



**Planning Committee**  
**9<sup>th</sup> December 2025**

<b>Application No</b>	:	25/01046/FUL Full Application
<b>Location</b>	:	The Old Nursery Butts Green Road Sandon Chelmsford CM2 7RN
<b>Proposal</b>	:	<b>Material change of use of land for the stationing of caravans for residential purposes, the laying of hard standing and erection of a dayroom ancillary to that use.</b>
<b>Applicant</b>	:	Mr Gilbert Anderson N/A
<b>Agent</b>	:	Mr Ethan Giles
<b>Date Valid</b>	:	22nd July 2025

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**Appendices:**

Appendix 1	Drawings
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## **1. Executive summary**

1. The application is referred to Planning Committee at the request of a local ward councillor on the grounds of:

- The site being agricultural;
- Concern about the impact on the character of the local area;
- The suggestion that the need for Traveller sites is adequately addressed in the Local Plan;
- Concerns about highway safety; and
- To allow the public to voice their opinions.

2. The application is for a material change of use of the land from a nominal agricultural use to one Gypsy/Traveller pitch. This would include a dayroom building. The existing access would be used.

3. The site is located within the Rural Area. The proposal includes native hedgerow and tree planting around the main part of the pitch. Subject to conditions, there would be no adverse impact on the character of the area or the intrinsic character and beauty of the countryside.

4. The proposal is acceptable to the Local Highway Authority. There would be no harm to protected species and the scheme would deliver at least a 10% biodiversity net gain. There would be no adverse impact on neighbouring properties through overlooking or noise. The scheme would also be acceptable from a flood risk perspective and would not make surface water flooding worse elsewhere.

5. The development complies with Policy DM3 of the adopted Local Plan which allows for windfall (i.e. unallocated) developments for Gypsy/Traveller pitches. The plan-led outcome is therefore the approval of planning permission, subject to conditions. There are also material considerations, such as meeting an unmet need for Gypsy/Traveller pitches, which weigh in favour of the grant of planning permission.

6. The application is recommended for approval, subject to conditions.

## **2. Description of site**

1. The application site is within the Rural Area, situated between Sandon, Danbury and East Hanningfield. It has an existing access from Butts Green Road and a track which is currently overgrown. The application site is a long, narrow area of land approximately 231m long and 16m wide. There are two polytunnels set back from the road, and a small portacabin, all in disrepair. There is an existing area of hardstanding on the site which serves the polytunnels.

2. The southern boundary of the site is a mixture of post and rail fence and mature vegetation; the western boundary is mature vegetation. To the east of the site is Butts Green Road bounded by mature vegetation and a close boarded fence and gate. The northern boundary is a post and rail fence.

3. Two residential dwellings, Wayside and The Gatehouse, are to the north of the site. Access to both is from Mayes Lane along a track directly beside the northern boundary of the application site. The dwellings are set behind high vegetation with only an outbuilding for The Gatehouse visible from the site. There is a public footpath situated to the north of these two

dwellinghouses, Sandon 5, accessed from Mayes Lane, which provides pedestrian access to Sandon and links to footpaths to East Hanningfield.

4. To the south of the site are paddocks and to the west is agricultural land. On the opposite side of Butts Green Road there are residential dwellings. North of the dwellings is a livery at the junction of Butts Green Road, Mayes Lane and Sporhams Lane. Opposite the livery is Butts Green Garden Centre which is north of the site on the other side of Mayes Lane. Next to the Garden Centre is another residential dwelling.

### **3. Details of the proposal**

1. The application is for a material change of use of the land from a nominal agricultural use to one Gypsy/Traveller pitch. The plans submitted with the application show the pitch to accommodate one static mobile home and one touring caravan. Associated works would include the formation of an area of loose bound permeable hardstanding at the rear of the existing hardstanding, and the construction of a dayroom for ancillary use.

2. The submitted drawings indicate that a mobile home would be set back from Butts Green Road by approximately 124.5m. Two parking spaces, a touring caravan and the dayroom would be set further back into the site. The dayroom would be approximately 3.5m in depth, 6.5m in width and 3.7m in height.

3. An area of permeable hardstanding would be laid to accommodate the development.

4. A wooden refuse store would be sited approximately 3.3m from the front boundary near to the access on Butts Green Road.

5. The front area of the site would remain mixed scrub apart from the track which would be cleared to facilitate access to the development. An area of bramble scrub would remain near to the rear of the hardstanding. Three native trees would be planted near the mobile home. There would also be native hedge and tree planting around the caravans and day room.

