



Town & Country Planning Act 1990

APPEAL UNDER SECTION 78(1)

By

Mr Anthony Hardy (Capital Community Developments LTD)

At

Land North of Gardenia Close and Garden Square

Rendlesham

Suffolk

Statement of Case

By

East Suffolk Council

Planning Inspectorate Ref: APP/X3540/W/19/3242636

ESC Ref: DC/19/1499/FUL

1. Introduction

- 1.1 This sets out the Statement of Case of East Suffolk Council with regards to the proposed development of 75 dwellings on Land North of Gardenia Close and Garden Square, Rendlesham, Suffolk. This has been prepared by East Suffolk Council (“the Council”). In respect of highways, drainage, archaeology and county infrastructure matters, the Council is working with Suffolk County Council (“the County Council”) to provide supporting information for its case and if necessary, will draw upon County Council Officers to provide evidence.
- 1.2 In respect of matters relating to Conservation of Species and Habitats Regulations 2017 (Habitats Regulations 2017), the Council was the Competent Authority, however this is now the Planning Inspectorate; this matter is covered further in the Statement of Case. It should also be noted that during the course of this appeal this legislation will be replaced by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and further consideration will need to be given to what effect this has on the appeal.
- 1.3 This Statement of Case has been produced in accordance with the updated Statement of Case guidance. It does not attempt to reproduce information which is already available, or which may instead be agreed in the Statement of Common Ground. It focusses on areas of difference and reflects on the appellants statement of case and new submissions in addressing each reason. The word count has been refined as far as is possible to ensure that the inspector is well informed. Although this exceeds the 3000 word recommended limit it is also noted that the appellant’s statement of case exceeds 16,000 words and therefore the Council trusts that Inspector will consider the Councils submission to be fairly produced in accordance with guidance.
- 1.4 The development which forms the subject of this appeal (“the appeal proposal”) is described as the following:
- “A phased development of 75 dwellings, car parking, public open space, hard and soft landscaping and associated infrastructure and access.”*
- 1.5 The application was validated by the Council on the 9th April 2019 and given the reference number DC/19/1499/FUL. It was determined by delegated powers on the 8th July 2019, the decision notice is provided as Appendix 1. There was no representation of support from Rendlesham Parish Council or Statutory Consultees, and therefore the Council’s Planning Committee referral process was not triggered.
- 1.6 The refusal reasons cover the following matters:
1. The principle of development and its conformity with the allocation in Policy SSP12 of the East Suffolk - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies.
 2. Affordable housing provision – the mix of size and tenure of proposed affordable dwellings.
 3. The design and layout of the development.
 4. The effect of the adjacent Anglian Water sewage treatment works and its associated Cordon Sanitaire.
 5. Impact of the design on the residential amenity of existing and future residents.
 6. The impact of the development on the integrity of habitats sites (under the Habitats Regulations 2017)
 7. The accommodation of existing sewers in the layout of the proposal.

8. The ability to secure affordable housing and contributions to mitigation through a necessary legal agreement.
- 1.7 In respect of reason 1, based on the clarification of that reason in this statement of case, the Council confirms that it does not seek to defend the specific points in that reason but that they are instead covered by other reasons. This reason will not be defended in isolation and focus will instead be placed on defence of reasons 3 and 5.
- 1.8 Based on information received as part of the appeal submission in response to reasons for refusal 4 and 7, the Council is satisfied with the information enables the Inspector to consider the effects of those aspects of foul drainage infrastructure interacting with the proposal. There is no longer a requirement for the Council to defend these reasons.
- 1.9 In respect of reasons 2 and 8, these are capable of being addressed over the next month through the statement of common ground and section 106 agreement and therefore evidence on these reasons may not be required and there is scope that the Council will not defend these. Equally, the Council has engaged with the appellant regarding reason 6 and the appellant has the opportunity to present a package of mitigation and information to enable the Council to withdraw its defence of this reason.
- 1.10 It is therefore possible for this appeal to consider this proposal with a focus solely on design impacts raised in reasons 3 and 5 and the conflict of this proposal with the development plan and NPPF.
- 1.11 The refinement of this appeal to a design focussed and policy compliance case was anticipated and communicated with the Planning Inspectorate and appellant upon receipt of the start letter where the Council requested for this appeal to be considered through an Informal Hearing. The Council remains content that an Informal Hearing is the most appropriate manner to address this appeal, particularly as we have indicated that the design matters should be addressed through a roundtable session, as the Rosewell process supports.
- 1.12 This statement of case is written to support the Council's latest position on the above reasons for refusal and in response to the statement of case from the appellant dated November 2019. This includes the defence of the position of the Council's development plan and its five-year housing land supply position. It should be noted that five-year supply should not be a matter for debate in this appeal and that is further covered in section 5.
2. **The Appeal Site** - A full description of the site will be agreed in the Statement of Common Ground
3. **The Development Plan** – The relevant development plan documents and policies to be referred to are covered in the officer report but updated attention to these will be covered in the Statement of Common Ground
4. **Relevant Planning History** – The full planning history will be agreed in the Statement of Common Ground.

5. The Council's Case

Status of the development plan

- 5.1 The Council benefits from an up to date and NPPF compliant Core Strategy (2013) and Site Allocations and Area Specific Policies Document (2016) along with the Rendlesham Neighbourhood Plan (2015) forming the development plan as a whole for decision making in this location.
- 5.2 The decision must be made in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. The Inspector must determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Section 38(6) therefore involves a two-stage process; namely consideration of whether the proposal is in accordance with the plan and then, whether there other relevant material considerations indicate that a decision should be taken other than in accordance with the development plan.
- 5.3 The appellant's case is based on the status of policy SP2 of the Core Strategy and the engagement of the tilted balance. Their claim remains one which has been made in many appeals over recent years. It is a matter that the Council takes very seriously having had to defend its position considerably and effectively over recent years. The appellant's Statement of Case makes no mention of any public inquiry appeal decision received since the 20th March 2018 email they rely upon. These decisions were fundamental enough to influence the withdrawal of two public inquiry appeals over the past year.
- 5.4 The appellant disappointingly relies upon an informal email (as their Appendix 1) from Ben Woolnough to the planning consultant sent on 20th March 2018. This relies on the Council's so-called 'own admission' which is now nearly 2 years old, a period over which we have had two revisions of the NPPF. If the appellant had adequately researched the position of the development plan in highly relevant appeal decisions and housing land supply assessments since that email, then the following section would have been unnecessary. It should be clarified that the appellant failed to provide a follow on email (Appendix 2) to the planning consultant which updated that position on 19th November 2018 providing feedback on the outcome of the Bell Lane decision (Appendix 5), which was also attached to that email.
- 5.5 In order to set the full scene of how circumstances have evolved since the email the appellant relies upon, the following documents and important appeal decisions are relevant and essential reading in chronological order. They have all been cited in recent other appeals, including the most recent relevant appeal provided as Appendix 7.
- **Appendix 3 - 2018 Housing Land Supply Assessment**
 - Provides commentary and calculations on the alternative use of the emerging standard methodology over the outdated housing requirement of SP2 (Paragraphs 7-9)
 - **Appendix 5 – Bell Lane Appeal** – Public Inquiry held 26 June 2018 - Decision letter dated 20 July 2018
 - This addresses the status of SP2, its relationship with housing need and the relationship with its follow-on area based and housing distribution policies. (Paragraphs 12-19 and 104)
 - **Appendix 6 - The Aldeburgh appeal** – Public Inquiry held 10 September 2018 - Decision letter dated 21 November 2018.
 - This dealt again with the status of SP2, housing need, the tilted balance and status of development plan policies (Paragraphs 13 and 14)

- **Appendix 4 - 2019 Housing Land Supply Assessment** (Paragraphs 33 and 34)

5.6 In respect of the five-year housing land supply position. The appellant does not appear to challenge the supply within the statement of case. However, the draft Statement of Common Ground suggests that:

“The LPA has a Statement of Housing Land Supply dated August 2019 which has not been produced in accordance with Paragraph 74 of the NPPF”

5.7 In respect of paragraph 74, the appellant is misinterpreting this paragraph and not having regard for paragraph 73 which identifies the difference in producing an ‘annual position statement’.

5.8 The appellant is referred to Appendix 7, which is an appeal decision letter (paragraph 41) and costs decision (paragraph 13) which dealt with this matter. The appellant has not reviewed that appeal and it is hoped that again, this matter can be addressed swiftly. If the appellant maintains their position on paragraph 74 then the status of the Council’s five-year housing land supply would need to be opened up in full in this inquiry.

5.9 Finally, the appellants statement of case seeks to make a case on paragraph 11 of the NPPF and the ‘most important policies’. The appellant does not actually quote the complete wording of the NPPF, which is:

“or the policies which are most important for determining the application are out-of-date, granting permission unless:”

5.10 The appellant makes no attempt to consider the paragraph 11 importance of each individual policy for the determination of this appeal or refer to any relevant past decisions which may have dealt with this matter. Nor do they appraise what effect the housing need of SP2 has on the policy itself or other linked policies. The Council will draw upon existing evidence which addresses this matter and set out how the SP2 position does not infect other policies.

5.11 The Council’s position is that the tilted balance is not engaged and this accords with recent appeal decisions and the lawful decision making process on the whole for all planning applications being determined by the Council. Should this point not be agreed as common ground then the Council will provide a hypothetical assessment of the proposal under the tilted balance in its planning proof of evidence.

5.12 All relevant policies of the Development Plan, including the Neighbourhood Plan, attract full weight in the consideration of this appeal when considered against Section 38(6). The strength of the maintained reasons for refusal will directly refer to all relevant development plan policies and the lack of material considerations which otherwise indicate that this should be allowed.

5.13 The Council strongly encourages the appellant to review their position based on all available evidence listed above and withdraw their challenge of the status of SP2, therefore reaching common ground with the Council that:

- a) Appendix 1 of the appellants statement of case should not be relied upon as evidence.
- b) Policies of the Local Plan are up to date and conform with the NPPF, except for the housing requirement of SP2 which is now irrelevant, as is the need to commence a Local Plan review in 2015.

