



Appeal Decision

Hearing held on 17 March 2026

Site visit made on 17 March 2026

by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2026

Appeal Ref: APP/X1545/W/25/3373466

Land adjacent to Westerings, Purleigh, Essex, CM3 6PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Jonathan Gill (Rosconn Group) against Maldon District Council.
 - The application Ref is 25/00473/OUT.
 - The development proposed is an outline application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
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Decision

1. The appeal is allowed and planning permission is granted for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access, at land adjacent to Westerings, Purleigh, CM3 6PG in accordance with the terms of the application, Ref 25/00473/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline form with access as the only matter to be determined at this stage. The access matter details vehicular and pedestrian access from the end of an existing cul-de-sac, Hawthorns, which is accessed off Westerings, as well as internal road and pedestrian routes within the site. As part of the determination, there is a location plan showing the extent of the site and an illustrative master plan. The latter plan is indicative but has been considered in so far as regards the access matter details under this outline application.
3. The above description has been taken from the proposal's application form. As the proposal involves infrastructure, for instance internal roads, associated with the housing, this wording has been added to the description for the sake of accuracy.
4. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council indicates that it would have refused the planning application mostly on the main issue detailed overleaf, having regard to development plan policy and material planning considerations. The issue has regard to the consideration of character and appearance of the area which the Council did not raise an objection to, but there have been third party objections regarding the effects of the proposal having regard to this matter. Development plan policies also set out settlement boundaries based to the need to protect the countryside for its intrinsic attractiveness. Consequently, the main issue reflects this.

5. A planning agreement pursuant to section 106 (S106 agreement) of the Act was completed 30 March 2026. It relates to the provision of an employment and skills plan, affordable housing (AH), including phasing and transfer provisions, Biodiversity Net Gain (BNG) Plan, including registration, delivery and management, Public Open Space (POS) provision and maintenance, healthcare, education, libraries, public transport, Recreational disturbance Avoidance and Mitigation Strategy (RAMS) (for Essex Coast European habitat sites) and monitoring fees.

Main Issue

6. The main issue is whether the location, nature and scale of the proposal would be acceptable in a countryside location, having regard to accessibility to services and facilities, and character and appearance of the area.

Reasons

Countryside location

7. The appeal site lies adjacent to the built-up boundary of Purleigh and within designated countryside under Maldon District Local Development Plan (LDP) 2014-2029 (adopted 2017). Under LDP Policy S1, the Council will take a positive approach in dealing with planning applications that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (the Framework). In this respect, it will apply key principles, that include the minimisation of the need to travel and where travel is necessary, the prioritisation of sustainable transport and access improvement for all in the community, and maintaining the rural character of the district without compromising the identity of individual settlements.
8. Under LDP Policy S2, sustainable development will be promoted to deliver economic and residential growth, whilst contributing to protecting the district's natural, built and historic environment. New strategic growth will be directed to Maldon, Heybridge and Burnham-on-Crouch. A proportion of new development will be directed to rural villages to support housing needs, local services and facilities, and the rural economy. The policy explanatory text details that growth in the rural villages will be related to the settlement hierarchy reflecting the size, function and physical capacity of the settlement and should not result in unsustainable development patterns to the detriment of the wider area.
9. Sustainable development within defined settlement boundaries will be supported under LDP Policy S8. The policy details a settlement hierarchy ranging from Main Settlements, Larger Villages, Smaller Villages to Other Villages. Purleigh is a Smaller Village, defined as a settlement containing few or no services and facilities with limited or no access to public transport, very limited or no employment opportunities. The explanatory text explains that the policy seeks to reinforce the Council's priority which is to protect the countryside for its intrinsic value. The Council has also stated that there will be an increase in carbon emissions because new residents will require the use of a private motor car because of inadequate facilities and services, including public transport.
10. Purleigh has a primary school, with nursery, village hall, playing fields, the All Saints Church, a community shop, a public house and allotments. The community shop would provide for day-to-day food shopping needs. The appellant's Transport

Assessment¹ (TA) details bus services, roughly hourly, to Southminster, Maldon, Tillingham and Bradwell-on-Sea, Monday to Saturday, mainly during the working day. Another service provides access to Chelmsford and Burnham-on-Crouch on a fortnightly basis. School bus services operate during school term to secondary and grammar schools. The s106 agreement would provide a contribution towards the provision of a Sunday bus service to neighbouring settlements. Further development, with new residents' spending, would help to sustain and enhance existing facilities and services.