6. A soakaway and package treatment plant would be installed towards the rear of the site.

### **4. Other relevant applications**

1. 96/06118/FUL – Approved June 1996

Two plastic covered tunnels for protecting nursery stock. (Each 5.5M x 19.5M & 2.5M high). (Plan nos. 1 & 2)

The above planning permission was granted subject to conditions. Condition 3 stated that there shall be no wholesale or retail sales from the application site. Condition 4 stated that the development permitted shall at all times remain and be used solely for purposes ancillary to and in connection with the horticultural business.

### **5. Summary of consultations**

1. Consultation responses:

- Essex County Council Highways - application is acceptable to Highway Authority
- Public Health & Protection Services – no comments
- Sandon Parish Council – objects to the application for the reason summarised below:

- contrary to policy DM3 (A)
- highway safety
- BNG information not complete
- site is unsuitable for proposed use
  - Local residents – 89 responses received

2. 89 objections were received, comments relevant to this application summarised below:

- Site is not previously developed land
- Impacts rural surroundings and quality of life
- Ecology concerns
- Highway safety concerns
- Unsustainable area
- Increased congestion on roads
- Increase in surface water flooding
- Not enough information submitted to justify proposed use
- Does not comply with Policy DM3 of the Local Plan
- Applicant is already a resident on another site
- Plot size is not suitable for the proposed use
- Unsuitable boundary treatments exist on site
- Fencing on the site would not be acceptable
- Proposed Dayroom is not necessary
- Not an allocated gypsy site
- TPO trees on site
- Chelmsford GTAA has been calculated incorrectly by omitting vacant pitches on private family sites.
- Contrary to previous planning conditions
- No information to ensure package treatment plant is acceptable
- Not assessed for agricultural need
- Impact on the national cycle route
- Risk of precedent

## 6. Planning considerations

### *Main Issues*

1. The main issues relate to whether the proposed use of the land accords with the Local Plan and the impacts on the countryside, neighbour amenity, highway safety and ecology.

### *Windfall Gypsy/Traveller(G/T) site*

2. The Council are required to identify land within the Local Plan to provide for a supply of deliverable sites to meet an identified need for Gypsy/Traveller (G/T) pitches. The adopted Chelmsford Local Plan allocates land to provide G/T pitches. This does not, however, prevent further 'windfall' applications from coming forward. The application seeks planning permission for a windfall (unallocated) G/T pitch.
3. The most relevant policy of the adopted Chelmsford Local Plan (Local Plan) is Policy DM3. This policy is criteria based with considerations ranging from environmental to design matters. There are other specific Local Plan policies relating expressly to each of these matters, therefore, overall compliance with the criteria of Policy DM3 will be considered as a final, summary step.

### *Rural Area policy*

4. The site lies within the Rural Area. It contains the remnants of polytunnels on an area of hardstanding, a portacabin and a track up to the polytunnels. The polytunnels were erected for a previous nursery use. As such, the use of the land is considered to be agricultural land and therefore not previously developed land.
5. The application proposes a material change of use of the land to form a G/T pitch. Policy DM10 of the Chelmsford Local Plan relates to change of use of land and buildings and engineering operations. Part C relates to development in the Rural Area and states that planning permission will be granted for the change of use of land where it does not adversely impact on the identified intrinsic character, appearance and beauty of the Rural Area. Part C goes on to state that Engineering operations will be permitted within the Rural Area where they do not adversely impact upon the identified intrinsic character, appearance and beauty of the Rural Area. Whilst the proposed dayroom is a building operation in its own right, it would be ancillary to the overall use of the land.

### *Character and appearance of the area*

6. Policy SAN D1 of the Sandon Neighbourhood Plan (SNP) seeks to ensure that proposals for development in Sandon Parish must take a design led approach that has regard to the Essex Design Guide and to the key features of each character area in the Parish. It goes on to say that proposal should respect the rural nature and open landscapes of the Parish.
7. Policies S1 and DM23 (High Quality and Inclusive Design) of the Chelmsford Local Plan require new developments to respect the character and appearance of the area in which they are located and be compatible with their surroundings.
8. The character of the surrounding area is rural. Butts Green Road is scattered with dwellings set back from the road. The wider land use is predominantly agricultural and open fields. There is a cluster of typically rural commercial uses on the junction of Butts Green Road, Mayes Lane and Sporhams Lane. The existing, dilapidated polytunnels and portacabin within the application site are largely shielded from view by boundary vegetation.
9. The proposal would remove the torn and broken polytunnels and derelict portacabin. The existing hardstanding and track would be retained. The application drawings show that two caravans would be set back from Butts Green Road and contained roughly in the centre of the site, where the existing hardstanding is sited. The application drawings also show new landscaping in the form of native hedgerows and trees around the area where the caravans and dayroom would be located.
10. The dayroom would be modest in size; approximately 6.5m by 3.5m. It would have a pitched roof, with an overall height of around 3.6m. It would be an ancillary feature to the overall use of the land. The caravans, shown to be one static and one touring caravan, would be required to meet the statutory definition of a caravan. The definition restrains the size of caravans to 20m by 6.8m with an internal height of 3.05m.
11. The proposal does not include the construction of hard boundary treatments such as high fences or walls.