- c) That the Council has a five-year housing land supply which has been assessed in accordance with the NPPF.
- d) That the NPPF paragraph 11 tilted balance is not engaged.
- e) That the appeal must only be decided in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. The Inspector must determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.

5.14 Should the appellant fail to agree common ground on these points then the Council will defend these points in full through expanded evidence in proofs and would expect to address those through evidence in chief and cross examination.

Reasons for Refusal

5.15 This statement covers the eight reasons for refusal in order

Refusal Reason 1 – Principle of development

Policy SSP12 (Land west of Garden Square, Rendlesham) states:

5.05ha of land west of Garden Square, Rendlesham, as shown on the Policies Map, is identified for a mixed residential development and greenspace provision for approximately 50 units.

Development will be expected to accord with the following criteria:

- *Meet the minimum distance from the Water Recycling Centre within which new residential development is considered acceptable as advised by Anglian Water;*
- *Provision of a flood risk assessment;*
- *Accommodate the sewers that cross the site;*
- *The development will need to demonstrate there is adequate capacity in the foul sewerage network or that capacity can be made available;*
- *The design, layout, mix and type of housing proposed is compatible with the housing and transport objectives set out in the 'made' Rendlesham Neighbourhood Plan;*
- *Provision of affordable housing;*
- *The remaining greenspace should be used for a mix of informal open space suitable for daily dog walking, allotments or orchards in accordance with Rendlesham Neighbourhood Plan policy RNPP3;*
- *Provision of a substantial landscape buffer to the northern and western boundaries where it abuts open countryside;*
- *An archaeological assessment will be required; and*
- *A transport assessment.*

In addition, the air quality impacts of traffic from cumulative development at Melton crossroads and the Air Quality Management Area declared in Woodbridge will need to be investigated in the form of an Air Quality Assessment, together with a mitigation appraisal.

5.16 SSP12 establishes a well-defined and plan-led approach to growth of the village. It is an up to date, NPPF compliant policy which is presently being reviewed as part of the emerging allocation for a similar use of the site. Allocation of this site is well informed by an evolving evidence base, public consultation and two past examinations. Purely through consideration of

the above policy, the appeal as it has been submitted as of 19th December 2019 accords with the non-underlined parts of this policy – in isolation of other policies and considerations.

- 5.17 In terms of housing numbers alone, the proposal for 75 dwellings set against an allocation for approximately 50 dwellings, confined by prescribed limitations (described in the allocation), is not objected to by the Council in principle. It is however the effect of the proposed 75 dwelling design and scheme which causes conflict with three of the expectations of SSP12 and demonstrable conflict with DM21 and DM22 referenced in this reason. As those three bullet points are encompassed in other reasons for refusal, which also draw upon DM21 and DM22, this reason in itself sets a context but is not required and will not be defended. This does prejudice the Council's case on the adverse layout, design and residential amenity effects of the proposal. Nor does it compromise the Council's case in reference to the Rendlesham Neighbourhood Plan or in making reference to SSP12.

Refusal Reason 2 – Affordable Housing

- 5.18 Policy SP3 (New Homes) requires a mix of different bedroom properties. as a general rule across the district the proportions shown in table 3.6 of the Core Strategy should be sought in terms of house size. This should also be informed by the Strategic Housing Market Assessment (SHMA). Since the Core Strategy was adopted a new SHMA has been produced and this informs the housing mix expectations of the emerging Local Plan under policy SCLP5.8: Housing Mix and current planning applications.
- 5.19 The reason for refusal does not draw criticism of the open housing market mix, it does however set out a conflict with the affordable housing mix expectations for this site. The housing mix proposed remains sub-optimal and not based on the local housing need or SHMA.
- 5.20 The affordable rented housing need in Rendlesham is:
- 1 bed units x 13, 2 bed units x 9 (1 assisted living), 3 bed units x 7 (1 assisted living), 4 bed units x 1
- 5.21 A recent consideration by the Head of Housing has advised that the mix should comprise of the following. This is a slight change to that set out at application stage because housing need does vary over time.
- 12 Affordable rented houses
1 bed flats x 5
2 bed bungalows level access and bathrooms x 1
2 bed houses x 3
3 bed bungalows Level access and bathrooms x 1
3 bed houses x 2
- 13 Shared Ownership and Discounted market sale
1 bed flats x 7
2 bed houses x 4
3 bed houses x 2
- 5.22 It remains the case that the proposal's complete reliance on delivery of affordable housing in apartments fails to meet a local need for this large rural village where the affordable need includes families, specifically the requirement for eight 3 bed houses. 13 of the 25 apartments

should instead be two storey houses or bungalows based on local need. None of the proposed apartments would be provided with private gardens or dedicated parking.

- 5.23 The reason for refusal is also clear that the location of affordable units is not demonstrated. In attempting to consent a full planning permission it is a clear expectation that the affordable housing units should be detailed on a plan for approval. Their size, appearance and relationship with open market units should be considered and a clear plan designating their locations is a necessity in the decision making process. The appellant claims that a copy of the affordable housing locations plan was part of the hand submitted s106. It was not digitally submitted for the application. The requirement for that plan has been fulfilled within the appeal submission, although at the time of writing it was only as a s106 plan and not a standalone plan to be listed in the decision notice. The Council would expect this plan to also form a conditioned plan in the event that the appeal is allowed.
- 5.24 As a full application the need for the affordable housing location plan was essential to consider whether the housing mix could be accommodated. The appellant has the opportunity to consider whether any of the proposed open market unit could instead be utilised to provide a mix closer to that of the local need and make amendments to the affordable housing location plan.
- 5.25 It is confirmed that the attractiveness of the units to registered providers is no longer to be defended as part of the Council's case.
- 5.26 As this plan is now being considered alongside a formally submitted draft s106 agreement, it enables a judgement to be made on the following element of the reason for refusal - whether *"this scheme will provide an appropriate level and tenure of affordable dwellings"*.
- 5.27 The original submission did not include draft heads of terms for a s106 agreement and as a paper draft s106 was submitted to the Local Planning Authority in the later stages of the statutory determination period its full consideration was not possible. The affordable housing definitions and obligations have now been reviewed.
- 5.28 The affordable private rent tenure proposed is now capable of consideration in full. This is the first time that the Council has seen a build to rent model of housing incorporating affordable private rent within the District. As a very new emerging tenure and model of rental delivery the Council needs to carefully consider this tenure within the s106. It would appear in principle that the tenure complies with the NPPF and NPPG, however this is dependent on definitions, obligations and trigger points to ensure that it is secured in a policy compliant manner.
- 5.29 The key issue with the reason therefore remains its compliance with Policy DM2.
- "the District Council will need to be satisfied as to the adequacy of arrangements to ensure that these homes are offered to local people who can demonstrate need, at a price which they can afford, and that its enjoyment is by successive, as well as initial, occupiers"*
- 5.30 If a section 106 agreement to secure policy compliant affordable housing cannot be agreed, then this reason for refusal will be maintained and defended and it therefore closely accompanies reason for refusal 8.
- 5.31 It will remain relevant, should there be no secured affordable housing, to take note of the Economic Viability Appraisal (EVA) submitted with the application. This does state that the site can only be made viable and deliver the appellants interpretation of affordable housing with the developer's profit being reduced to 6%. It is noted that a significant influence on this

position is the build cost of the proposed housing, at £1,649 per square metre. The submitted Viability Assessment does not meet the requirements of the NPPG.

- 5.32 Should a s106 obligation to secure policy compliant affordable housing fail, the Council will seek to defend a non-policy compliant affordable housing position which may need to include a view on the viability of the development. The Council is prepared to provide a proof of evidence on viability position and if necessary, put forward an expert witness. This may require evidence in chief and cross examination although it could also be dealt with on a roundtable basis as part of the s106 session. However, in anticipating that a s106 could be signed there is scope for this reason for refusal not to be defended.

Refusal Reason 3 – Design and layout of the development

- 5.33 The Council will demonstrate that the proposed development would fail to create well laid out streets and that its layout would create features, barriers, exposed spaces and boundaries that would not form a safe and socially interactive scheme. The Council confirms that its evidence in respect of design will not focus the architecture of buildings or specific house types. The Design expert witness will make reference to relevant national and local design policy and guidance and Building for Life 12.
- 5.34 The layout lacks full pedestrian integration and fails to utilise all available opportunities to do so. The effect of this is to partly isolate and separate off the new layout from the existing with the result that the development will be more self-contained and less accessible. The layout provides for an insufficient number of footways within the internal arrangement of routes. The effect of this is to increase the impression of vehicle dominance with the result that pedestrian permeability would be reduced, and safety and sustainability compromised.
- 5.35 The layout provides for a limited extent of interaction of properties with Public Open Spaces because of the lack of unfenced active frontages that bound them. The lack of integration of open space into the layout has the effect of reducing the quality of the design and the extent of passive supervision with the result that they may be under-used and adversely impact their value for social interaction.
- 5.36 The layout includes for the over-dominant provision of what are understood be private unadopted culs-de-sac. The effect of this is a dominance of private realm and a reduction in connectivity between routes and spaces with the result that permeability is reduced.
- 5.37 The layout is uniform in character, typology, orientation and parking provision. The effect of this is a design that is site-unresponsive, repetitive and ignores full contextual opportunities with the result that the layout is poor and fails to take the opportunity for improving the character and quality of the area.
- 5.38 The layout lacks active frontages to the principal central axial route along which the scheme is organised, which runs east-west from Garden Square. This is also the case for the primary vehicular route connecting the site between Tidy Road and Garden Square, which is further compromised by dominant two metre high boundary fencing. The effect of this is to sterilise these spaces for pedestrian use and increase the impression of vehicle dominance with the result that the principal route will appear unwelcoming.
- 5.39 In its proof of evidence, the Council will draw principally on the Appellant's submitted drawings and exercise their own professional judgment as to the quality of the layout design. It is

recommended that this matter is dealt with through a roundtable session allowing interaction between design and planning professionals on design principles and interpretation of policy and guidance.