11. However, there are no supermarkets and GP surgeries and limited employment opportunities within the village. There would be a need to use a private motor car for a number of trips, as evidenced in the appellant's TA because access to facilities and services by sustainable public transport is not comprehensive. On balance, whilst future residents would have some accessibility to services and facilities, the provision would still result in harm to sustainable transportation principles of the local plan, albeit in a small way.
12. The appeal site consists of an open undeveloped field, comprising grassland with individual mature trees and is enclosed on all sides by woodland, hedgerows and residential development. The grassland has been used for the cultivation of hay. The site rises upwards from existing housing areas in Hawthornes, Westerings and Pump Lane. The site is highly contained by existing landscaping, comprising hedgerows and tree belts, both on the site and in the vicinity, and neighbouring residential development. Furthermore, the sloping nature of the site and the rolling topography of the surrounding area would reduce the visibility of the development.
13. The illustrative masterplan shows one possible way of developing the site with housing mainly within the grassland areas of the site, most significant trees, including Oaks, and boundary vegetation retained, and buffer areas with neighbouring residential areas. There would also be a landscaped area adjoining the school, with a drainage attenuation feature within it. Significant areas of the site are shown to be retained as public open space, BNG and landscaping with the retention of existing vegetation.
14. With the proposal, the housing would be enclosed by much of the retained vegetation and the development around, including the school and village hall. In any future reserved matters application, there would be scope for further landscaping to enhance existing vegetation and housing construction could also utilise local vernacular materials and designs. There would be noticeable change to this undeveloped site itself, as would be expected with any greenfield site, but the illustrative plan demonstrates that housing could be planned to be sympathetic to its surroundings. Consequently, the resultant impact on character and appearance of the area would overall be small and highly localised. Visually, views of the development would be screened and with further mitigation, landscaping, that could be submitted with any future reserved matters, the impact would be further reduced.
15. The appellant's Landscape and Visual Impact (LVIA)² indicates the location of the site within Landscape Character Type (LCT) E; London Clay Landscapes and Landscape Character Area (LCA) E1; South Essex Farmlands under the Essex Landscape Character Assessment 2003. It would lie within LCT F: Wooded

¹ Transport Assessment -Scheme 1, Land west of Westerings, Purleigh, Essex, Rappor, May 2025.

² Landscape and Visual Impact Assessment Sxchem1 , Land at Westerings, Purleigh, Aspect Landscape Planning, 2025.

Farmland Landscapes and LCA F-12: East Hanningfield Wooded Farmland under the Maldon District Landscape Character Assessment (LCA) 2006. Amongst qualifying features, such designations are characterised by rectilinear field patterns, hedgerows, copses and woodland in a gently undulating landscape which relate to the broader surroundings of the appeal site.

16. The LVIA concludes that the proposal's effects on these LCT and LCAs to be none/not significant whilst in terms of the wider and localised landscape of the appeal site, the proposal's effects to be Negligible and Minor Adverse. The effect of the proposal on the site would be Major/Moderate but it is inevitable, with residential development on a greenfield site, there would be change, and the most important appreciation of the effects of the proposal would be from outside the site. For each landscape category, the LVIA's grading of value, susceptibility and sensitivity similarly note an established network of vegetation, the built-up nature of the adjacent residential areas, changing topography and containment. Such considerations reduce the harmful effects of this residential proposal on its surroundings.
17. Visually, from Public Rights of Way (PROW) surrounding the site, the effects have been mostly determined as none from various viewpoints detailed in the LVIA. The exceptions would be the effects of the proposal from the junction of Westerings and Hawthornes, land adjacent to the Village Hall and from land near a PROW elevated above Pump Lane and the Primary school, which have been individually determined as Moderate/Minor Adverse. However, largely, the LVIA shows that development views would be restricted and not prominent, even in winter, especially with further landscaping. Taken as a whole, the findings of the LVIA support the view that the harm of the proposal on character and appearance would be small and localised.
18. In conclusion, the proposal would be located outside the settlement boundary of Purleigh. Future residents would need to use a private vehicle for some services and facilities on the basis of the existing range available in the village and the character and appearance of the area would be adversely affected, albeit these harms would be small. Consequently, the proposal would conflict with Policies S1, S2 and S8 of LDP, albeit in a small way.