12. The development would be conservative in spread and volume. It would be set back into the site and screened by existing and proposed landscaping. Subject to conditions, the pitch would not harm the character and appearance of the area.

13. The materials, boundary treatments, hard and soft landscaping, the number of caravans permitted and the use of the land could be controlled by imposing planning conditions. This would ensure the proposal would remain unintrusive within the Rural Area. Therefore, the development would conform to Policies S1, DM10 and DM23 of the Local Plan and SAN D1 of the SNP.

#### *Neighbouring Amenity*

14. Policy DM29 of the Local Plan seeks to protect living and working environments by ensuring developments safeguard against being overbearing, overlooking or overshadowing. Proposals must also avoid excessive noise, activity or vehicle movements and be compatible with neighbouring uses.

15. The dwellinghouses to the north of the site are separated from the site by an access track and a large boundary of conifer trees. The dwelling houses on the opposite side of Butts Green Road are set back and physically separated from the application site by Butts Green Road itself.

16. Due to the distances between the development and the neighbouring properties, the proposal would not harm the amenity of neighbours in terms of being overbearing or causing overlooking or overshadowing.

17. The proposed use is a residential one. This would be compatible with neighbouring residential uses and would not create excessive noise, activity or vehicle movements. Conditions are recommended to ensure that the use remains residential and limited to one pitch.

#### *Highway safety, access and parking*

18. The site has an existing hardened vehicular access which is suitable for the proposed use. There are two parking spaces proposed which complies with the adopted Essex Parking Standards. Additionally, Essex County Council as the Local Highway Authority are satisfied that the impact of the proposal is acceptable.

#### *Flood risk*

19. The site lies within flood zone 1 which has the lowest probability of river or sea flooding. Parts of the site contain areas of medium and low risk of surface water flooding. Areas of medium risk are at the very rear of the site and around the access point with Butts Green Road. The areas of low risk are also around these locations, as well as a small area towards the centre of the site where the existing polytunnels are located.

20. Policies S2 (Spatial principles) and DM18 (Flooding/SUDs) of the Local Plan seek to ensure that new development minimises the impact on all types of flooding. For surface water flooding, Policy DM18 requires that surface water run-off is managed so that the run-off rate is no greater or less than the run-off prior to development taking place. Annex 3 of the National Planning Policy Framework classes caravans as 'highly vulnerable' development in Flood Risk terms.

21. The caravan would be sited on an area of low surface water flood risk. There is little risk of surface water flooding over the rest of the site other than an area near to the rear boundary and a small area at the near to the entrance to the site which would not be occupied by caravans.

22. The proposal includes a loose bound permeable area of hardstanding at the rear of the existing hardstanding and also a soakaway at the rear of the site. A condition requiring the approval of a surface water strategy would ensure that the proposal would accord with the relevant flood risk policies. Subject to this, the proposal would not be subject to an unacceptable flood risk nor would it make flood risk worse elsewhere.

#### *Trees, Ecology and Biodiversity Net Gain*

23. Strategic Policy S1 (Spatial principles) of the Local Plan requires all new development to preserve or enhance biodiversity.

24. Policy SAN G1 (The rural environment) of the SNP also requires a development to enhance and protect the biodiversity and ecology of the natural environment.

25. Policy DM16 (Ecology and biodiversity) (D) of the Local Plan states that all development proposal should (commensurately) conserve and enhance networks of habitats, species and sites, avoid negative impact on biodiversity (or otherwise mitigate unavoidable impacts/compensate for residual impacts) and deliver a net gain in biodiversity where possible.

26. The applicant has submitted a Preliminary Ecological Report dated 3<sup>rd</sup> October 2024 and the results of a reptile presence/absence survey dated April to June 2025.

#### *a) Trees and Ecology*

27. There are no protected trees on the site. The applicant proposes to plant three new trees on site in accordance with the Local Plan Tree Planting Planning Advice Note.

28. There are no potential roost features for bats in the trees. There is small foraging and commuting habitat, but as it is not a considerable quantity and with suitable surrounding habitat, the impact is likely to be minimal. Lighting may impact the population, therefore a low impact strategy and a bat box is recommended. Both the low impact lighting and bat box could be conditioned.

29. There is low potential for nesting birds, but any removal of vegetation should be undertaken outside of the nesting season unless inspected by an ecologist. A condition could be imposed to ensure this is undertaken.