Refusal Reason 4 – Effect of the adjacent sewage treatment works

- 5.40 Anglian Water had raised the concern of the odour impact of the Anglian Water Treatment Plant to the north east corner of the plot and wish for a detailed assessment to be carried out and had asked for more details during the application. The required report has been submitted as part of the appeal and it would appear to satisfy the concerns. Adequately addressing the cordon sanitaire was a policy expectation for this application and the original submission failed to do that. In the absence of a suitable assessment this reason for refusal was justified.
- 5.41 The Council no longer seeks to defend this reason based on information now available. This does not prejudice the Council's recognition of the odour and presence of the sewage treatment works when considering the development layout as-a-whole.

Refusal Reason 5 – Impact of the design on residential amenity of existing and future residents

- 5.42 The appellant has submitted a review of the impacts which were identified leading to this reason for refusal. It is evident from the case officer's report that impacts are identified in the layout which do not comply with DM23. The Council intends to defend this reason for refusal, however, a review has refined the defence of this reason to the impact on residential amenity of future residents through overlooking between properties. On balance the relationship of windows with fences, smaller gardens, front to back distances and visibility into ground floor windows are not deemed to be such adverse effects to be seen as contrary to DM23. They do expose flaws in the overall design and layout but not for the purpose of this reason for refusal.
- 5.43 Focussing on the inter-relationship of side windows of the plots and privacy, due to the specific relationships of plots and house types, the Council proposes to address these on an individual basis for every side-to-side relationship. We will attempt to do this as part of the Statement of Common Ground with the appellant ahead of proofs of evidence. This will enable a clear and technical comparison of the position taken by each party and minimise the need for expansive work in proofs. Opportunities to mitigate those impacts will be discussed, including any obscure glazing and non-opening windows – though this is not always appropriate. Landscaping is highly unlikely to address the impacts referred to.
- 5.44 Properties proposed on a housing estate development should be designed to avoid overlooking impacts in order to maintain suitable levels of privacy for residents. Even in the event that a smaller number of privacy impacts remain disagreed, residential amenity on a plot by plot basis is not a matter of balance across a whole site. Individual properties should enjoy a good level of privacy irrespective of the wider level of amenity of the whole development. That is a fundamental of good residential layout design. For that reason, the requirements of DM23 will be defended in full.
- 5.45 This matter can be addressed through proofs of evidence, the statement of common ground and as part of a design roundtable session with input from the Council's planning expert witness.

Refusal Reason 6 – Likely significant effects on Habitats Sites

5.46 Habitat Regulations Assessment's (HRA's) have been completed for Local Plan documents including the Core Strategy and Site Allocations and Area Specific Policies documents. Appropriate Assessment has also been carried out for both of these documents. The conclusion of these is that a number of planning policies, including those relating to housing allocation, would have a likely significant effect on European sites and in the absence of suitable mitigation measures would adversely affect the integrity of these sites.

5.47 The Council has a template Habitats Regulations Assessment document used to consider and inform the decision making process, specifically where it is intending to consent a development. This was developed in with Natural England and it therefore builds in the ability not to require an appropriate assessment consultation where mitigation has been addressed, particularly on smaller project below 50 dwellings and with a Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) contribution having been made. This template document is provided as Appendix 8.

5.48 The proposal site is located within the 13km zone of influence over the following European Protected sites:

- Alde-Ore Estuary SPA/Ramsar
- Sandlings SPA
- Orfordness-Shingle Street SAC

The site is within walking distance of the Sandlings SPA, being 2.45km from the site access to the edge of the SPA shown on the pavement and bridleway route below (SPA outlined and shaded in dark blue). This is a 20-30 minute one way walk (9-12 minutes per km walking pace). This walking route is the only countryside dog walk available from Rendlesham village. This bridleway is not acknowledged in the appellants submission.

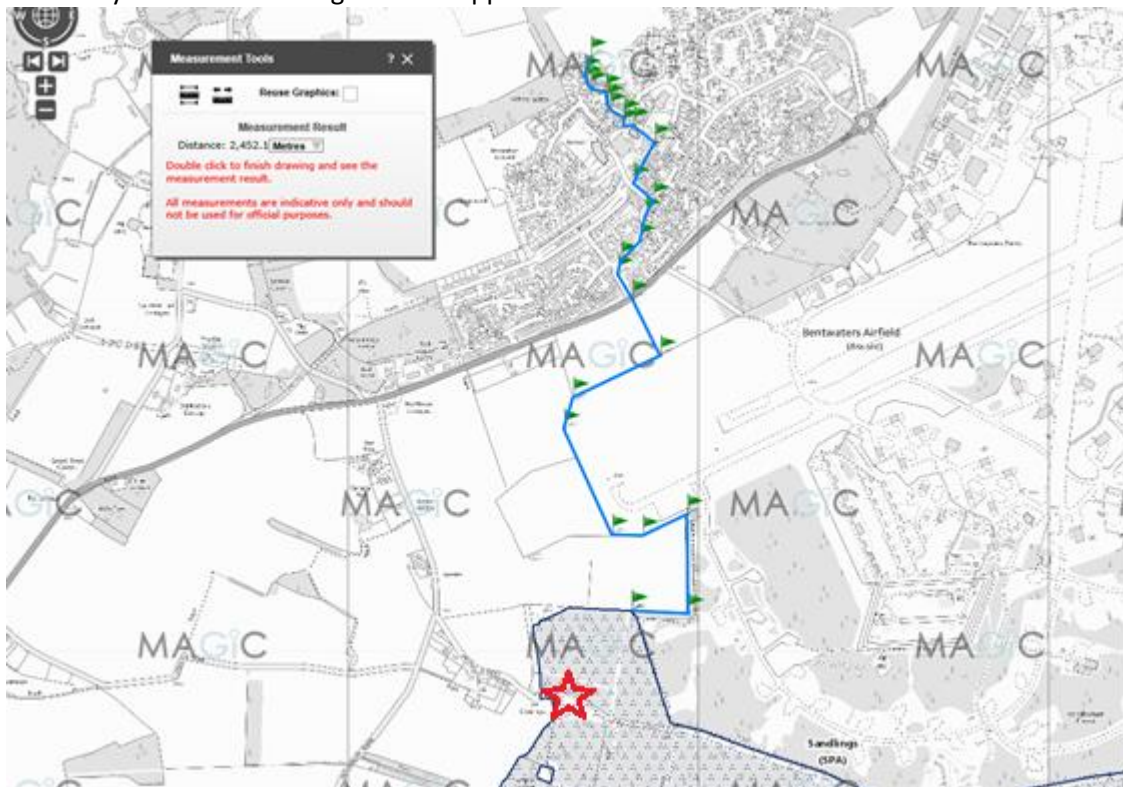


Figure 1. Urban and Bridleway Route from the site to The Sandlings SPA (2.45km). Parking area marked with a red star. Route set out in Appendix 9 as the Definitive Map. (Source Magic Map)

- 5.49 It is understood that there is common ground that the 13km Impact Risk Zone/Zone of Influence exists and that a RAMS financial contribution would be secured by s106 agreement. As the proposal is in area B of RAMS, £321.22 per dwelling is required, this would be a total of £24,091.50 for the whole development as a RAMS contribution to deliver strategic mitigation for cumulative effects. The principle of this contribution as mitigation has been widely accepted by Planning Inspectors.
- 5.50 The disagreement remains over the requirement to address the impacts arising from the scheme alone, through mitigation in the form of on-site and/or local off-site measures. The appellant has continued to attempt to address this reason for refusal through engagement with Natural England and recently that informal communication was shared with the Council.
- 5.51 The appellant has raised the issue a number of times that Council failed to consult Natural England under regulation 63(3) of the Habitats Regulations. It has been pointed out that the consultation is a part of carrying out an appropriate assessment when intending to permit a project. It is not a necessary consultation when intending to refuse an application as an appropriate assessment is not applicable to a refusal. The competent authority responsibility now lies with the Inspector and should the inspector be minded to allow the appeal, then an appropriate assessment and consultation would be necessary.
- 5.52 The Council will address the reason for refusal in the first instance through the Statement of Common Ground and anticipates that there is scope for defence of this to be withdrawn. This is reliant upon the appellant demonstrating that there would be no adverse effect on the integrity of Habitats sites (European designated sites) through both the RAMS contribution and local measures as mitigation.
- 5.53 The Habitats Regulation Assessment has been considered in detail by the Council's ecologist. The appellants ecologist consultant is acknowledged as having previously undertaken the Appropriate Assessment of the Core Strategy for the Council which first identified, through Natural England, the need for local and strategic mitigation measures to address the likely significant effect of housing growth. However, the author wrongly identifies that on-site mitigation should only be required where sites are within walking distance of Habitats Sites and in the form of SANG. This is not in accordance with the specific guidance provided and accepted by the Council and Natural England in producing a template Habitats Regulations Assessment process and document (Appendix 8). a 50+ dwelling position has been agreed as the point at which sites should seek to address effects with on-site measures, including identification of local dog walking routes both on and off site.
- 5.54 The application failed to demonstrate dog walking routes, instead dismissing the need for them despite clear guidance. It is apparent that the appellant has now produced a local dog walking plan which has not yet been formally submitted as an appeal document. The Council interprets that route as a largely urban route and it would not adequately perform as a suitable reference to mitigate the potential effect of dog walking within the local habitats site(s).
- 5.55 It is also evident from the report that no acknowledgement has been given to the only Public Right of Way connected to the built-up area of Rendlesham (Figure 1 and Appendix 9). The planning consultant is very familiar with this having played a key part in its recent creation. The route leads to an area of Rendlesham Forest known as Friday Street and specifically this is within the Sandlings SPA and SSSI. This area has, for a number of years, been a highly popular dog walking area for Rendlesham residents. It is the closest parking area (red star on Figure 1) for a

natural public dog walk via a short drive from the village. The new bridleway which has been created offers the only access for Rendlesham residents into the countryside. It is therefore now a highly popular destination through both direct dog walks and driven dog walks in an area which is unusually devoid of other rural walking connections. It is also a popular route for mountain bikers to enter the forest and Sandlings SPA from the village.