Other matters

19. A Design and Access Statement (DAS)³ details a possible designed development with high quality architecture and landscaping. Architecturally, the dwellings would reference local vernacular materials and designs, as detailed in the LVIA, and the scheme would enhance existing landscaping. Within the housing development, trees would be planted along street frontages. Under the DAS, dwelling density would vary across the site with looser, more detached dwellings towards the west and there would be significant areas of landscaping. These details would be secured at reserved matter stage if the scheme proceeded. The documents and details show that a housing development could have a strong sense of place, with a particular focus on attractive green spaces.
20. There have been significant third party highway safety objections to the proposal, having regard to the proximity of the Primary School and nursery, in relation to construction and residential traffic associated with the development. Both at

³ Design and Access Statement, Marrons, April 2025.

school/nursery drop-off and pick-off times, there are children walking either home or to parent cars parked in the vicinity, which would involve crossing roads. However, in the event that the appeal was allowed, a planning condition would secure the submission and implementation of an agreed Construction Management Plan which could detail the routing of construction vehicles avoiding the main part of the village, and the number, timing and frequency of deliveries, to minimise the risk of conflict between school users and vehicles.

21. In respect of residential traffic, the TA details additional vehicular movements during morning and afternoon traffic peak times but they would not be great numerically when spread over the time period of these peaks. The TA details additional traffic use of Pump Lane but the increase in vehicular trips in either direction would similarly not be significant when spread out over the whole time period of the peaks. Third parties have indicated vehicle accidents in the vicinity and the poor layout of Barons Lane/Chelmsford Road and Pump Lane. However, under the TA, there have been two accidents, officially recorded⁴ as slight, within the last 5 years and the highway authority, as a statutory consultee, has raised no objection to the proposal. The TA is comprehensive, produced in accordance with highway policy and guidance, and in the absence of any comparable assessment to the contrary, unacceptable impact on the highway safety of users would be unlikely to occur and the residual cumulative impacts on the road network would not be severe.
22. To address surface water runoff onto surrounding land and sewers, the appellant's Surface Drainage Report (SDR)⁵ details a surface water strategy to reduce run-off to less than a greenfield site by attenuation basins and other features, such as permeable paving, rainwater butts, tree pits and rain gardens. The detail of such a strategy could be secured by way of a suitable drainage condition. As Lead Local Flood Authority (LLFA), Essex County Council has raised no objection to the proposal on surface water drainage grounds subject to conditions securing details of this strategy, the implementation of approved drainage measures and construction, maintenance and monitoring arrangements of any drainage system. The SDR is detailed, taking into account local conditions, and demonstrates this issue can be overcome by condition. As a statutory consultee on drainage matters, significant weight is attached to the views of the LLFA. For all these reasons, the proposal would be acceptable in drainage terms.
23. The proposal would result in the loss of Grade 3 agricultural land. Grade 3a is defined as Best Most Versatile Agricultural Land (BMVAL). LDP Policy D2 details development must take into account the economic and other benefits of preserving the BMVAL. Framework paragraph 187(b) seeks that the value from BMVAL agricultural land is recognised in planning policies and decisions. There would be loss of land associated with agriculture and the economic benefits associated with this. Agricultural land classification, within the Council's administrative area, shows most of the area is characterised by grades 1-3, around the appeal site. The classification of Grade 3 does not distinguish between Grade 3a and 3b, Grade 3b lies outside of the BMVAL definition. The site area is also below the 20 hectare threshold for consultation with Natural England with regard to loss of agricultural land. Assuming the land is BMVAL, the loss of this extent of agricultural land would

⁴ Personal Injury Collision, Essex traffweb website.

⁵ Surface Drainage Report , Westerings, Purleigh, Pell Frischmann, May 2925.

not be great given other such areas within the district for all these reasons and consequently, there would be no BMVAL harm in this instance.

24. The application was supported by a Preliminary Ecological Appraisal (PEA)⁶, together with a Great Crested Newt District Level Licensing Impact Assessment and associated Conservation Payment Certificate (signed by Natural England). The PEA includes field surveys for bats, breeding birds, great crested newts and biodiversity. No signs of badger activity were recorded. The Council's consultant has reviewed these documents relating to the likely impacts of development on designated sites, protected and Priority species and habitats and the identification of proportionate mitigation. The Consultant has advised that there is sufficient information to assess the impacts and raised no objection, subject to the imposition of appropriate conditions, to the proposal. There is no evidence before me to indicate a different view and therefore, an ecological objection would not be a reason to withhold planning permission for this development.
25. There is a planning application for residential development at Novoli Farm on Pump Lane. However, every proposal has to be determined on its own merits and this proposal has not been determined. Consequently, only limited weight can be attached to this consideration.