30. There is no evidence of badgers on site or opportunities for sett creation. The precautionary working methods outlined in the Arbtech Preliminary Ecological Appraisal (PEA) dated 3<sup>rd</sup> October 2024 would provide sufficient mitigation. This could be ensured by imposing a condition.

31. There are five ponds within 500m of the site. They are not suitably connected to the site to create impact to Greater Crested Newt. However, there is some site suitability and therefore precautionary practices such as staged vegetation clearance, as per the PEA and reptile presence/absence survey which could be conditioned.

32. The front of the site would be left as mixed scrub and part of the rear would be left as bramble scrub. The soft landscaping would be native trees and hedging. The applicant's PEA does not raise any significant concerns regarding potential impact on ecology. The findings of this report are accepted. A number of conditions can ensure the PEA and reptile presence/absence survey recommendations would be followed. Subject to conditions, the development would conserve and enhance networks of habitats, species and sites, and avoid negative impact on biodiversity in accordance with Policy DM16 of the Local Plan.

*b) Essex RAMS (Recreational Disturbance Avoidance and Mitigation Strategy)*

33. The application site lies within the Blackwater Zone of Influence, within which unmitigated increased recreational pressure is likely to have a significant effect upon the interest features of the Essex Estuaries Special Area of Conservation (SAC), and the Blackwater Estuary Special Protection Area (SPA) and Ramsar site when considered either alone or in-combination with other plans and projects.

34. To mitigate the potential increase in recreation pressure, the applicant has made an upfront financial contribution in accordance with the Essex RAMS Supplementary Planning Document (SPD).

35. With a suitable form of mitigation provided, the proposal accords with the relevant planning policies and statutory requirements.

*c) Biodiversity*

36. The proposal is subject to the statutory Biodiversity Net Gain regulations (BNG). These require a 10% net gain in biodiversity to be secured and provided.

37. The application is supported by a BNG metric and report. The baseline habitat includes other neutral grassland, mixed scrub, bramble scrub and urban trees. There are ample opportunities within the site to deliver at least a 10% net gain in habitat units.

38. Therefore, with the imposition of planning conditions, the net gain necessary to achieve compliance with statutory and local policy requirements can be achieved.

*On site amenity*

39. The layout of the site, the provision of the dayroom and refuse store would ensure that an acceptable level of amenity is provided for prospective occupants.

*Windfall policy*

40. Returning to policy DM3, in view of the above policy considerations the following assessment is made:

*In determining all planning applications, only those who meet the PPTS definition of a Gypsy, Traveller or Travelling Showperson will have weight attributed to the need for a site.*

The applicant has not provided information to confirm Gypsy or Traveller status, however, a condition can be imposed to ensure use by Gypsy/Travellers who meet the Planning Policy for Traveller Sites (PPTS) definition.



*i. the site is not in the Green Belt, unless there are very special circumstances;*

Complies – the site is not within the Green Belt

*ii. adequate community services and facilities are within reasonable travelling distance;*

Complies – The site is approximately 1km north of a bus stop which has regular buses to Chelmsford, Witham and Southend, providing access to a range of facilities and amenities. Although the road is a country lane with no footway or lighting, it is wide, and approximately 240m south of the site there is a diversion along PROW footpath Sandon 10, which takes you off the carriageway and almost directly to the bus stops. Additionally, there is convenient access to the A12 and Park and Ride. Within the vicinity there is a garden centre with a café and a livery. Taking the above into account, the site is not considered to be so unsustainable that it fails to comply with this criteria.

*iii. the site is of sufficient size to accommodate the proposed number of caravans, vehicles and ancillary areas;*

Complies – The site is of a sufficient size to accommodate the proposed facilities.

*iv. there is no significant adverse impact on the intrinsic character and beauty of the countryside;*

Complies – As set out above, the proposal would not result in significant adverse impact on the intrinsic character and beauty of the countryside.

*v. the site would not lead to the loss of, or adverse impact on, important historic and natural environment assets;*

Complies.

*vi. there is no significant risk of land contamination or unacceptable risk of flooding;*

Complies.

*vii. the site provides a suitable living environment for the proposed residents and there is no significant adverse impact on the amenity of nearby residents;*

Complies.

*viii. safe and convenient vehicular access to the local highway network can be provided; and*

Complies.

*ix. essential services (water, electricity and foul drainage) are available on-site or can be made available on-site; and*

Complies (with the imposition of planning conditions) – there is sufficient space on-site for a bespoke solution to water supply should such be necessary and foul drainage would be by package treatment plant and soakaway.

In view of the above, the proposal complies with Policy DM3.

### ***Plan-led outcome***

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

42. The proposal complies with the policies of the adopted Local Plan. The plan-led outcome, in accordance with Section 38(6) is a grant of planning permission. It is also, however, necessary to consider any other material considerations in the overall balance.