- 5.56 This route should be acknowledged in its status as the only rural route and proximity for driven visits must be considered in the HRA. Whilst its full length as a round trip exceeds the expected requirement for a 2.7km circular walking route, if any part of it is to be relied upon in the HRA then the draw that it provides into the SPA needs to be assessed.
- 5.57 The appellant has an option to provide a key part in the delivery of a new walking route, as a result of the clarified request from the County Council. This comprises of Public Right of Way (PROW) funding to achieve a new bridleway heading east from the site and connecting to a wider PROW network north east of Rendlesham. This is a reasonable request as a directly linked connection and would provide a proportionate benefit from the development. It has a benefit to this Habitats Regulations consideration but separate to that it is deemed necessary for wider public connectivity to the countryside. If agreed it could be considered as part of the mitigation package in the HRA. Based on the route this could create and its additional benefit to the existing community (potentially relieving some existing pressures on the SPA), the Council is satisfied that it could address mitigation requirements and avoid likely significant effects.
- 5.58 If this is not agreed by 2 weeks advance of the sharing of proofs of evidence the Council will provide Habitats Regulations evidence for the inquiry to defend this reason for refusal. It is anticipated that this matter could be dealt with as part of the planning evidence in chief and cross examination or if necessary, through use of the Council's ecologist as an expert witness.

Refusal Reason 7 – Requirement to demonstrate how the proposal will accommodate sewers on the site

- 5.59 This reason for refusal purely seeks to acknowledge a failure of the submission to address a policy requirement. This requirement was added to SSP12 due to the knowledge of the sewers and the comments of the statutory undertaker, Anglian Water, which were essential in forming the policy. The relevant part of the response is provided below.

“Where there are sewers crossing the site, the site layout should be designed to take these into account; this existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The sewers should be located in highways or public open space. If it is not possible to accommodate the existing sewers within the design then diversion may be possible under section 185 of the Water Industry Act 1991 or entering into a build over/near agreement may be considered.”

- 5.60 The appellant has now submitted a plan, dated 28.05.19. It covers the route of the sewer diversion and its depth. This was considered necessary to provide due to the location of properties proposed above its existing location and the works (including trenches to depths exceeding 5 metres) forming substantial infrastructure works to deliver the site.
- 5.61 As this information is now available alongside the overall layout design, the specific policy requirement has been satisfied and the proposed sewer diversion works can be considered as part of the appeal. For this reason, the reason for refusal will not be defended.

Refusal Reason 8 – Failure to secure affordable housing and mitigation through a legal agreement

- 5.62 As previously covered, a draft section 106 was submitted in the late stages of the application in what would appear to have been an informal manner by hand. A digital version of the draft agreement has now been supplied as part of the appeal submission and that was also shared with the County Council at that point as an intended signatory. This remains under consideration, as has been covered in response to reason for refusal 2. Feedback on the draft s106 agreement is due to be sent to the appellant from the Council's solicitor shortly. It has been noted that appellant intends to apply the s106 agreement to the full red line site area and therefore it still lacks two landowner signatories (Walnut Tree Properties and MSV Homes) who own the access routes contained within the red line.
- 5.63 The s106 obligations from the County Council requested have expanded and this has been communicated constructively with the appellants in recent weeks.
- 5.64 In particular this includes the expansion of the request for Public Right of Way funding (already explained in reason for refusal 6).
- 5.65 Pending further consideration of the affordable housing obligations, it appears foreseeable that a s106 agreement could be signed by the commencement of the inquiry to enable this reason for refusal to be withdrawn. In the absence of a signed s106 agreement this reason remains necessary to ensure policy compliances and to secure necessary mitigation.

Other matters

Suffolk County Council

- 5.66 The Council will work closely with the County Council to ensure that their statutory consultee responsibilities are addressed. The County Council is not expected to be a rule 6 party, but county officers may contribute to the Council's evidence and be called upon in the inquiry. Specifically, County officer are expected to contribute to the session dealing with conditions and the section 106 agreement.
- 5.67 Highways and drainage matters do have an influence on the layout and design of the appeal proposal and County Council has already written to the inspector highlighting the attention required in those areas.

Rendlesham Parish Council

- 5.68 The Council will keep the parish council updated on the appeal and the Council's position. It is expected that the Parish Council will not seek to be a rule 6 party, but the Council expects the parish council to contribute through written and oral submissions in the inquiry.

Recommended conditions

- 5.69 The Council has commenced discussions with the appellant regarding recommended conditions in the event that the appeal is allowed. These will be agreed, or disagreed where necessary, in the Statement of Common ground. This will include input from statutory consultees and clear attention to the phased approach proposed for the site and the timing of completion of key infrastructure requirements.

6. Conclusion

As set out in this Statement of Case, the Council has pragmatically and professionally considered the reasons for refusal, the appellant's statement of case and the documents submitted as part of the appeal, including required plans and a draft s106. On this basis three of the eight reasons for refusal (1, 4 and 7) have been withdrawn and will not be defended by the Council. This statement of case explains the reasons and justification for reaching this conclusion.

Three other reasons for refusal remain capable of being withdrawn and not defended by the Council. These are reasons 8, 6 and 2 and through the constructive feedback provided, there is scope for common ground and a s106 agreement to be agreed to address those. However, the Council also remains prepared to defend those reasons which are of fundamental policy and legislative importance in relation to the delivery of affordable housing and securing habitats regulations mitigation.

The Council does not expect a protracted consideration of the status of the development plan, tilted balance or housing land supply in this appeal. It has hereby provided extensive evidence of recent progress in these areas confirmed by Inspectors through public inquiries and in published and publicly accessible documents. It is with great disappointment that the Council finds itself facing challenges of the status of policy SP2 and the effect of that on the consideration of this appeal. Particularly where relevant evidence was available for the appellant and this issue has been well addressed in the past with the appellant making no reference to that. As this statement of case makes clear, the Council is prepared to defend this in full in its influence on the reasons for refusal and inspector's overall decision making and provides a well-established evidence base to draw upon.

The overall focus of this appeal may well, as previously predicted by the Council, focus on the poor quality of the design of the proposal in its layout, form and impacts on residential amenity. Clear evidence will be provided that the appellant's specific approach to design fails to recognise wider context and layout influences and overall the proposal fails to take the opportunity for improving the character and quality of the area. The design failings are a cause of this proposal not representing sustainable development.

This appeal must be considered in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. The Inspector will need to determine this appeal in accordance with the development plan (which includes the Rendlesham Neighbourhood Plan), unless material considerations indicate otherwise. Section 38(6) therefore involves a two-stage process;

- i. consideration of whether the proposal is in accordance with the plan – The Council will demonstrate that it does not.

and then,
- ii. whether there other relevant material considerations indicate that a decision should be taken other than in accordance with the development plan – The Council will demonstrate that there are not and that there are no NPPF, personal or site specific influences which lead to this route.

The Inspector will therefore respectfully be requested to dismiss this appeal.

Key Documents which the Council may rely upon:

This list will expand as the Core Documents list is compiled through the Statement of Common Ground and proofs of evidence.

- Those listed below as appendices
- NPPF
- NPPG
- Core Strategy and Development Management Policies DPD, July 2013
- Site Allocations and Area Specific Policies DPD, January 2017
- Rendlesham Neighbourhood Plan, July 2015
- Suffolk Coastal Local Plan Final Draft Plan, January 2019
- Building for Life 12
- The National Design Guide
- The Urban Design Compendium
- The Suffolk Coast Recreational Avoidance and Mitigation Strategy

Appendices

Appendix 1: DC/19/1499/FUL Decision Notice

Appendix 2: Email to Steven Bainbridge on 19th November re. SP2 and Bell Lane appeal decision

Appendix 3: 2018 Housing Land Supply Assessment

Appendix 4: 2019 Housing Land Supply Assessment

Appendix 5: Bell Lane, Kesgrave Appeal Decision Letter

Appendix 6: Aldeburgh Appeal Decision Letter

Appendix 7: Kirton Appeal Decision Letter

Appendix 8: Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record

Appendix 9: Rendlesham Parish Public Right of Way Definitive Map

Appendix 1

DC/19/1499/FUL - Decision Notice



Mr Steven Bainbridge
Parker Planning Services Ltd
Northgate Business Centre
10 Northgate Street
Bury St Edmunds
IP33 1HQ

Refusal of Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Our reference	DC/19/1499/FUL
Date valid	9 April 2019
Site	Land North Of Gardenia Close And, Garden Square, Rendlesham
Parish	Rendlesham
Proposal	A phased development of 75 dwellings, car parking, public open space, hard and soft landscaping and associated infrastructure and access.

East Suffolk Council as local planning authority hereby **refuse** to permit the development proposed in your application and plan(s) attached thereto.

The reason for the decision to refuse permission is:

1. The proposal site is identified within Policy SSP12 (Land west of Garden Square, Rendlesham) of the East Suffolk - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies, as being suitable for approximately 50 dwellings provided it conforms with the other elements of the policy and the wider Development Plan.

The proposal is not considered to conform to elements of Policy SSP12, Policies DM21, DM23 of the East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) and the NPPF, in regards of the layout and form of the site, and the impact on the amenity of the neighbouring properties. Therefore there is principle objection to the application as the level of dwellings that are being required cannot currently be accommodated on the site in the form proposed.

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2. Policy SP3 (New Homes) requires a mix of dwelling sizes and tenure. Policy DM2 (Affordable Housing on Residential Sites) requires the proportion of affordable properties that need to be provided within residential developments as 33%.

The proposal does indicate that 33% of the proposed scheme would be affordable dwellings. However, there is no information within the application as to which units are proposed as affordable units, and therefore it has not been demonstrated that the scheme would provide an appropriate mix of size, tenure and distribution across the site. As such, there is no information and justification provided that this scheme will provide an appropriate level and tenure of affordable dwellings and that the very bespoke design approach is likely to be attractive as housing to Registered Providers if secured by s106. Therefore these scheme fails to conform to Policy DM2 of the East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) and the NPPF which require an appropriate level of affordable dwellings to be provided within a housing development.

Therefore the proposal does not meet the requirements of Policy SP3 and DM2 of the East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) and the NPPF.