Habitat Site Assessment

26. The appeal scheme proposes dwellings on a site that would lie with the zone of influence of the Crouch Estuary Special Protection Area (SPA), Roach Estuary SPA and Blackwater Estuary SPA. They are recognised for their value as coastal habitats and their qualifying features are internationally important numbers of breeding and non-breeding waterbirds.
27. The new development would result in new residents, and increased recreation and disturbance, which would have a significant effect on the internationally important interest features of the site, alone or in combination with other plans and projects. Such an effect would be harmful to these sites' conservation objectives.
28. In accordance with the Essex Coast RAMS Supplementary Planning Document (SPD) 2020, a mitigation contribution under the s106 would offset the significant effect of this proposal, singly or in combination with other developments coming forward. Such a contribution would be for rangers, signage and physical works to deter visitors, especially dog walkers from disturbing birds, and affecting habitats. Natural England (NE) were consulted in the preparation of this SPD and for this appeal proposal, it has raised no objection. Significant weight is attached to the SPD due to its evidence-based nature and the comments of NE because it is a statutory consultee on ecological matters. Taking a precautionary approach, the integrity of these habitat sites would not be adversely affected for all these reasons.

S106 agreement

29. LDP Policy S1 requires the identification of the capacity and constraints of local infrastructure and services whilst LDP Policy I1 requires developers to contribute towards local and strategic infrastructure and services necessary to support the proposed development. LDP Policy E6 requires the support and enhancement of training and educational facilities and opportunities to meet the needs of the

⁶ Preliminary Ecological Assessment, RammSanderson, April 2025.

community, local businesses and the local economy. An obligation requires the submission, approval and implementation of an Employment and Skills Plan, which is necessary to secure economic and social benefits during the construction phase and in accordance with this LDP policy.

30. LDP Policy H1 requires AH provision to meet the identified need in the locality and to address the Council's strategic objectives on AH. An obligation secures not less than 40% AH, with at least 75% as rented housing and no more than 25% as intermediate housing which reflects policy requirements applicable to the scheme.
31. LDP Policy N1 requires requirements for new green infrastructure associated with developments to be subject to the legal tests whilst LDP Policy N2 requires the improvement of the condition of existing international national or local designations and wherever possible, all development proposals should incorporate ecologically sensitive design and features. An obligation requires the approval of a BNG plan prior to the commencement of habitat creation, enhancement works, the registration of BNG land and the monitoring and management for a period of at least 30 years. The provision of a BNG plan would be secured by statute, so is not necessary, but the remaining requirements of the obligations would be required as a whole and be in accordance with these LDP Policies.
32. LDP Policy N3 requires the provision of new open space to meet the recreational needs of new residents. An obligation requires the submission of a Local Open Space Specification and Maintenance plan in accordance with this policy. LDP Policy I2 requires the submission of a Health Impact Assessment, detailing wider impact upon healthy living, and the identification of demands being placed upon the capacity of health services and facilities arising from a development. The proposed development would result in a material increase in demand for primary healthcare facilities, with existing healthcare facilities being identified as requiring mitigation to accommodate the growth from this development, in accordance with the policy.
33. In addition to LDP Policy S1, LDP Policy E3 would require the provision of community facilities where an increased need will arise in the local area as a result of development. The proposed developments would result in a material increase in the need for secondary education places and school transport, as identified by County Council, as the education authority. An obligation would secure a contribution, calculated using a formula based on the unit mix of the development, in accordance with these LDP policies.
34. The proposed development would result in increased demand for library services and associated outreach provision. An obligation would secure a contribution, based on a standard per dwelling, in accordance with LDP Policies S1 and E3. To address the ecological integrity of the SPAs, an obligation would secure a RAMS payment, to accord with national and local policy, as set out previously. LDP Policy T1 seeks a more sustainable transport network, giving priority to pedestrians, wheelchairs, cyclists and public transport, and the provision for public transport. An obligation would secure a contribution sufficient to provide a 2 hourly Sunday Bus services, involving access to Maldon, for a period of 4 years based on costings from the County Council.
35. Obligations would also secure fees to monitor the obligations, including BNG, for the County and District, which would be proportionate to the number of obligations. The Council has submitted a CIL Compliance Statement detailing the necessity for

the obligations and the methods of calculation. Further details on requirements and costing are contained with infrastructure consultee responses. On this basis, these tests and those of paragraph 58 of the Framework would be met as a whole. They are necessary, directly related to the development, and fairly and reasonably related in scale and kind.