### ***Other material considerations***

43. The National Planning Policy Framework (NPPF; 2024) is a material consideration. Paragraph 11 (d), states that where the most important policies for determining the application are out-of-date, planning permission should be granted unless: the application of policies in the framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, 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. National policy is published within the 'Planning Policy for Traveller Sites' (PPTS) of December 2024. At paragraph 9, the PPTS says that local planning authorities should set pitch targets for Travellers as defined in Annex 1 which address the likely permanent and transit site accommodation needs of travellers in their area.

45. At the time of the preparation of the adopted Local Plan (2013-2036), the Gypsy, Traveler and Travelling Showpeople Accommodation Assessment Need Summary Report (GTAA 2017) identified (by extrapolation) a need of nine pitches by 2036. This need was incorporated into the Local Plan in Strategic Policy S6 which sets out the housing requirements for the district. Accordingly, Strategic Policy S7 allocated land for nine pitches to be delivered at Drakes Lane. Since the adoption of the Local Plan, nine gypsy/traveller pitches have been delivered on the Drakes Lane site, meeting the needs identified in the GTAA 2017 in full.

46. In September 2024, a new gypsy and traveller accommodation assessment ('GTAA 2024') was published, forming part of the evidence base for the ongoing local plan review. The GTAA 2024 identifies an unmet need for households who meet the definition of a gypsy/traveller (as per Annex 1 of the PPTS). In December 2024, the PPTS Annex 1 definition was updated. As such, the need reported in the September 2024 GTAA is adjusted to reflect the revised definition in Annex 1 of the PPTS December 2024. For the overall plan period of 2023-2042, the need for those that meet the Annex 1 definition, is 44 pitches. For the initial five-year period (2023-2037) this is 24 pitches.

47. In April 2024, a new gypsy/traveller delivery trajectory was published for the period 2013 - 2026. The 2024 trajectory does not forecast any delivery beyond 2023/24.

48. The Council are reviewing the adopted Local Plan. Consultation on the Chelmsford Local Plan: Pre-Submission (Regulation 19) Document ('The CLP Reg. 19') closed on Tuesday 18 March 2025.

49. Strategic Policy S6 of The CLP Reg. 19 allocates sites for 30 pitches within major development schemes. Policy S7 (The Spatial Strategy) again states that windfall sites, such as that subject of this application, are further expected to be a reliable source of housing supply during the plan period.

50. Notwithstanding the provisions of the Reg 19 CLP, it remains the case at present that the Council is unable to demonstrate an adequate supply of sites to meet identified needs for gypsy/traveller pitches.

51. Paragraph 28 of the PPTS engages where applicable the provisions of paragraph 11 (d) of the NPPF to proposals for Gypsy/Traveller sites. In this case, as the Council is unable to demonstrate an up-to-date five-year supply of deliverable sites, the provisions of paragraph 11 (d), known as the 'tilted balance', are engaged.

52. Further to the Local Plan assessment, additional considerations carrying weight within the context of the NPPF – which in turn extends to the PPTS – includes the very minor economic benefit of employment opportunities during construction, the moderate benefit of supporting the G/T way of life, and the moderate improvement to the Council's 5-year land supply position.

53. Paragraph 8 of the NPPF, which forms a material consideration in the determination of this application, sets out three constituent elements of sustainable development: an economic objective, a social objective, and an environmental objective. These are considered in turn below:

54. Economic objective: the proposal would add a residential use into the local area and would therefore bring a minor increase in spending to the local community. There would also be a very minor economic benefit of employment opportunities during construction. The economic impact carries minor positive weight.

55. Social objective: the proposal would provide for an unmet need for gypsy/traveller sites and would support the gypsy/traveller way of life. The site is approximately 1km north of a bus stop which has regular buses to Chelmsford, Witham and Southend, providing access to a range of facilities and amenities. The social impact of the development, particularly the provision of a G/T pitch in the context of a lack of deliverable sites and the facilitative nature of the G/T way of life, carries moderate weight in favour of the development.

56. Environmental objective: The site is within the Rural Area and would not adversely affect the intrinsic character and beauty of the countryside. With the implementation of the Biodiversity Net Gain Plan, there would be a net gain to biodiversity, as well as new native planting. Taking the above into account there would be a positive environmental impact.

### **Conclusion**

57. Taking into account the above assessment, it is considered that there are no adverse impacts in granting planning permission for this proposal. The scheme complies with the adopted Local Plan policies and there are further material considerations which indicate that planning permission should be granted.

58. For the reasons given above and having regard to all other matters raised it is concluded that the proposed development is acceptable and in accordance with the adopted Local Plan Policies.