3. The development is not in accordance with paragraph 127 and 129 of the NPPF, Policy DM21 of the East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) and national design guidance in the form of Building for Life 12 (2015) which require a development to create a socially inclusive development through a well designed and safe built environment. Policy DM21 and Policy DM22 of the Core Strategy also require that any development creates a safe space that is well related to the scale and character of their surroundings, gives attention to the form, scale and landscape of the spaces between buildings and the boundary treatment of individual sites and reduce the amount of car use within a site. The development includes a number of elements of poor design, in that it fails to create well laid out streets and its layout would create features, barriers and exposed spaces and boundaries which would not form a safe and socially interactive development.
4. To the north east of the site is an Anglian Water Treatment Works, therefore there is a Cordon Sanitaire covering part of the north east of the site. The application provides insufficient assessment information regarding the potential impacts of odour from the sewage plant and the effect that may have on the proposed layout and open spaces. The submitted information does not correspond with the latest layout proposal. It is therefore not possible to determine that there will be no effects on residents which would adversely affect their amenity and the effectiveness of the current extent of cordon sanitaire around the sewage treatment plant. On that basis, in the absence of adequate assessment of effects the proposal may result in adverse impacts on residential amenity contrary to policies DM21 and DM23 of the East Suffolk Council - Suffolk Coastal District - Core Strategy and Policy SSP12 of the East Suffolk Council - Suffolk Coastal District - Site Allocations and Area Specific Policies, and the NPPF.

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5. Due to the proposed layout of the development, there would be a number of significant adverse impacts upon residential amenity,

The limited depths of private amenity spaces, and associated boundary treatments would result in insufficient useable amenity areas, and limited outlooks from habitable rooms within the proposed dwellings.

The locations of windows on the proposed dwellings, in association with the proposed layout, would result in direct views, and thus loss of privacy between the proposed dwellings and their gardens. The layout and window arrangement, would also result in overlooking of existing adjacent dwellings and their private amenity areas.

Plot 15 is also proposed to be entirely visible from public vantage points, and therefore would not benefit from any private amenity space.

The scheme would therefore result in unacceptable adverse impacts upon residential amenity of both existing and future residents, contrary to the NPPF, East Suffolk - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (adopted July 2013) Policy DM23.

6. This application is for more than 50 dwellings and is inside of the 13km Impact Risk Zone of Designated Sites. The current submitted Habitats Regulations Assessment of on site and off site mitigation measures is not adequate for the level of development that is being proposed.

The level of development proposed, without adequate on site space to address recreational pressures on European Sites, the proposal would lead to likely significant effects on European Sites and therefore does not pass an Appropriate Assessment. Therefore, the Local Planning Authority cannot conclude 'no likely significant effects' from the development proposal on the designated site(s).

The proposal is therefore contrary to the NPPF, and Policies SP14 and DM27(i) (Biodiversity and Geodiversity) of the East Suffolk District - Suffolk Coastal District Local Plan Core Strategy & Development Management Policies Development Plan Document (2013), which seek to protect designated sites in accordance with The Conservation of Habitats and Species Regulations (2017).

7. Policy SSP12 (Land west of Garden Square, Rendlesham) of the East Suffolk - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies requires the development to accommodate existing sewers on the site. No evidence has been provided to demonstrate how or where the sewers will be relocated in order to achieve the proposed layout, particularly the 9 plots which sit on top of the east-west sewer. In the absence of this detail the deliverability of the proposed development is not clear and the proposal fails to meet the requirement of Policy SSP12.

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8. The proposal fails to make adequate provision/contributions (and/or agreement to provide) for facilities/services for the occupants of the dwellings. The applicant has not entered into the necessary legal agreement, which is required to ensure the following necessary mitigation and policy requirement are secured:
 - o The provision of a third of the dwellings as affordable housing (Policy SP3 of the Core Strategy)
 - o The provision and management of open space
 - o On site provision of appropriate recreation space and financial contribution towards the Recreational Avoidance Mitigation Strategy.
 - o Delivery and management of open space and communal areas

Notes

1. In the determination of this application the Local Planning Authority has considered the following documents submitted within the application:

Received 9th April 2019

House Drawings
EAST/E/1 Rev 05,
EAST/P/1 Rev 04,
WB/E/1 Rev 04,
WB/P/1 Rev 04,
F/E/1 Rev 4,
F/P/1 Rev4,
G/E/1 Rev 03,
G/P/1 Rev 03,
Bram/E/1,
Bram/FP/1,
Bram/RP/1,
Deb/FP/1 Rev A,
Deb/FP/1 Rev A,
Deb/FP/1 Rev A,
WILB/Elev/1 rev 04,
WILB/FP/1 rev 04,
SUB/E/1 Rev 05,
SUB/FP/1 Rev 05,
SUB/RP/1 Rev 05,
HT/E/1,
B/E/1a Rev 05,
B/FP/1a Rev 05,
B/E/1b Rev 05,
B/FP/1b Rev 05,
M/EXT/1 Rev 02
M/EXT/2 Rev 02

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SG/PE/1 Rev A,
DG/P,E/1 Rev A

Drainage Drawings
Targeted Drainage Survey

Topographical Survey
20323se-01
20323se-02
20323se-03
20323se-04

Site Layout
84/SP/Pv REVJ
E18836-001
E18836-002
2018/0645 - SLP1
2018/0645/SCP1

Documents
Design and Access Statement
Archaeological Evaluation Report (SACIC Report No. 2018_084)
Geophysical Survey Report (SACIC Report No. 2017/097)
Preliminary Ecological Appraisal March 2018
Habitats Regulations Assessment (March 2019)
Air Quality Assessment (February 2018)
LSDP 1159-01
Transport Statement 16/R/04
Odour Assessment 4.0
Flood Risk Assessment AMA647 Rev 0
Addendum to Flood Risk Assessment (Ref: AMA647, May 2018)
Phase 1 (Desk Study) Ground Contamination Report 3244
Economic Viability Analysis

2. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

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Yours sincerely,



Philip Ridley BSc (Hons) MRTPI | Head of Planning & Coastal Management
East Suffolk Council

Date: 8 July 2019

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Town and Country Planning Act 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
Planning applications: Sections 78 and 79 Town & Country Planning Act 1990

Listed Building applications: Section 20, 21 and 22 Planning (Listed Buildings and Conservation Areas) Act 1990.

Advertisement applications: Section 220 and 221, Town and Country Planning Act 1990
Regulation 15 Town & Country Planning (Control of Advertisements) Regulations 1989.
- If an enforcement notice has been/is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice

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Appendix 2

**Email to Steven Bainbridge on 19th November re.
SP2 and Bell Lane appeal decision**

Ben Woolnough

From: Ben Woolnough
Sent: 19 November 2018 14:48
To: 'steven@parkerplanningservices.co.uk'
Subject: RE: SCDC appeals

Hi Steven,

Good to catch up the other day. See attached – Bell Lane appeal – relating to common ground on SP2 being out of date, but its non-negative affect on other policies and also the requirement for an AA disengaging the titled balance, accepted by all parties during the inquiry.

The later point may be subject to change based on the recent further revision to the NPPF being consulted on.

Kind regards

Ben

Ben Woolnough BSc MSc MRTPI

Major Projects Advisor (Brightwell Lakes and East Suffolk Business Plan)

Suffolk Coastal District Council

East Suffolk House, Riduna Park, Station Road, Melton, Woodbridge IP12 1RT

01394 444593

07833 406681

ben.woolnough@eastsuffolk.gov.uk



From: steven@parkerplanningservices.co.uk [mailto:steven@parkerplanningservices.co.uk]
Sent: 19 November 2018 10:14
To: Ben Woolnough
Subject: SCDC appeals

Hello Ben,

From our telephone discussion last week you mentioned appeals which SCDC had won which related to the tilted balance and the impact on SP2. What are those appeals please?

Regards,



Steven Bainbridge
Principal Planning Manager
Parker Planning Services Ltd
Phone: 01284 336121

steven@parkerplanningservices.co.uk



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Parker Planning Services Ltd, Orchard House, Hall Lane, East Tuddenham, NR20 3LR
Phone: 01603 516319

Suffolk Office:

Parker Planning Services Ltd, Northgate Business Centre, 10 Northgate Street, Bury St Edmunds, Suffolk, IP33 1HQ
Phone: 01284 336348

Essex Office:

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Phone: 01245 934184

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Appendix 3

2018 Housing Land Supply Assessment



Suffolk Coastal ... where quality of life counts

SUFFOLK COASTAL DISTRICT COUNCIL

HOUSING LAND SUPPLY ASSESSMENT

1st April 2018 – 31st March 2023

Published June 2018



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**This assessment covers the five year period
1st April 2018 to 31st March 2023**

**This statement confirms that Suffolk Coastal District
Council has a five year + 20% housing land supply of
9.3 years.**

Introduction

1. The Government published the National Planning Policy Framework (NPPF) in March 2012. In order to boost significantly the supply of housing and deliver a wide choice of homes paragraph 47 of the NPPF requires local planning authorities to:

“..identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land...”

2. NPPF Footnote 11 confirms that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular, that development of the site is economically viable. The NPPF states that local planning authorities may make an allowance for windfall¹ sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply but should not include residential gardens. Within Suffolk Coastal, an annual windfall allowance of 50 homes per year is included as part of the overall adopted housing requirement.
3. This statement covers the five year period 1st April 2018 to 31st March 2023 and demonstrates that with a 20% buffer Suffolk Coastal District Council currently has a 9.3 year supply of housing.

¹ Windfall is defined as an unidentified supply of housing e.g. small sites; conversions etc.

