



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

**to
COUNCIL
12 FEBRUARY 2026**

MALDON FIVE-YEAR HOUSING LAND SUPPLY 2025 CALCULATION

1. PURPOSE OF THE REPORT

- 1.1 For the Council to consider the Five-Year Housing Land Supply (5YHLS) calculation for Maldon district.

2. RECOMMENDATIONS

- (i) That the Maldon Five-Year Housing Land Supply 2025 calculation position at 1 April 2025 (**APPENDIX A**) is approved and published on the Council's website;
- (ii) That authority is delegated to the Director of Place, Planning and Growth to make minor amendments and corrections, if required, to the Maldon Five Year Housing Land Supply 2025 document (**APPENDIX A**) prior to publication; and
- (iii) That authority is delegated to the Director of Place, Planning and Growth in consultation with the Planning Policy Working Group, to review and update the methodology for calculating the Five-Year Housing Land Supply based upon the latest guidance, case law and legal advice.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 Local authorities are required identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement and against their local housing need. The 5YHLS calculation is reported to the Council.
- 3.1.2 This calculation reflects the position at 1 April 2025. This is the start of the monitoring year, when all similar planning monitoring data is collected and analysed. A further report will be published in the Summer of 2026 once the data has been collected and analysed following 1 April 2026.
- 3.1.3 The data in this report has been presented to the Planning Policy Working Group (PPWG) in December 2025 and Strategic Housing Working Group in January 2026.
- 3.1.4 In December 2024 the Government published a National Planning Policy Framework (NPPF), updated sections of the Planning Practice Guidance (PPG) and other updates. This introduced a new way to calculate local housing needs.

3.1.5 The latest housing need figure for the Maldon district is a requirement of 584 homes per annum. In addition, an additional 5% buffer is added to ensure choice and competition in the market for land. This supply is brought forward from later in the plan period.

3.2 5YHLS calculation methodology

3.2.1 The Council has previously received reports and approved the methodology for calculating the 5YHLS. The Government already publishes detailed guidance relating to the methodology: [Housing supply and delivery - GOV.UK](#) which is supported with sections in the NPPF. Case Law changes over time, and legal advice has also been sought in the past.

3.2.2 The Government is currently consulting on proposed changes to the NPPF, and there may be updates in the NPPF and/or the PPG relating to the methodology.

3.2.3 In May 2025 the Government consulted on a Planning Reform Working Paper: Speeding Up Build Out. The paper sought views on options the Government could pursue to ensure the right incentives exist in the housing market, and local authorities have the tools they need, to encourage homes to be built out more quickly. [Planning Reform Working Paper: Speeding Up Build Out - GOV.UK](#). The Government has not yet responded following the consultation, however it is clear effective tools to ensure developers build more quickly will have significant impact on the 5YHLS calculation.

3.2.4 Therefore, this report seeks delegated authority to the Director of Place, Planning and Growth in consultation with the PPWG, to review and update the Council's 5YHLS methodology based upon the latest guidance, case law and legal advice.

3.3 Five Year Housing Land Supply calculation

3.3.1 Set out in **APPENDIX 1** is the full Maldon 5YHLS 2025 document. This section of the report provides the key tables from that document.

3.3.2 Table 1 below identifies that the Five Year Housing Land Requirement, including the 5% buffer, is 3,066 homes.

Table 1

Requirement	
Annual Housing Target over 5 years (584 homes x 5 years)	2,920
Plus 5% buffer	146
Total Housing Requirement	3,066
Annual housing requirement figure (3,066 / 5)	613

3.3.3 Table 2 below sets out the sources of supply over the five-year period.

Table 2

	25/26	26/27	27/28	28/29	29/30	Total
Small sites with planning permission (sites of 1 to 9 homes)	-	-	-	-	-	194
Unidentified small windfall sites 1 to 9 – 56 homes per annum	0	0	28	55	55	138

	25/26	26/27	27/28	28/29	29/30	Total
Sites allocated in the Local Development Plan	342	319	248	245	160	1,314
Large 'windfall' sites not allocated in the Local Development Plan	95	153	170	219	249	886
Total						2,532

- 3.3.4 Table 3 below sets out the 5YHLS calculation, which concludes that Maldon district has 4.1 years supply.

