
Appeal Decision

Site visit made on 20 November 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/X1545/W/25/3370943

Land Adjacent Caxton Pride Hackmans Lane, Purleigh, Essex CM3 6RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Millen (Millen Land Group) against the decision of Maldon District Council.
 - The application Ref is 24/00484/FUL.
 - The development proposed is Installation of Bus Shelter, provision of new bus route and development of 5 zero carbon dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposal having regard to local and national planning policy, and the accessibility of the site to services, employment opportunities and facilities; and
 - whether the proposal would make adequate provision towards affordable housing.

Reasons

Suitable location

4. The appeal site lies within a cluster of houses in a rural area accessed via quiet roads. It is a roughly rectangular parcel of land which is adjoined either side by residential properties. The western boundary abuts Hackmans Lane, beyond which is a burial ground and residential properties. There is open land to the rear of the appeal site associated with a nearby farm.

5. Policy S1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (LDP) seeks to deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations. Policy S8 of the LDP outlines a settlement hierarchy to guide the location of strategic growth. Within the policy, Cock Clarks is identified as a smaller village due to the limited services, public transport and employment opportunities available.
6. The main parties agree that the appeal site is located outside the settlement boundary for Cock Clarks. Consequently, it would be within an area of open countryside. Policy S8 outlines that outside settlement boundaries, development will only be supported where the proposal would be one of the types of development outlined in a closed list. The proposal does not fit within any of the types of development outlined within the policy.
7. Policies S1, T1 and T2 of the LDP seek to direct homes to the most sustainable locations and to minimise the need to travel and prioritise sustainable modes of transport. This includes giving priority to pedestrians, wheelchairs, cyclists and public transport over private vehicles and providing safe and direct walking and cycling routes to nearby facilities and public transport where appropriate.
8. The sole service or facility within the nearby settlement of Cock Clarks is a public house. To access any other services or facilities such as shops or schools the occupants of the proposed dwelling would have to walk or cycle along the remote, narrow rural roads, which are largely unlit. Furthermore, there are no dedicated cycle lanes or footpaths for lengthy stretches. Therefore, the routes are unlikely to be attractive options for walking and cycling outside of daylight hours or during inclement weather.
9. The Council indicate, and it is not disputed by the appellant, that the closest bus stop is a 20 minute walk from the appeal site. I have not been provided with a timetable and so cannot be certain that the routes or timings would be viable for the typical daily needs of future occupiers.
10. For the reasons given, essential services, facilities and employment opportunities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access essential services and facilities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport.
11. The appellant indicates that this would equate to 30-40 vehicular movements per day. I note that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the Framework also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It does not justify locating development in an inherently unsuitable location. Given my findings above, there would be conflict with the Framework in these respects.
12. A signed and dated unilateral undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 has been submitted which provides obligations related to the provision of a new community bus service. It would secure a financial contribution of £200,000 to fund the provision of a bus service operated

by Community 360, a registered charity that provides transport and bus services across Essex.

13. The service would operate six days per week. The initial route for the service has been designed to connect villages in the Maldon District to key service centres, including Maldon town centre, Danbury, and the Sandon Park & Ride facility. The appellant indicates that the route was developed through careful analysis of existing transport gaps and further refined through consultation with residents. The submitted evidence indicates that consultation with the local community involved the distribution of a survey to over 10,000 households. 95% of the respondents indicated that they would consider using the service.
14. In line with Regulation 122 of the CIL Regulations 2010 (as amended), the Framework explains in paragraph 58 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is therefore necessary for me to consider the obligations and reach a finding on them having regard to the above tests.
15. The Planning Inspectorate's Guidance - Planning obligations: good practice advice (2025) outlines the evidence that is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation meets the tests. This includes the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands. The submitted evidence does not include a clear methodology to demonstrate how the financial obligation has been calculated. For this reason, it has not been demonstrated it would be fairly and reasonably related in scale and kind to the development.
16. The County Highways Officer has confirmed that the scale of the development is well below the threshold at which a new bus service would ordinarily be required. Furthermore, the level of contribution sought is disproportionate to the scale of the development. By comparison, passenger transport contributions are typically requested only for developments of 50 dwellings or more and generally amount to around £2,600–£3,000 per dwelling. This indicates that the proposed contribution would substantially exceed what is reasonably required as a result of the development. Thus, the funding of the bus service would not be directly related to the development and would not be fairly and reasonably related to it in scale and kind.
17. The appellant has drawn my attention to the fact that financial contributions secured through legal agreements in other local authority areas often exceed the £40,000 per dwelling that would be secured in relation to this appeal proposal. Whilst this may be the case, and whilst a new community bus service might be desirable, it has not been demonstrated that it is fairly and reasonably related in scale and kind to the development. It has evidently been offered as an incentive to make the scheme more attractive but it would not meet the tests of CIL Regulation 122 or comply with paragraph 58 of the Framework. As it does not pass the tests it therefore cannot be taken into account.
18. Given my findings, the obligation would not be supported by Policy E3 of the LDP which outlines that proposals will be expected to contribute to the provision of community facilities subject to the legal tests set out in Regulation 122.

19. As such, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy in the LDP, having regard to local and national planning policy, and the accessibility of the site to services, facilities and employment opportunities. The proposal fails to accord with Policies S1, S8, T1 and T2 of the LDP. The proposal would also conflict with the aims of the Framework outlined above.