Identifying the 5-year housing requirement

4. Appendix A sets out the stages followed in producing this housing land supply statement. In drawing up this document, reference has been had to the advice in Planning Practice Guidance. In this respect, the Council has adopted the Sedgefield approach to dealing with any under-delivery. This means accounting for any identified under delivery of homes against annual requirements within this five year period (as opposed to distributing this across the plan period).
5. The Local Plan Review is underway and is being aligned with those of other authorities in the Ipswich Housing Market Area (Ipswich Borough Council, Babergh and Mid-Suffolk District Councils). The Councils published their Issues and Options Consultation which concluded late 2017. Critical to this was the production of a new Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) which identifies an Objectively Assessed Need (OAN) for the District and the Housing Market Area. The authorities in the Ipswich Housing Market Area (along with Waveney District Council) commissioned Peter Brett Associates to carry out the SHMA. The SHMA was produced in accordance with the methodology contained in the national guidance as set out in the current PPG, applying and assessing factors relevant to the District (and the Housing Market Area) including making an appropriate adjustment to reflect market signals and considering whether there would be sufficient workforce to support forecast economic growth. The OAN therefore represents the most up-to-date assessment of housing need. The SHMA identifies a new baseline housing figure for the whole Ipswich Housing Market Area, and for each of the local authority areas within it. Note a separate figure is provided for Waveney which is determined to be a stand alone Housing Market Area.
6. The SHMA was published in May 2017² and identifies an OAN of 10,111 homes for Suffolk Coastal district over the period 2014 – 2036, equivalent to 460 dwellings per annum (dpa) (see Appendix B).
7. In September 2017 the Government consulted on a new standard method for calculating local housing need. This new method has been carried forward into proposed revisions to the NPPF and the accompanying draft revisions to the PPG, which were published for consultation in March 2018. Under the proposed new standard method, local housing need would be calculated using a formula based on published District level household projections (currently 2014-based) and ratios of median house prices to median workplace earnings ratios.

² Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (May 2017, Erratum August 2017)

8. As part of the September 2017 consultation on the proposed new method for assessing local housing need, the Government published illustrative outputs for each local authority. For Suffolk Coastal district the illustrative figure identifies a housing need of 495 dpa over the period 2016 - 2026. The figures published in September 2017 were identified as illustrative, and it is anticipated that updated local housing need figures will be published following the publication of the 2016-based household projections in September 2018. In the interim, new affordability ratios were published in April 2018. Suffolk Coastal's affordability ratio has increased from the previous level of 8.35 to 8.95. If applied following the new standard method, the District's housing need as assessed under the draft standard method increases to 509 dpa, however as noted above the Council anticipates that new numbers will be published following the publication of the 2016-based household projections.
9. As the proposed changes to the NPPF are yet to be published in their final form, it is appropriate to apply the 460 dwellings per annum (OAN), as the most up to date assessment of housing need, as the starting point for the calculation of 5 year housing land supply. This approach is in accordance with the PPG, as Inspectors and the Secretary of State have concluded that the Core Strategy housing requirement set out in Policy SP2 of the Core Strategy and Development Management Policies (2013) is out of date. This statement also calculates a position based upon the illustrative figure calculated under the new method and published in September 2017 as an indication of possible future need.
10. Housing land supply is made up of three sources:
 - Extant planning permissions,
 - Site allocations which include housing within them, and
 - Windfall allowance.
11. Progress with planning permissions is monitored throughout the year, supplemented by on-site checks at the end of the monitoring period and a request for information from developers/agents/landowners on anticipated build out rates. This work also reconciles any change of status with individual site allocations. It monitors progress with small development sites of less than five units which, across Suffolk Coastal, provide most of the annual windfall allowance contribution. Details of supply are set out in Table 6.
12. Of all the sites in the district, the largest single source of housing supply is at the land south and east of BT Adastral Park. This site is now known as Brightwell Lakes and Outline Planning Permission was granted on 10th April 2018 (DC/17/1435/OUT). This is a priority project for the Council and is well resourced to enable continued swift decision making as part of a collaborative approach to delivery with the landowner, promoter, housebuilders and surrounding community. The site is currently being marketed for the

first phase of 500 homes. A reserved matters planning application for the key internal roads and infrastructure along with areas of strategic landscaping and drainage is due to be submitted in June 2018. The landowner has responded to our request for information about expected completions confirming that they intend to deliver homes from year 2019/20 with an expectation that it will deliver up to 260 homes per year in following years. The Council has approved measures through phasing, conditions and trigger points to open up more of the site in the first phase. Based on the rapid progress on infrastructure the Council is confident completions will commence in the 2nd year of this assessment period. The Council will closely monitor completions on this site and expects future assessments to show completions at the rate put forward by the landowner. However, for this first years of the site's development (up to 2022/23), a conservative approach has been incorporated, based on the first phases completing at a rate of up to 150 homes per year.

13. Not all of the housing land supply will be available within the five year period. Larger scale developments in particular may take longer to develop. Sites (or proportions of sites) are only included within the five year supply period where the Council is confident that provision will be completed within this timeframe.
14. It should be noted that a Housing Land Supply Assessment identifies supply at a point in time. Any change of circumstance that may occur in relation to an individual site over the following twelve month period, is picked up when the document is next reviewed.

Assessing the five year housing land supply

15. The starting figure for the 5 year housing land supply requirement is usually the up-to-date adopted plan figure. This is clearly set out in the PPG which says 'Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the 5 year supply'. However, the findings of Inspectors and the Secretary of State that the Core Strategy housing requirement figure (set out under Policy SP2 of the Core Strategy and Development Management Policies, 2013) is out of date, together with the publication of a new OAN for the District, produced in accordance with national guidance contained in the PPG, make it appropriate to calculate the five year supply using this figure (of 460 dpa) as the housing requirement.
16. The five year supply is also calculated at Appendix C based on the 495 dpa illustrative figure published by Government as part of the 2017 consultation on the proposed standard method of calculating housing need. This provides an indication of the five year supply position in relation to indicative future housing need.

Objectively Assessed Need (SHMA 2017)

Identifying any under / over delivery against the annualised requirement.

Table 1 – OAN versus housing completions (delivery)

a	SCDC OAN 2014 - 2036	10,111
b	Actual net dwelling completions 2014-2018*	2,121
c	OAN (460 dwellings p.a. x 4 years)	1,840
d	Delivery against OAN	+281

*See Appendix D

17. The OAN is calculated over the period 2014 – 2036 and therefore 2014 is used as the base date for assessing delivery against the OAN. Following the methodology in the PPG, the calculation of the OAN included consideration of past delivery and supply, and this was a factor in applying an uplift of 15% to reflect market signals. Table 1 shows that there has been an over-delivery of homes over the first four years of the period covered by the SHMA of 281 units.

Identifying the baseline five year annual housing requirement

Table 2 – identifying the baseline 5-year housing requirement.

a	Annual housing requirement for 5 year period (OAN 460dpa x 5 years)	2,300
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Identifying the revised housing land requirement

18. The PPG requires local planning authorities to add an additional 5% buffer to the housing requirement, or 20% where there is persistent under delivery. The annual requirement based on both the 5% and 20% buffer is set out in Table 3 below. Delivery against the OAN demonstrates that there has been no overall shortfall against this figure and a surplus has been achieved over the period since 2014. However, recognising that there has been previous under-delivery over a longer timescale it is considered appropriate to apply a 20% buffer (rather than a 5% buffer) in this case. The proposed revisions to the NPPF and PPG seek to relate the 20% to the proposed Housing Delivery Test, under which the 20% would be applied where housing delivery falls below 85%

(based on a three year average). Changes in national policy will be considered when introduced in their final form, alongside the new standard method.

Table 3 – Revised 5 year housing requirement

a	5 year supply target (2,300 – 281)	2,019
b1	20% buffer	404
c1	Total 5-year supply target incl 20% buffer (a+b1)	2,423
	Revised annual requirement (c1/5)	485
b2	5% buffer*	101
c2	Total 5-year supply target incl 5% buffer (a+b2)	2,120
	Revised annual requirement (c2/5)	424

*Included for information purposes only

Table 4 below provides a summary of the sources of supply.

Table 4 - Summary table of sources of deliverable supply 2018 - 2023.

	2018/19	2019/20	2020/21	2021/22	2022/23
Sites with planning permission for 5 or more units	614	735	664	344	259
Sites where principle of development accepted (includes allocated sites ³)	0	234	296	354	414
Sites with planning permission < 5 units	159	179	63	36	8
Windfall ⁴	0	0	50	50	50
Sub Totals	773	1,148	1,073	784	731
Total			4,509		

5 year supply of housing as of 31st March 2018

19. As of 31st March 2018 the identified deliverable supply of new dwellings is 4,509 dwellings. The required 5 year + 20% requirement is 2,423 dwellings. This represents an over provision of 2,086 dwellings equating to a **9.29 (9.3) year housing land supply** as shown below. For comparison, the calculation with the 5% buffer is also shown below.

³ Including sites allocated in Neighbourhood Plans

⁴ No windfall allowance is included for the first two years to avoid double counting with permissions

Table 5a - Housing Land Supply Assessment 2018 – 2023 (20% buffer)

Housing requirement (with 20% buffer)	No of units
5 year + 20% calculated requirement (see Table 3)	2,423
Annual requirement over 5 yr. period (2,423 / 5)	485
Estimated deliverable housing land supply 2018 – 2023 (Table 4)	4,509
Estimated over delivery (4,509 – 2,423)	2,086
Housing Land Supply Assessment 2018 – 2023)	9.29 (9.3) years

Table 5b - Housing Land Supply Assessment 2018 – 2023 (5% buffer – for comparison only)

Housing requirement (with 5% buffer)	No of units
5 year + 5% calculated requirement (see Table 3)	2,120
Annual requirement over 5 yr. period (2,120 / 5)	424
Estimated deliverable housing land supply 2018 – 2023 (Table 4)	4,509
Estimated over delivery (4,509 – 2,120)	2,389
Housing Land Supply Assessment 2018 – 2023)	10.63 (10.6) years

