



**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
5 NOVEMBER 2025**

<b>Application Number</b>	<b>25/00473/OUTM AND 25/00474/OUTM</b>
<b>Location</b>	Land Adjacent Westerings, Purleigh
<b>Proposal</b>	Outline planning application for proposed residential development of up to 55 dwellings and associated infrastructure with all matters reserved except for access.
<b>Applicant</b>	Rosconn Group
<b>Agent</b>	Mrs Samantha Stephenson - Phase 2 Planning
<b>Target Decision Date</b>	25/00473/OUTM appealed due to non-determination 25/00474/OUTM 14.10.2025 (Extension of time agreed)
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>Purleigh</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan Major Application

**1. BACKGROUND**

- 1.1 The applications were reported to the North Western Area Planning Committee on 8 October 2025 with the following recommendations:

**25/00473/OUTM** That the Committee be minded to **APPROVE** this application subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**25/00474/OUTM** To **APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

- 1.2 The previous Committee report is attached at **APPENDIX 1**.
- 1.3 Following a discussion at the Committee meeting, it was clear that Members were minded to overturn the Officer recommendations. Given this potential overturn, and in accordance with the Council's Constitution, the 'constitutional brake' was invoked.
- 1.4 The purpose of this report is to provide further advice to Members on the potential reasons for refusal.

**2. DISCUSSION OF THE SUGGESTED REASONS FOR REFUSAL / RELEVANT POLICIES**

- 2.1 Paragraph 11d of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be

granted unless, at 11d)ii, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, 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,

2.2 The above impacts are to be taken individually or in combination.

2.3 As identified by Members, the main area of concern was regarding the site being in an unsustainable location with poor access to, and provision of, public transport. The relevant policies within the Maldon District Approved Local Development Plan 2017 relating to these issues include the following:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- T1 Sustainable Transport
- I1 Infrastructure and Services

2.4 A suggested reason for refusal for both applications could include the following:

*The Council's strategic policies seek to focus growth in the District's main settlements of Maldon, Heybridge and Burnham-on-Crouch as they constitute the most suitable and accessible locations in the District. The proposal would introduce residential development beyond the settlement boundary of Purleigh, identified as a 'smaller village' in Policy S8 which provides limited services, facilities and employment opportunities, where the principle of the proposed development is not supported. The site is not well located in terms of access to and provision of public transport and access roads to and from the village are constrained and narrow. The majority of journeys to and from the site would be reliant on travel by private car. Accordingly, the proposal would result in unsustainable development.*

*Paragraph 11d)ii of the National Planning Policy Framework provides that applications should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the proposal:*

- *is contrary to key policies for directing development to sustainable locations, and*
- *in the absence of a legal agreement, does not provide affordable homes.*

*The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the LDP and the National Planning Policy Framework taken as a whole. The proposal conflicts with the development plan's spatial framework contrary to Policies S1, S2, S8, I1, and T1 of the approved Maldon District Local Development Plan and guidance in the National Planning Policy Framework.*

2.5 If Members are minded to refuse permission, there would also need to be a reason for refusal relating to the lack of a Section 106 legal agreement to secure affordable housing and management of open space, and contributions towards healthcare, education, libraries, public transport and the Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Suggested drafting for a reason for refusal for both applications could include the following:

*In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposal fails to include:-*

- adequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework;*
- adequate provision to secure the completion, management and maintenance of the public open space, or the provision of the necessary contributions towards education, libraries, public transport and healthcare, such that the impact of the development cannot be mitigated, contrary to Policies S1, D1, N1, N3, I1, T1 and T2 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework*
- adequate provision to secure on- and off-site Biodiversity Net Gain in accordance with Policy N2 of the Maldon District Local Development Plan (2017) and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.*
- a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, and the development would thereby have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the National Planning Policy Framework.*

### **3. SUMMARY**

- 3.1 Members are invited to determine the applications having regard to the Officers' recommendation or otherwise, having regard to the decision they were minded to make and the advice and information contained in this follow-up report.
- 3.2 If Members are minded to refuse the applications, in accordance with the appeal protocol, the Committee should nominate a Member to represent the Council at appeal.