Benefits of the development

36. LDP Policy S2 also sets out a minimum housing requirement for the period between 2014 and 2029, and a key objective of the Framework is to significantly boost the supply of housing. For Maldon, the latest Housing Delivery Test is 142% (2023) but main parties have agreed that the latest 5YHLS is 2.7, based on a new Standard Method detailed in the Framework (December 2024) which has resulted in the district's annual housing requirement increasing substantially.
37. The Council had resolved to undertake a review of the LDP in 2021 but has not proceeded in a meaningful way since an issues and options consultation over 3 years ago. There is no evidence that the Council is seeking to address the housing shortfall identified by the 5YHLS. Paragraph 73 of the Framework indicates small and medium sized sites, such as this, can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. For all these reasons, the appeal site would make a valuable contribution to housing supply, given it can be built out quickly, and significant weight is attached to the housing benefit of the proposal.
38. Some 40% of the housing would be AH. The Council's 2023/23 Annual Monitoring Report identified a shortfall of 182 units per annum, based on a Strategic Housing Market Area Assessment which would equate to a need of 2730 dwellings over the LDP period up to 2029, The Council's 2021 Local Housing Need Assessment, published as part of the evidence base for the emerging local plan, calculated a need for 209 dwellings per annum. The Council's latest Annual Monitoring Report 2022/23 shows only 599 AH dwellings completed by April 2023, about 66.5 units per annum over 9 years since 2014, well below any requirement. For all these reasons, significant weight is attached to this AH benefit.
39. There would be on-site provision of POS which other residents of neighbouring houses would benefit from, attracting small weight. Small weight would individually be attached to biodiversity benefits, through the provision of BNG, the provision of additional bus services, through the contribution of the s106 contribution, and the enhanced viability of the village's services and facilities.

Planning Balance

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
41. Provision of housing, including AH, would help meet the requirements of the LDP. The provision of POS, BNG, provision of additional bus services and the proposal's enhancement of services and facilities, complies with open space, biodiversity, sustainable transport and community services and facilities policies of the LDP. However, there would be conflict with the development plan strategy of directing development to built-up areas and allocations, and harm to the character and appearance of the area. There would be conflict with Policies S1, S2 and S8 of the

LDP, in terms of its location, scale and nature. The policy explanatory text of LDP Policy S8 makes it clear that a main purpose of the policy is to protect the countryside for its intrinsic value. For all these reasons, there would be conflict with the development plan, taken as a whole.

42. In respect of the protection of areas or assets of importance, there are no Framework policies that would provide a strong reason for refusal. With the absence of a positive 5YHLS, paragraph 11 d) of the Framework applies. There would be adverse impacts due to the conflict arising from development in a countryside area, lacking a comprehensive range of services and facilities, and the character and appearance of the area.
43. However, the housing benefits, namely the boost to supply and the provision of AH, would individually attract significant weight. Additionally, the cumulative weight of the other benefits, POS, BNG, the provision of additional bus services and enhancement of services and facilities, would be great. Overall, the combined weight of all these benefits would be substantial.
44. In terms of access to facilities and services, treating this rural settlement in the same way as a larger built-up settlement, in terms of availability of services and facilities, would not be comparable. By reason of their greater population, urban areas can support a greater range of services and facilities, and are able to sustain greater provision of sustainable transport options. Whilst Purleigh does not have a comprehensive range of services and facilities, it does have a primary school, public house and a shop for day to day food requirements. In this case, the provision of further housing would also enhance and sustain existing facilities and services, and the s106 would provide contributions towards a Sunday bus service, improving links between the village and surrounding settlements, including nearby Maldon.
45. Additionally, despite the LDPs negative view on the availability of services and facilities within the village, the Council's Housing and Economic Land Availability Assessment (October 2023) concludes that the appeal site is both a sustainable location and importantly, suitable for future residential development. As an evidence base for an emerging local plan, this would attract a moderate level of weight. For all these reasons, the adverse impacts arising from the provision of facilities and services by sustainable public transport would not be overriding. The adverse impact on character and appearance would be small and localised for the reasons indicated. Furthermore, there is little progress in the preparation of the emerging local plan to address housing needs, particularly its supply. Within this context, the benefits of this development would be overwhelmingly in favour. When assessed against the policies of 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 housing, individually or in combination, the adverse impacts of the granting permission would not significantly and demonstrably outweigh the benefits.
46. There have been significant public objections to the proposal. The development plan benefits from statutory primacy but there is a presumption in favour of sustainable development concluded here. As a material consideration, this would be of sufficient weight, in this case, to indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, outline planning permission should be granted.