Table 6: Assessment of sites included within the 5-year supply

Planning Ref	Parish	Location	Outstanding number of dwellings	No units estimated for completion per year							Comments		
				18/19	19/20	20/21	21/22	22/23	23/24	24/25		25/26	26/27
Sites with planning permission for 5 or more dwellings													
C/12/2573	Aldeburgh	Aldeburgh Brickworks, Saxmundham Road	8	8									Former brickworks (demolition of existing buildings) 5 affordable housing units. 7 under construction. Only 14 to be built (15 permitted); delivery confirmed by developer.
DC/15/3103/FUL DC/16/1226/FUL	Aldeburgh	Land between 36 & 38 Leiston Road	4	4									4 under construction.
DC/17/1462/FUL	Aldeburgh	Police Station, Leiston Road	19		10	9							6 affordable housing units. Demolition of former police station.
DC/16/2883/OUT	Alderton	Land Adjacent To 45 And 50 Watson Way	10		4	5	1						Supersedes 2 remaining plots on C97/1692 & DC/13/2174/OUT. 10 not started
C/05/0668 DC/17/3136/AME	Aldringham-cum-Thorpe	Land fronting Old Homes Road	10	10									10 under construction.
DC/16/2997/FUL DC/17/5074/VOC	Badingham	The Barn, Mill Road	10		5	5							10 not started. Site allocated in the 'adopted' Site Allocations & Area Specific Policies Document - SSP5. Variation of Condition approved 22/01/18
DC/15/4157/OUT	Bawdsey	School Lane	13			13							13 not started.
DC/15/5170/OUT DC/17/3872/ARM DC/18/0339/DRC DC/18/0340/DRC	Benhall	Land south of Corner Cottages & Forge Close, Main Road	9		9								9 not started. Delivery confirmed by developer. DC/16/4490/VOC removes planning condition 15 on the outline approval requiring affordable housing dwellings to be provided on the site. Site allocated in the 'adopted' Site Allocations & Area Specific Policies Document - SSP6. Discharge of Conditions approved 13/02/18 & 31/05/18
DC/16/0873/FUL DC/17/0476/DRC	Bucklesham	6 Levington Lane	11		5	5	1						Demolition of existing dwelling & buildings, 12 new dwellings in total (1 replacement / 11 new builds) & 6 new B1a business units. 3 affordable housing units. 11 not started. Discharge of

																				Condition approved 15/12/17
C09/1862	Campsea Ashe	1-6, 9 & 10 Ullswater Road	7	7																Existing 8 dwellings to be demolished (=20 dwellings total). Including affordable housing. 7 under construction. Delivery confirmed by developer.
DC/14/1844/OUT	Charsfield	Land east of St Peters Close	20		5	15														6 affordable housing units 20 not started. DC/17/4587/ARM - pending application for reserved matters.
C/11/1123 DC/17/0724/DRC	Chillesford	Land/buildings at Chillesford Lodge Estate	14		7	7														Conversion of agricultural buildings to residential/office/holiday lets. 14 not started. Discharge of Condition approved 20/04/17
C/04/1329	Cransford	land adjacent to Cherry Trees	5	1	4															1 under construction 4 not started
DC/13/2933/OUT DC/17/4682/ARM	Darsham	Land to the rear of 1 & 2 Chapel Cottages adjoining, The Street	20		10	10														3 affordable housing units. Existing village hall to be demolished and rebuilt. 20 not started. DC15/2894/VLA AH - Variation of legal agreement to reduce affordable housing from 6 to 3. Site allocated in the 'adopted' Site Allocations & Area Specific Policies Document - SSP7.
C13/0060 DC/15/1100/FUL DC/16/3595/FUL	Earl Soham	Land south of Glebe Cottage Surgery, The Street	1																	DC/15/1100 revised scheme - affordable housing element removed from the scheme. Final plot now used as garden; unlikely to come forward.
DC/14/2244/FUL	Easton	Easton Primary School And Land Adjacent, The Street, Easton	14	11	3															11 under construction.
C/08/1913	Felixstowe	Stowe House, 105 Cliff Road	9		5	4														Existing dwelling to be demolished and replaced (=10 dwelling in total). 9 not started
C/07/0193	Felixstowe	85-93 St Andrews Road	5	5																Flats above new build shops. 5 under construction
C07/2364 C13/1012 DC/14/0992 DC/16/4381	Felixstowe	Cliff House, Chevalier Road, Hamilton House & Car Park, Hamilton Road	23	23																C13/1012 revised scheme for Hamilton House. Now proposed 46 units (original approved 37). DC14/0992/PN3 revised scheme for Cliff House. New scheme for 24 flats including 1 replacement = 23 flats in total. 23 under construction.

DC/16/2115/FUL	Framlingham	The White Horse, 27 Well Close Square	4		4													COU & conversion of public house & former manager's accommodation to 5 dwellings. Existing living accommodation above treated as replacement (4 new dwellings & 1 replacement). 4 not started.
DC/16/2345/FUL	Framlingham	Police Station, Badingham Road	4		4													Demolition of former police station, 2 existing dwellings and the construction of 6 new Almshouses (4 new dwellings & 2 replacements). 4 not started.
DC/16/4355/FUL	Framlingham	Os 4700, Saxtead Road, Framlingham	24		12	12												6 affordable homes. 24 not started. Allocated in the 'Made' Framlingham Neighbourhood Plan - Policy FRAM19
DC/16/5386/FUL	Framlingham	26 Fore Street	8		4	4												1 under construction. Demolition of existing buildings (A1) and replacement with 8 new dwellings and 1 single B1a office. Allocated in the 'Made' Framlingham Neighbourhood Plan - Policy FRAM23.
DC/16/3863/OUT	Hacheston	Land south of Solomans Rest, The Street	10			10												Site allocated in the 'adopted' Site Allocations & Area Specific Policies Document - SSP9.
C/89/0720	Hollesley	Duck Corner / Rectory Road	5															5 not started. No indication of remaining 5 dwellings coming forward.
DC/15/0496/OUT DC/16/0551/ARM	Hollesley	Glebe House Residential Care Home, Rectory Road	10	1	5	4												1 under construction, 9 not started.
C/13/0320	Hollesley	Land at Mallard Way, Off Rectory Road	16	6	6	4												5 affordable housing units. 16 not started. Delivery confirmed by developer.
DC/13/3693/OUT DC/14/3533/FUL	Hollesley	Heath Dairy Farm, Melton Road	7	2	4	1												Former agricultural dairy. Revised scheme to DC13/3693/OUT. 7 not started
DC/16/2770/FUL	Kesgrave	Land at Emerald Close	8	5	3													5 under construction.
DC/13/2461/FUL	Knodishall	Land Opposite 57 To 61 Judith Avenue, Knodishall	8	2	6													2 affordable housing units. 2 under construction, 6 not started.
C04/1826 DC/16/2111/FUL	Leiston	15 High Street	7	6	1													DC16/2111/FUL revised scheme for plots 1 to 3. Existing flat on site to demolished (=8 dws in total) Plot 3 treated as replacement. 6 under construction 1 not started.

DC/14/3166/OUT DC/17/1617/FUL	Leiston	Abbey View LodgesOrchard House105 Abbey Road	8	5	3									Currently holiday homes on the site. 5 under construction.
DC/16/0527/OUT DC/17/3653/ARM	Leiston	Former Gas Works, Carr Avenue	20	20										20 under construction.
DC/16/1961/OUT	Leiston	Johnsons Farm, Saxmundham Road	187			25	50	50	37	25				62 affordable housing units. Allocated in the 'Made' Leiston Neighbourhood Plan - Policy SA1
DC/16/0931/FUL	Leiston	Land west of Mill Cottage, Valley Road	18		18									6 affordable housing units
DC/16/1322/OUT	Leiston	Abbey Road	100			30	50	20						33 affordable housing units. Allocated in the 'Made' Leiston Neighbourhood Plan - SA4
DC/16/2104/OUT	Leiston	Land at the rear of St Margarets Crescent	77					35	42					25 affordable housing units. Allocated in the 'Made' Leiston Neighbourhood Plan - Policy SA3. Delivery confirmed by developer.
DC/17/3773/FUL	Leiston	Land at Colonial House, Station Road	6	6										Delivery confirmed by developer.
DC/17/1605/FUL	Leiston	Land at Red House Lane	65	17	36	12								Delivery confirmed by developer. 21 affordable housing units. Part of the site is allocated in the 'Made' Leiston Neighbourhood Plan - Policy SA2
DC/16/1992/FUL	Martlesham	Land off Blacktiles Lane	47		27	20								22 affordable housing units
C/12/2255	Melton	Land Between 1 Potash Cottages And Woodroyd Cottage, Woods Lane, Melton	7	7										Including 3 affordable housing units. 7 under construction.
DC/13/2425/FUL	Melton	Land north of New Quay Court, Old Maltings Approach	2	2										2 under construction.
DC/14/0991/OUT DC/18/2046/ARM	Melton	Land north of Woods Lane	73			50	23							60 affordable housing units. Phase 2 reserved matters application for 73 dwellings received & currently pending.
DC/17/1698/ARM	Melton	Phase 1 - Land north of Woods Lane	101	65	36									Delivery confirmed by developer. 36 affordable housing units. 45 under construction.
DC/16/0015/FUL	Melton	The Old School Site, The Street	2	2										Alteration / conversion of former school to 2 dwellings and erection of 5 new dwellings. Demolition of existing outbuildings & structures. 2 under construction.

		Market Place												
C/10/3278	Sudbourne	Former Walled Garden, Sudbourne Park	4	4										4 under construction.
DC/16/1107/FUL	Trimley St Mary	Land on the south side of Thurmans Lane	41	38	3									Includes 32 affordable homes. 38 under construction. Site allocated in the 'adopted' Felixstowe Peninsula Area Action Plan - FFP8. Development is only on part of the allocated site.
DC/16/2122/OUT	Trimley St Mary	Land Adjacent To Mill Farm Thomas Avenue	50		20	30								Includes 16 affordable housing units. Site allocated in the 'adopted' Felixstowe Peninsula Area Action Plan - FFP8. Development is only on part of the allocated site. Delivery confirmed by developer.
DC/17/5336/FUL	Trimley St Mary	Land to the east of Water Tower, Spriteshall Lane	6		6									
C/13/0219 DC/15/1525/ARM	Trimley St Martin	Land at and adj Mushroom Farm, High Road	1		1									Demolition of farm buildings. Part of development of 66 dwellings, including 22 affordable housing units. 1 remaining to be completed.
DC/16/3211/FUL	Trimley St Martin	28 Old Kirton Road, Trimley St Martin	5	5										5 under construction.
DC/16/1919/FUL	Trimley St Martin	Land At High Road	69		23	23	23							28 affordable housing units
DC/16/2119/OUT	Trimley St Martin	Land South Of High Road	70		20	50								23 affordable housing units. Site allocated in the 'adopted' Felixstowe Peninsula Area Action Plan - FFP6. Delivery confirmed by developer.
C/05/0210 C/11/1047 DC/14/3076/FUL	Tunstall	Snape Maltings, Snape Bridge	43		15	15	13							Revised scheme to C05/0210 (Supersedes remaining 35 dwellings not started - new application increases total dwellings by 8). 29 dwellings built under C05/0210 & 1 dwelling built under C11/1047. 43 not started
DC/13/2457/OUT DC/16/3047/ARM	Tunstall	Land west of Street Farm, School Road	33	23	10									Including 9 affordable housing units. 23 under construction.