Affordable housing

20. Policy H1 of the LDP states that all housing developments that provide more than 10 units or have a floorspace of over 1,000 square metres will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.
21. However, Policy H1 pre-dates the current version of the Framework. Paragraph 65 of the Framework advises that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. It is also notable that the Planning Practice Guidance outlines that planning obligations for affordable housing should only be sought for residential developments that are major developments.
22. The Framework uses a definition of major development given in the glossary, where it relates to housing, as 10 or more homes or where the site has an area of 0.5 hectares or more. The site would not meet either of these thresholds. Policy H1 is therefore inconsistent with the Framework. Paragraph 232 of the Framework states that, in this scenario, due weight should be given to policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
23. Little substantive evidence has been provided by the Council to demonstrate that the current local circumstances justify a lower threshold for affordable housing provision than that set out in the Framework. The development does not provide for any affordable housing and is in conflict with Policy H1. However, on the basis of the evidence before me and the inconsistency with the Framework, this policy conflict attracts limited weight.

Other Matters

Listed buildings

24. There is a Grade II listed building (LB) Bramble Cottage, historically known as Luggard's Cottage, to the south of the appeal site. On the opposite side of Hackmans Lane is a Grade II listed dwelling known as Forge Cottage. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the buildings or their settings or any features of special architectural or historic interest which they possess.
25. The List description confirms that Forge Cottage dates from the late 16th century and was extended in the 18th, 19th and 20th centuries. It is described as being timber framed, mainly clad with 18th century red brick in Flemish bond, partly plastered and weatherboarded, roofed with handmade red clay tiles. The significance of the building derives from its age and architectural value.
26. Intervisibility between the appeal property and the LB is limited due to the LB's setback from the highway, the mature vegetation screening on the western side of

Hackmans Lane and the generous distance separating the two sites. Given this it would not harm the setting or significance of the LB.

27. The List description for Bramble Cottage identifies it as a pair of attached cottages now amalgamated to a single house. It dates from the 19th century, and is described as an exceptionally unaltered example of its type. It is roughcast rendered and features a slate roof, and is described as retaining original sash windows. The significance of the building derives from its age and architectural value.
28. Whilst the proposal would be positioned within the adjacent field to Bramble Cottage, the mature vegetation along the appeal site's side boundary would limit intervisibility. Furthermore, the nearest proposed dwelling would be set back from the boundary closest to the LB, and the separation distance between the dwellings would help to retain the rural character of the area. Overall, in my view, the proposal would have a neutral effect on the setting of the LB. Therefore, I conclude that the development would not result in harm to the setting of either LB.

Habitats Regulations

29. The appeal site is located within a recreational zone of influence of the 'Essex Coast RAMS'. Given that the proposal is for additional housing, there is a reasonable likelihood that the European Sites would be accessed for recreational purposes by future occupiers of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out. An UU has been submitted to secure a financial contribution in relation to the protection of habitats.
30. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Planning Balance and Conclusion

31. The Council confirms that it cannot currently demonstrate a five year housing land supply required by the Framework. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
32. The Framework seeks to boost housing supply and highlights the important contribution small sites can make. The proposal would make a modest contribution of five dwellings to the supply of housing, helping address the shortfall.
33. I acknowledge that the windfall development would deliver net zero carbon homes incorporating air source heat pumps, solar panels, and passive solar design. The scheme would also retain many of the mature trees on the site, have a limited landscape impact, and provide electric vehicle charging and cycle storage. In addition, the five family-sized dwellings would contribute to the local housing stock and mix. However, while there is a recognised need for additional housing and the Council has a shortfall in its housing land supply, the overall benefits of the proposal would be modest given the small scale of the development.

34. There would also be some economic and social benefits, including opportunities for local businesses during the construction phase and support for local shops and services by future residents. This would accord with the Framework where it seeks to enhance the vitality of rural communities. Further, the biodiversity net gain which would achieve the mandatory 10% uplift carries weight in favour of the proposal. However, given the relatively small scale of the scheme and ecological enhancements, these benefits would be limited.
35. In contrast, I have found that the site would not be a suitable location for housing, and the proposal would also be contrary to Policies S1, S8, T1 and T2 of the LDP. Policies S1 and S8 are only deemed to be out of date by virtue of there being no five-year housing land supply. In these circumstances footnote 8 of the National Planning Policy Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts 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 including directing development to sustainable locations, making effective use of land and securing well-designed places.
36. The Framework does not impose a blanket restriction on development outside defined settlements, nor does it explicitly prevent the use of such boundaries. However, whilst the Framework, in paragraph 110, identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, it also, in paragraph 115 requires that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
37. Given the location of the site and the lack of access to safe walking and cycling routes or public transport to provide for day-to-day needs it is likely that future occupants of the development would be heavily reliant on private motor vehicles to access local shops and services. In allocating weight to this matter I am mindful of paragraph 11 d) of the Framework which indicates that I must have particular regard to key policies for directing development to sustainable locations, including paragraphs 110 and 115 of the Framework and so this is a significant factor weighing against the scheme.
38. Therefore, the identified adverse impacts of the development, the moderate negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services, and to a more limited degree the lack of affordable housing provision, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
39. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

B Pattison

INSPECTOR