## **7. Residual matters**

1. Concern has been raised that the calculation of the Council's Gypsy and Traveller Accommodation needs in the GTAA was not correct because it did not include private family sites. The GTAA forming part of the adopted plan has been found sound by an Inspector in examining the Local Plan, as well as found to accurately assess needs through many planning appeals. There is no evidence to suggest taking a different approach.
2. The application stands alone from the previous planning conditions imposed on the 1996 approved application for the polytunnels. They were imposed 29 years ago and different planning policies were in place at that time.
3. Assessing the site for agricultural need is not a requirement given the scale and shape of the application site.
4. The setting of a precedent is not a material consideration in this application. All applications are considered on their merits.
5. The application site is over 2.5km south of National Cycle Route 1. The proposal would not impact this route.

**8. Community Infrastructure Levy (CIL)**

1. This application may be CIL liable and there may be a CIL charge payable

**9. RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

**Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

**Condition 3**

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason:

Planning permission has only been granted on the basis that it will meet an identified need for Gypsy and Traveller accommodation in accordance with Policy DM3 of the Chelmsford Local Plan.

**Condition 4**

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There shall be no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 as amended, or in any statutory modification or re-enactment thereof) (of which no more than one shall be a static caravan or mobile home) sited on the land at any one time.

Reason:

To mitigate impacts on the character and appearance of the area and to safeguard the living environment for occupants in accordance with Policies S1, DM3 and DM23 of the Chelmsford Local Plan.

#### **Condition 5**

There shall be no residential occupation of the development hereby permitted until such time as an essential services strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the following:

- i. means of supplying potable water to the permitted caravans and day room;
- ii. means of disposing of foul water from the permitted caravan and day room.

In the event that the strategy does not include on-site solutions (e.g. a package treatment plant), detailed justification shall be provided as to why, and a sustainable point of connection to the public foul network shall be identified.

Thereafter, there shall be no occupation of the development hereby permitted until such time as the approved strategy has been implemented in full in accordance with the approved details.

Reason: to prevent pollution and ensure that the site is supplied by adequate and sustainable services in accordance with Policies S1, S4, S9, S10, DM3, and DM16.

#### **Condition 6**

There shall be no residential occupation of the development hereby permitted until such time as a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, details of the following:

- i. a drainage plan highlighting final conveyance and exceedance routes;
- ii. location and sizing of surface water storage features;
- iii. discharge/infiltration rates;
- iv. outfalls from the site;
- v. rainwater harvesting features.

Thereafter, there shall be no occupation of the development hereby permitted until such time as the approved scheme has been implemented in full in accordance with the approved details.

Reason:

To ensure that surface water run-off is adequately addressed in accordance with Policies S1, S2, and DM18 of the Chelmsford Local Plan.

#### **Condition 7**

No trees or hedges within the site shall be felled, uprooted, damaged, disturbed, or removed for a period of 5 years beginning on the date of this decision.

If any such tree is removed, uprooted, or destroyed, or otherwise dies within a period of 5 years beginning on the date of this decision, another tree shall be planted within the next available planting season. The location, size, and species of replacement planting shall be as agreed in writing by the Local Planning Authority.

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Reason:

To safeguard the existing trees which are of amenity and ecological value and which add character to the development in accordance with Policies S4, DM3, DM16, and DM23 of the Chelmsford Local Plan.

**Condition 8**

There shall be no residential occupation of the development hereby permitted until such time as the recommendations set out in the approved Preliminary Ecological Appraisal (20 December 2024) have been implemented in full. All recommended enhancement features shall thereafter be retained.

All recommended precautionary measures shall be strictly adhered to during the construction of the development hereby permitted.

Reason:

To safeguard protected and priority species and habitats and compensate for impacts already occasioned in accordance with Policies S4 and DM16 of the Chelmsford Local Plan.

**Condition 9**

No external lighting shall be installed at the site until such time as a sensitive lighting strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify areas/features on the site that are sensitive to protected and priority species and that are likely to cause disturbance in or around their breeding sites and resting places or along important territory routes used to access key areas of their territory, for example, foraging; and
- b) show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent the above species using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without the prior written consent from the Local Planning Authority.

Reason:

To ensure there is no disturbance or harm caused to protected or priority species, and to mitigate visual impacts in accordance with Policies S4, S11, DM3, DM6, DM10, DM16, and DM23 of the Chelmsford Local Plan.

**Condition 10**

No development shall take place until a final written Biodiversity Net Gain Plan (The BNG Plan) in the form of the national BNG Plan template, for the provision of a minimum 10% biodiversity net gain, has been submitted to and approved in writing by the local planning authority. The BNG Plan shall relate to the development for which planning permission is granted, and include:

- (i) completed metric calculation tool;
- (ii) pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale);
- (iii) biodiversity net gain register reference numbers (if purchasing off-site units); and
- (iv) proof of purchase if purchasing statutory biodiversity credits.

