
- HMO overlooking the classrooms of the nearby primary school would make children uncomfortable
- Concerns over Anti Social Behaviour
- The HMO population would put pressure on local services such as GP Practices and Dentists.
- Loss of property value
- Creates a dangerous precedent

1No. representation received in support of the proposal as summarised below:

- Close enough to transport links that car parking is not necessary
- The Council needs to consider different housing types for different people

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, ENV9, T3, T6.

Rochford District Council Local Development Framework Development Management Plan (December 2014) – policies DM1, DM2, DM3, DM4, DM25, DM30, DM26, DM27.

Rochford District Council Local Development Framework Rayleigh Centre Area Action Plan (2015) – Policy 3.

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.

Supplementary Planning Document 4 (2007) – Shop Fronts – Security and Design

RECOMMENDATION: REFUSE

1. The proposed change of use would result in a net loss of 125m² of retail/leisure floorspace and would therefore undermine the predominance of A1 uses within the Secondary Shopping Frontage, contrary to Policy 3 of the Rayleigh Area Action Plan, Policies RTC1, RTC2, and RTC4 of the Rochford District Council Core Strategy. In the absence of substantive evidence that the unit has been effectively marketed and that no demand exists for similarly sized retail or leisure uses, the proposed development would be harmful to the vitality and viability of Rayleigh Town Centre, contrary to Policy DM35 of the Rochford District Council Development Management Plan.
2. The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. Based on the precautionary principle, it is considered that the proposed scheme would be likely to have a significant adverse effect on the SAC and SPA due to the potential increased disturbance through recreational activity. The proposal would therefore fail to comply with the requirements of the Regulations. It would also fail to accord with Policy ENV1 of the Rochford District Council, Local Development Framework Core Strategy which seeks to maintain, restore and enhance sites of international, national and local nature conservation importance. It would also be contrary to Paragraph 175(a) of the National Planning Policy Framework (2024) (as amended) which states that where

significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

3. The proposed development by reason of the siting and positioning of habitable room windows on the flank elevations of the building, would result in substandard living conditions for future occupiers. In particular, the proposed first-floor bedroom windows would face directly onto the blank flank wall of No. 154 High Street and the opposing flank elevation of the host building at a separation distance of approximately 3.1m. There would also be a similar window configuration and lack on separation distance on the opposing elevation. This limited separation is considered wholly inadequate to provide an acceptable level of outlook or access to natural daylight.

As a result, the affected rooms would suffer from an oppressive and enclosed environment, with poor visual amenity and insufficient daylight levels, contrary to the principles of good design and the requirement to provide a high standard of accommodation. The proposal therefore fails to comply with the National Planning Policy Framework (NPPF), Policy DM1 of the Rochford District Council Local Development Framework Development Management Plan (December 2014), and relevant guidance contained within Rochford District Council Local Development Framework Supplementary Planning Document 2 (January 2007) – Housing Design, which seek to ensure that new residential development provides acceptable living conditions for future occupiers.

The local Ward Members for the above application are Cllr. R. C. Linden, Cllr. Mike Sutton and Cllr. A. G. Cross.