Conditions

47. Suggested conditions have been considered in light of the tests of paragraph 56 of the Framework and policy in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. There are pre-commencement conditions for the approval of details where they are a pre-requisite to enable the development to be constructed.
48. A condition requiring development be carried out in accordance with the details shown on the plans is necessary in the interests of certainty and for the avoidance of doubt. Due to the topography of the site, a condition is necessary to detail existing and proposed ground levels and floor levels in any subsequent reserved matters. In the interests of highway safety and the living conditions of neighbouring residents, the implementation of a construction management plan is required. To secure an acceptable access to the site, a condition sets out visibility requirements for vehicles and pedestrians.
49. To encourage sustainable transportation use, a condition is necessary requiring the provision of a transportation pack for new residents. To prevent flooding, conditions are required to ensure acceptable drainage of the site. In the interests of recording of history, archaeological conditions are necessary. A tree retention and protection scheme is necessary in the interests of the character and appearance of the area. To prevent pollution, a contamination condition is required. In the interests of biodiversity, conditions are required for the implementation of an agreed Construction Environmental Management Plan, ecological mitigation measures, biodiversity enhancement strategy, lighting and habitat management and monitoring plan. To secure acceptable waste disposal, agreed details shall be implemented by way of a condition. Finally, to address housing mix issues, a condition shall ensure reserved matters have regard to the Council's latest Local Housing Needs Assessment.

Conclusion

50. For the reasons given above and having regard to all other matters raised, the appeal should be allowed and planning permission is granted.

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INSPECTOR

Schedule of attached conditions

- 1) Details of appearance, landscaping, layout and scale, (hereafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and thereafter the development shall be carried out in accordance with the details approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of last of the reserved matters to be approved, whichever is later.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: L01 Rev A and P04, in so far as it relates to the access matter.
- 5) Reserved matters to be submitted in condition 1 shall include details of existing ground levels and finished ground levels, and their relationship to the adjoining land, and finished floor levels. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence, including any ground works, until a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall detail:
 - a) vehicle routing;
 - b) the parking of vehicles of site operatives and visitors, and likely number of staff vehicle movements;
 - c) measures for traffic and parking management during construction, including the avoidance of on street parking, where possible, and the encouragement of sustainable modes of transport for workers;
 - d) loading, unloading and storage of plant and materials including details of the number, timing and frequency of deliveries;
 - e) wheel washing facilities and measures to control the emission of dust and dirt during construction;
 - f) measures to restrict noise and disturbance and control of nuisance to neighbours;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) proposed hours of construction (which should be limited to 08:00 hours - 1800 hours on weekdays; 0800 hours - 1300 hours on Saturdays and not at any time on Sundays and Public Holidays).

The approved plan shall be adhered to throughout the construction period.

- 7) No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- a) verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753;
 - b) limiting discharge rates to 2.8l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be provided to facilitate this discharge requirement;
 - c) providing sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event;
 - d) demonstrating that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event;
 - e) provision of 10% urban creep allowance applied to the impermeable areas used to calculate the required storage, in accordance with BS8582;
 - f) final modelling and calculations for all areas of the drainage system;
 - g) the treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Runoff from the residential roofs, driveways, and roads require treatment;
 - h) detailed engineering drawings of each component of the drainage scheme;
 - i) a final drainage plan including on plot drainage which details exceedance and conveyance routes, finished floor level and ground levels, and location and sizing of any drainage features; and
 - j) an updated drainage strategy incorporating all of the above a) to i) points including matters already permitted and highlighting any changes to the previously approved strategy.

The approved scheme shall subsequently be implemented prior to occupation.