The development shall not be begun until such time that The Biodiversity Net Gain Plan (BNG Plan) has been approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with The BNG Plan.

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Reason:

To ensure the statutory biodiversity gain condition of the Environment Act 2021 is met and to ensure the development accords with Policy DM16 of the Chelmsford Local Plan.

**Condition 11**

No development shall take place on any part of the site until a written Habitat Management and Monitoring Plan (HMMP), in the form of the national Natural England and DEFRA template, for a minimum period of 30 years for the site has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- o details setting out how the onsite or off-site gains will be managed;
- o Details of the persons responsible for the implementation, management and monitoring;
- o details of how habitats will be monitored (including specific details for each type of habitat);
- o details, including a schedule, of monitoring reports to be submitted to the local planning authority over at least a 30 year period;
- o details of how management will be reviewed;
- o details of adaptive management to account for habitat restoration if the management plan is not working.

Reason: To ensure the statutory biodiversity gain condition of the Environment Act 2021 is met and to ensure the development accords with Policy DM16 of the Chelmsford Local Plan.

**Condition 12**

Prior to their use, details of the materials to be used in the construction of the day room and refuse store hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is visually acceptable in accordance with Policies DM3 and DM23 of the Chelmsford Local Plan.

**Condition 13**

There shall be no residential occupation of the development hereby permitted until such time as a site development scheme has been submitted to and approved in writing by the Local Planning Authority. The site development scheme shall include details of the following:

- i. details of the proposed treatment of all boundaries, including gates, fences, walls, railings or piers;
- ii. hard surfacing including pathways and driveways and other hard landscape features;
- iii. planting plans for proposed and replacement hedgerows, trees, and other vegetation including specifications of species, sizes, planting centres, number, and percentage mix;
- iv. details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, including all recommended enhancements set out in the approved Preliminary Ecological Appraisal (20 December 2024);
- v. management details and a five-year maintenance plan.

Planting plans shall include native species only and shall propose a replacement hedgerow along the frontage of the site.

Thereafter, there shall be no residential occupation of the development hereby permitted until such time as parts i), and ii) of the approved site development scheme has been implemented in full in accordance with the details approved. The remainder of the approved site development scheme shall have been

implemented in full in accordance with the details approved by the end of the first available planting season follow their approval.

**Reason:**

To add character to the development, to integrate the development into the area, to promote biodiversity, and to provide a satisfactory living environment for occupants in accordance with Policies S1, S4, S11, DM3, DM16, and DM23 of the Chelmsford Local Plan.

**Condition 14**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no wall, gate or other means of enclosure other than hereby approved shall be constructed within or along the boundaries of the site without the written consent of the local planning authority.

**Reason:**

To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 15**

No vehicles over 3.5 tonnes shall be stored or parked on the site, and no commercial activities shall take place on the land, including the storage of materials, plant, and/or waste.

**Reason:**

To ensure the proposed development does not detract from the character and appearance of the area or harm nearby residential amenity in accordance with Policies S1, DM3, DM23, and DM29 of the Chelmsford Local Plan.

**Positive and Proactive Statement**

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.



**Plans to be listed on any Decision Notice:**

24\_1329-007/P01

24\_1329-006/P01

24\_1329-001/P01

24\_1329-002/P02

24\_1329-003/P02

## Appendix 2 – Consultations

### Public Health & Protection Services

#### Comments

05.08.2025 - No PH&PS comments.

### Sandon Parish Council

#### Comments

29.09.2025 -

Sandon Parish Council strongly objects to this application and supports the letter from the consultant. The application does not make clear for what use the whole plot would be used for and does not meet ALL the criteria required by policy DM3 part A. This application is not for a specific family or and lifestyle, see para 26 of ppts. Policies must be supported by sustainable transport...there is none nearby. The required access splay is non-existent and would take up a lot of the plot. Entry onto a 60mph road needs good visibility. The BNG metric needs to be completed. So, in conclusion for a FUL application more details are required as on the basis shown approval should not be given. After three village meetings local parishioners suggest that this site is unsuitable and should be refused.

### Essex County Council Highways

#### Comments

18.08.2025 -

' The site has:

- o Existing Agricultural planning use:

- o Retains existing 2no. parking spaces for the proposed use.

- o Existing and satisfactory gated and hardened vehicular access suitable for the proposed use;

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of

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the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

3. Prior to first occupation of the proposed development, the 2no. vehicle parking space area shall be appropriately hard surfaced, constructed ready for use laid out in accordance with the Parking Standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

Note

It is strongly suggested that the foliage overgrowth to each side of the vehicular access is cut down/faced back to re-provide inter-visibility between users of the access and the public highway in the interests of highway safety.