Table 3

Housing supply	Total
Annual Housing Target (584 homes x 5 years)	2,920
Plus 5% buffer	146
Total requirement	3,066
Annual housing requirement figure (3,066 / 5) Rounded up	613
Total supply over the next five years (see Table 2)	2,532
Five Year Housing Land Supply (total supply 2,532 / annual requirement 613)	4.1 years

- 3.3.5 The shortfall over the five-year period in absolute numbers at 1 April 2025 was 534 homes.

3.4 Implications of the 5YHLS calculation

- 3.4.1 The current 5YHLS calculation means that the Council is not able to demonstrate a 5YHLS of deliverable sites. The NPPF states that where a local authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer) the relevant development plan policies are deemed 'out-of-date'. This means that the approved Local Development Plan policies most relevant for determining a planning application - specifically regarding housing supply - are considered to have reduced weight (or importance) when considering whether to grant planning permission.
- 3.4.2 In these circumstances, the 'presumption in favour of sustainable development' set out in paragraph 11(d) of the NPPF will apply to planning applications for new homes. This is often referred to as the 'tilted balance'. The NPPF states that where there are no relevant policies, or if the most relevant Local Plan policies for determining a planning application are 'out of date,' planning permission should be granted; but with two exceptions.
- 3.4.3 NPPF paragraph 11(d) i. sets an exception where in a protected area or assets of particular importance provide a strong reason for refusal. These areas relate to habitat sites, Sites of Special Scientific Interest (SSSIs), Green Belt, Local Green Space, National Landscape, National Park, Heritage Coast, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change) or where the harms caused by the proposed development significantly and demonstrably outweigh its benefits.

- 3.4.4 NPPF paragraph 11(d) ii sets out a further exemption where the any adverse effects 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.
- 3.4.5 The 'tilted balance' term is used to describe this policy approach because, when it is applied, it alters the 'balancing exercise' that decision-makers (such as planning officers, planning committees, inspectors, or the secretary of state) use when deciding whether to grant planning permission. This balance considers whether the harms of a proposal 'significantly and demonstrably' outweigh its benefits. The tilted balance shifts the scale in favour of granting planning permission.
- 3.4.6 When the tilted balance is applied, it is essential to conduct a planning balance to evaluate applications and appeals. This process requires decision-makers to assign varying degrees of weight to the harms and benefits of a proposed development. It is nuanced and subjective, rather than a straightforward comparison where one benefit outweighs one harm.
- 3.4.7 The tilted balance does not ensure automatic permission or replace the decision-makers duty to check first whether planning permission should be granted according to the Development Plan as a whole unless other significant factors suggest otherwise.
- 3.4.8 Even if the tilted balance applies, the decision-maker can refuse planning permission. However, any refusal must be based on proper, sound, and demonstrable reasons showing that the proposed development's harms outweigh its benefits. It cannot be simply because the site has not been allocated for development in the Local Plan.
- 3.4.9 When assessing the balance of a new housing scheme, an essential factor to consider is the number of homes expected to be built within the 5YHLS window.
- 3.4.10 As soon as the Council is able to demonstrate 5YHLS then the LDP policies relating to housing supply cease to be considered out-of-date and the tiled balance no longer applies. Given the shortfall at 1 April 2025 is only 527 homes, the granting of planning permissions for new homes could reverse the current situation.

3.5 **Local Plan review**

- 3.5.1 Work began on a review of the Maldon District LDP in 2021. Significant progress has been made since then, including public consultation, updated evidence base and call for sites.
- 3.5.2 The Levelling Up and Regeneration Act (October 2023) introduced a new approach to plan making, which is based upon a shorter timeframe, more proportionate evidence base, and clearer project management steps. This new system required secondary legislation.
- 3.5.3 As discussed earlier, with the Government's new methodology for calculating housing need was published in December 2024, the housing requirement for Maldon

district nearly doubled. This required a fundamental review of the sites which could be allocated in a new local plan for Maldon district.