- 8) No development shall take place until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works, and prevent pollution, has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not be limited to, details of surface water and groundwater management during construction, measures to control the rate and volume of run-off from the site, details of any dewatering required, the provision of temporary drainage and storage measures, and methods to prevent the discharge of polluted water from the site. The approved scheme shall thereafter be implemented in full for the duration of the construction period. The scheme shall subsequently be implemented as approved.
- 9) Prior to the first occupation of the development, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies, shall be submitted to and agreed, in writing, by the local planning authority. Maintenance should be carried out in line with the agreed arrangements for the lifetime of the development.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the local planning authority.

- 10) No development shall commence, including any clearance and preparatory works, until an archaeological written scheme of investigation, relating to the application site area, has been submitted to and approved in writing by the local planning authority. The approved scheme of investigation shall be fully undertaken prior to the commencement of development.
- 11) A final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design shall be submitted to and approved in writing by the local planning authority. The Post Excavation Assessment report and/or an Updated Project Design shall be submitted within 6 months of the date of completion of the archaeological fieldwork, unless otherwise agreed in advance in writing by the local planning authority.
- 12) No development shall commence, other than that required to carry out necessary investigation, until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and the report of the findings must include:
 - a) a survey of extent, scale and nature of contamination;
 - b) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
 - c) an appraisal of remedial options, and a proposal of the preferred option(s).

The assessment shall be completed in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' or if superceded, equivalent replacement guidance.

- 13) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The

development shall be carried out in full accordance with the approved CEMP throughout the construction period.

- 14) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impacts Assessment (RammSanderson, August 2025), as submitted with the planning application. These measures shall include the appointment of an appropriately competent person, an Ecological Clerk of Works (ECoW), to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 15) Prior to the first occupation of the development, hereby permitted, the access road from Hawthornes shall be provided with a minimum 5.5 metre width and two 2 metre footways either side for a minimum of 15 metres into the site. The access road shall be retained as approved in perpetuity.
- 16) Prior to the first occupation of the development, hereby permitted, the developer shall provide a Residential Travel Information Pack for sustainable transport, the details of which shall be approved in writing by the Council beforehand. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack prior to the first occupation of each dwelling.
- 17) The landscaping matter to be submitted in condition 1 shall include the submission of a Tree Retention and Protection scheme, which shall be in accordance with the requirements of BS5837:2012. The tree retention and protection measures shall be carried out in accordance with the approved detail.
- 18) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the enhancement measures; and
 - f) details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 19) Prior to the first occupation of the development, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) or if superseded, equivalent document, shall be submitted to and approved in writing by the local planning authority. The strategy shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting

places or along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme.

- 20) Prior to the first occupation of the development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan shall be submitted to and approved in writing by the local planning authority, this shall include:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site and off-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - d) the monitoring methodology in respect of the created or enhanced habitat to be submitted in writing to the local planning authority; and
 - e) details of the content of monitoring reports to be submitted in writing to the local planning authority, including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the initial enhancements, as set in the HMMP, have been implemented; and habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat shall be managed and maintained in accordance with the approved HMMP. Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

- 21) The layout matter to be submitted under condition 1 shall include a Waste Management Plan, where bin storage and collection areas shall be specified, shall be submitted to and approved in writing by the local planning authority. The Waste Management Plan shall be implemented as approved and permanently retained thereafter.
- 22) The layout matter to be submitted under condition 1 shall detail housing mix having regard to Maldon District Council's latest Local Housing Needs Assessment. The development hereby permitted shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

K Garvey, Barrister	Kings Chambers
M Wood	Phase 2
D Hacker	Rosconn Group
J Gill	Rosconn Group

FOR THE LOCAL PLANNING AUTHORITY:

M Bailey	Maldon District Council
Cllr S Morgan	District Councillor
Cllr L Wiffen	District Councillor
Cllr T Fittock	District Councillor

INTERESTED PARTIES:

E Johns	Purleigh Parish Council
J Flemming	County Councillor
T Bradford	Local resident
Dr P Williams	Local resident
S Russell	Local resident
S Kerslake	Local resident

DOCUMENTS

1. CIL Compliance Statement, Maldon District Council, March 2026.
2. Photographs of parking in roads neighbouring the appeal site.
3. Public speaking statement of E Johns on behalf of Purleigh Parish Council.
4. Public speaking statement of S Russell.
5. Public speaking statement of S Kerslake.
6. Extract of layout plan for housing on land north of Novoli Farm, Pump Lane, undetermined planning application, reference 26/00014/FUL.
7. Revised conditions agreed between main parties, 20 March 2026.
8. S106 agreement dated 30 March 2026, together with evidence of title and true certification of document.