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 NPPF 2024.

Informatives:

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](mailto:development.management@essexhighways.org)

## Recycling & Waste Collection Services

Comments
No response received

## Police - Designing Out Crime

Comments
No response received

## Essex County Fire & Rescue Service

Comments
18.11.2025 - The application has been considered and I draw your attention to the following comments: Access Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

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Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to ADB B5, Volume 1, Section 13.

It must be noted that any new roads or surfaces being developed are compliant with the table below, it is not currently confirmed whether the newly built road or parking area can withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

For the provision of Fire Service Access Approved Documents B, B5 compliance is required. Also, when referring to ADB V1 Table 13.1, please refer to note 1, (Referring to not all fire appliances are standardised). More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

#### Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with The Building (Registered Building Control Approvers etc.) (England) Regs 2024.

#### Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

#### Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

### ECC Gypsy Traveller Services Manager

#### Comments

No response received

### Essex County Council (SUDS)

#### Comments

13.11.2025 -

Having reviewed the information that has been provided, it is considered that the application is a minor change of use development (0.37 ha). However, whilst we do not wish to provide formal comment on this application, we recommend that any new areas of hardstanding (including the car parking areas) are of permeable construction. The incorporation of permeable paving would also provide a level of treatment for

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the runoff from any roofs or parking areas. Water butts are also recommended to capture rainwater which could be re-used to water the landscaped areas.

As foul water is outside of our typical remit, we would recommend that the Environment Agency is consulted on the proposed method of disposal of the foul water and that any necessary permits/consents are obtained. As the western site boundary has an existing flow route, it would be advised to position any drainage infrastructure outside of the existing surface water flow path.





Line/Hatch Key

- Red Line Boundary
- Existing buildings/structures
- Existing Hardstanding
- Bramble Scrub
- Post & Rail Timber Fence
- Existing Gate
- Existing Tree (Indicative)
- Existing Boundary Tree/Hedge Planting
- Mixed Scrub

P02	Initial Transmittal	P02	EG	09/09/2025
P01	Initial Transmittal	P01	EG	08/07/2025
Issue ID	Issue Name	Current Revision	Initials	Date

Do not scale from this drawing except for planning application purposes. The contractor is to check all site dimensions, levels and sewer inverts before works commence. This drawing must be checked and read against any structural or specialist consultant drawings. The contractor is to comply in all respects with the current Building Regulations and BS Codes of Practice whether or not specifically stated on these drawings. This drawing is not intended to show details of foundations, ground conditions or ground contaminants and confirmation and/or investigation is to be carried out by suitable experts. This drawing and the building works/designs depicted are the copyright of Green Planning Studio Ltd and are not to be reproduced in any form or by any means without the written consent of Green Planning Studio Ltd.

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Client  
**Gilbert Anderson**

Project  
**24\_1329 The Old Nursery - Land Use**  
The Old Nursery,  
Butts Green Road,  
Sandon,  
Chelmsford,  
CM2 7RN

Drawing Title Existing Site and Block Plan		
Scale @A2 1:500	Date 09/09/2025	Drawn EG
Case No <b>24_1329</b>		Status Initial Status
DRAWING No <b>24_1329-002</b>		Rev <b>P02</b>

ISO 19650 No:  
24\_1329-GPS-ZZ-GF-DR-A-002

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Existing Site Plan





Line/Hatch Key

- Red Line Boundary
- Existing buildings/structures
- Existing Hardstanding
- Bramble Scrub
- Post & Rail Timber Fence
- Proposed loose bound permeable hardstanding
- Proposed native hedge & tree planting
- Proposed Refuse Store
- Proposed Package Treatment Plant
- Existing Gate
- Existing Tree (Indicative)
- Existing Boundary Tree/ Hedge Planting (Canopy)
- Mixed Scrub
- Proposed Dayroom
- Proposed Native Tree
- Proposed Mobile Home
- Proposed Touring Caravan
- Proposed Soakaway

P02	Initial Transmittal	P02	EG	09/09/2025
P01	Initial Transmittal	P01	EG	08/07/2025
Issue ID	Issue Name	Current Revision	Initials	Date

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Client  
Gilbert Anderson

Project  
**24\_1329 The Old Nursery - Land Use**  
The Old Nursery,  
Butts Green Road,  
Sandon,  
Chelmsford,  
CM2 7RN

Drawing Title		
Proposed Site Plan		
Scale @A2 1:500	Date 09/09/2025	Drawn EG
Case No <b>24_1329</b>	Status Initial Status	
DRAWING No <b>24_1329-003</b>	Rev <b>P02</b>	

ISO 19650 No:  
24\_1329-GPS-ZZ-GF-DR-A-003

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Proposed Site Plan

1:500