3.5.4 The Government has set a limited transition period for local plans being prepared under the old / legacy system, with a deadline for submitting the plan for examination by December 2026. The emerging Local Plan for Maldon will not meet that deadline. The secondary legislation for the new system is expected to be published in Spring 2026.

3.5.5 Work is underway to secure consultants to prepare a new Project & Resourcing Plan and Project Initiation Document (PID) for a Local Plan for Maldon district under the new system, detailing how the existing work can be transferred into the new plan, with a project management process, resource plan and clear milestone.

3.5.6 Once this work is completed a full report will be presented to the PPWG and then onto the Council.

3.6 Implications of Local Government Reorganisation (LGR) / Devolution

3.6.1 Under LGR on 1 April 2028 when the new Unitaries are formed, the housing requirement will be the combined housing requirement of all of the former constituent authorities, spread across the new geographic boundary. The next 5YHLS calculation will be published after the LGR 'minded to' decision, expected in March 2026, and will need to consider this scenario.

3.6.2 Under Devolution, the upper tier authorities (Essex County Council, Southend City Council and Thurrock Council) have commenced work on a Spatial Development Strategy (SDS) for Greater Essex. This work will be taken over by the Combined County Authority. The SDS will consider the reapportionment of each of the district's local housing need requirements across the Greater Essex area and will form part of a holistic approach to ensure growth takes place in the most sustainable locations supported by appropriate infrastructure.

4. CONCLUSION

4.1 The current 5YHLS for Maldon district is 4.1 years. Until the Council is able to demonstrate five years' worth of housing land supply the relevant policies in the Maldon LDP are considered out-of-date.

4.2 The next calculation of the 5YHLS for Maldon district will be undertaken in the Summer of 2026. That review will be undertaken in light of the revised NPPF which is currently being consulted upon, plus any updated guidance.

4.3 A new Project & Resourcing Plan and PID for a Local Plan under the new system is being prepared and will be reported to the Council in Spring 2026.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Supporting our communities

5.1.1 The Corporate plan highlights that district needs more homes to meet the demand of our growing population and government targets, including affordable homes and temporary housing. Monitoring housing supply ensures that the Council supports housing development to meet the need of residents across the district.

5.2 Investing in our District

- 5.2.1 The Corporate Plan identifies that we are seeking to provide a better place for residents, businesses and visitors, ensures the right development are in the right places, and delivery well designed housing and healthy places.

5.3 Growing our economy

- 5.3.1 The Government links the delivery of new homes to the need to support the economy. The housing sector provides jobs within the district and assists in supporting the local and national economy.

5.4 Protecting our environment

- 5.4.1 As set out in the report, if the Council is unable to demonstrate a 5YHLS the 'presumption of sustainable development' otherwise known as the 'tilted balance' applies, and this reduces the ability of the Council to plan appropriately for growth, which may lead to development in the countryside, un sustainable locations, which is not supported by appropriate infrastructure.

5.5 Delivering good quality services

- 5.5.1 The 5YHLS calculation should assist the Council in the determination of planning applications.

6. IMPLICATIONS

- (i) **Impact on Customers** – Having a clear methodology for the 5YHLS helps the public understand the Council's rationale for decision making affecting housing in the planning process.
- (ii) **Impact on Equalities** – There are no direct impact upon equalities arising from the recommendations in this report.
- (iii) **Impact on Risk (including Fraud implications)** – There are no direct risks arising from the recommendations in this report.
- (iv) **Impact on Resources (financial)** – There are no direct impact upon financial resources arising from the recommendations in this report.
- (v) **Impact on Resources (human)** – There are no direct impact upon human resources arising from the recommendations in this report.
- (vi) **Impact on Devolution / Local Government Reorganisation** - There are no direct impact upon Devolution / LGR arising from the recommendations in this report. The implications of the impact of Devolution and LGR upon the 5YHLS is covered in this report.

Appendices:

APPENDIX A Five-year housing land updated supply calculation at 1 April 2025

Background Papers: None.

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