DC/17/1809/FUL	Woodbridge	34 Grundisburgh Road	5	5											Delivery confirmed by developer. Existing dwelling to be demolished (=6 dwellings in total) 5 new dwellings & 1 replacement dwelling. Plot 1 (replacement) u/c 3/18 (OI) - existing house demolished.
DC/16/4008/FUL	Woodbridge	Queens House, Woodbridge School, Burkett Road	31		31										Delivery confirmed by developer. Conversion of school buildings and demolition of existing groundsman house (treated as 1 replacement dwelling).
		Subtotal	3,678	614	735	664	344	259	139	85	60	60	190		

Sites with planning permission for less than 5 dwellings	445	159	179	63	36	8									159 under construction 286 not started
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Windfall Allowance		0	0	50	50	50	50	50	50	50	50	450		
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Allocated Sites - Adopted and Made Plans (Site Allocations & Area Specific Policies; Felixstowe Area Action Plan; Framlingham NP; Leiston NP)
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Policy SSP3	Aldeburgh	Land rear of Rose Hill, Saxmundham Road	10			10									
Policy SSP4	Aldringham	Land to the east of Aldeburgh Road	40			10	15	15							Still in clients control. DC/18/2325/FUL for 40 dwellings submitted.
Policy SSP5	Badingham	Land at Mill Road													DC/16/2997/FUL approved 25/11/16 for 2018. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy SSP6	Benhall	Land Adjacent to Corner Cottages, Main Road													DC/15/5170/OUT approved 03/02/16 for 2018/19. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy SSP8	Dennington	Land opposite Townsfield Cottages	10		5	5									Developer proposing extension to site for up to 30 dwellings. Planning application imminent.
Policy SSP9	Hacheston	Land south of Solomon's Rest, The Street													DC/16/3863/OUT approved 23/05/2017 for 10 dwellings. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.

Policy SSP10	Kelsale	Land south of Ambleside, Main Road	30		30										Delivery confirmed by developer; Planning application imminent.
Policy SSP11	Orford	Land north of Mill Close	10		10										Delivery confirmed by developer
Policy SSP12	Rendlesham	Land west of Garden Square	50				5	10	10	10	10	5			Possible constraints relating to access
Policy SSP13	Rendlesham	Land east of Redwald Road, Rendlesham	50				25	25							Site could come forward despite refusal of DC/17/5380/OUT for 290 dwellings.
Policy SSP14	Saxmundham	Land north-east of Street Farm	65		19	36	4								DC/18/0702/FUL for 59 dwellings currently pending. Delivery confirmed by developer.
Policy SSP15	Shottisham	Land opposite the Sorrel Horse	10		10										Delivery confirmed by developer
Policy SSP16	Thorpeness	Land fronting Old Homes Road													C/05/0668 approved 27/05/05; DC/17/3136/AME approved 09/08/2017. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy SSP17	Westerfield	Land south of Lower Road	20					20							Possible constraint in relation to water main crossing site. Delivery confirmed by developer.
Policy SSP18	Westerfield	Land at Old Station Works, Main Road													DC/15/5031/OUT approved 04/11/16. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy SSP19	Witnesham	Land at Street Farm	20				5	5	5	5					Site currently being marketed. Some issues relating to flooding to be overcome.
Policy FPP3	Felixstowe	Land at Sea Road													DC/17/3967/FUL for 59 dwellings currently pending S106. Expected delivery plotted under 'Sites where principle of development accepted'
Policy FPP5	Felixstowe	Land north of Conway Close	150					50	50	50					
Policy FPP6	Trimley St Martin	Land opposite Hand in Hand Public House													DC/16/2119/OUT currently pending for up to 70 dwellings. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy FPP7	Trimley St Martin	Land off Howlett Way	360				50	50	50	50	50	50	60		Delivery confirmed by developer.

Policy FPP8	Trimley St Mary	Land off Thurmans Lane															DC/16/1107/FUL (98 dwellings) approved 09/12/16 (expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'). DC/16/2122/OUT (up to 50 dwellings) currently pending S106 - expected delivery plotted under 'Sites where principle of development accepted'.
Policy FRAM19	Framlingham	Land off Saxtead Road															DC/16/4355/FUL (24 dwellings) approved 30/03/17. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy FRAM22	Framlingham	Land off Vyces Road/Brook Lane															DC/15/0960/FUL (14 dwellings) approved 29/04/16. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy FRAM23	Framlingham	The Green Shed, Fore Street															DC/16/5386/FUL (8 dwellings) approved 02/05/17. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy FRAM25	Framlingham	Land off Victoria Mill Road	30														Allocation. No current planning applications. Given scale of development currently permitted in town site not included in 5 yr. period.
Policy FRAM26	Framlingham	Station Terrace															DC/17/1853/OUT (4 dwellings) 27/11/17. Small number of units could potentially come forward during five year period; included in the figures for 'Sites with planning permission for less than 5 dwellings'.
Policy FRAM28	Framlingham	The Old Gas Works site, College Road	7														Allocation. No current planning applications. Given scale of development currently permitted in town site not included in 5 yr. period.
Policy SA1	Leiston	Land at Highbury Cottages, Saxmundham Road															DC/16/1961/OUT (187 dwellings) approved 21/06/17. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy SA2	Leiston	Land at Red House Lane															DC/17/1605/FUL (65 dwellings) approved 27/03/18. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.

Policy SA3	Leiston	Land the rear of St Margaret's Crescent													DC/16/2104/OUT (77 dwellings) approved 29/06/17. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy SA4	Leiston	Land at Abbey Road													DC/16/1322/OUT (100 dwellings) approved 07/06/17. Expected delivery plotted under 'Sites with planning permission for 5 or more dwellings'.
Policy MEL20	Melton	Land off Wilford Bridge Road	55												Allocation. No current planning applications therefore site not included in 5 yr. period.

		Subtotal	917	0	74	61	104	175	115	115	60	55	60	
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Sites where principle of development accepted															
DC/16/2778/OUT	Felixstowe	Land north of Walton High Street	385			50	50	50	50	50	50	50	35		S106 currently pending. Allocated site; Policy FPP4. Delivery of 50 DPA from 2020/21 confirmed by developer.
DC/17/3967/FUL	Felixstowe	Site Of The Former Cavendish Hotel, Sea Road	59		10	20	20	9							S106 currently pending. Allocated site; Policy FPP3.
DC/17/1435/OUT	Martlesham	Land south and east of BT Adastral Park	2,000		150	150	150	150	260	260	260	260	360		Delivery confirmed by developer commencing 2018/19: 150, 250, 260, 260, 260, 260, 260, 260, 260, 40 - more conservative delivery plotted in first 4 years. Planning permission issued 10/04/18 outside of monitoring period.
DC/17/2840/FUL	Woodbridge	Council Offices	100			15	30	30	25						
		Subtotal	2,544	0	160	235	250	239	335	310	310	310	395		

		Total	7,584	773	1,148	1,073	784	731	639	560	480	475	1,095	
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		Year on Year Cumulative Total		773	1,921	2,994	3,778	4,509	5,148	5,708	6,188	6,663	7,758	
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NOTE: The total of 7,584 represents the number of outstanding dwellings with permission, are allocated or the principle of development is accepted, but excludes windfall.

The total of 7,758 represents the expected delivery of dwellings (excluding some sites where reasons for exclusion are in the comments section) and includes windfall.

Appendix A: Stages followed in preparing 5-year housing requirement

The following table summarises the process which the Council has undertaken to derive its five year housing land supply figure:

STAGE	ACTIONS
Stage 1 Complete monitoring checks	<ul style="list-style-type: none"> • Complete annual on-site housing monitoring checks to confirm completions and numbers of dwellings not started or under construction. • Update information on sites granted planning permission from 01/04/2017 – 31/03/2018.
Stage 2 Obtain information on anticipated start dates and build out rates	<ul style="list-style-type: none"> • For sites with planning permission for 5 or more dwellings, proforma sent to agent / landowner requesting information on anticipated start dates and build out rates. • Reminders sent and telephone calls made where proforma not returned. Cut off date for responses 18/05/2018. • Similar checks undertaken for allocated sites.
Stage 3 Check information received against information provided to appellants on disputed sites to come to a view on developability and timings.	<ul style="list-style-type: none"> • Sites with permission where delivery of the site is considered unlikely are included in Table 4, highlighted in grey, but without any delivery projections included.
Stage 4 Draft Document	Complete calculations

Appendix B: Extract OAN Summary (SHMA May 2017, pg 80)

	Dwellings per annum	Total dwellings	Market signals uplift (%)	Market signal uplift (dwellings)	Future jobs uplift (dwellings)	OAN (dwellings)	OAN (dpa)
Ipswich	472	10,382	10%	1,038	838	11,420	519
Babergh	309	6,799	15%	1,020	-	7,820	355
Mid Suffolk	411	9,046	10%	905	-	9,951	452
Suffolk Coastal	400	8,792	15%	1,319	-	10,111	460
IHMA Total	1,592	35,019	0.5	4,282	838	39,302	1,786

Appendix C: New standard method illustrative figure

Identifying any under /over delivery against the annualised requirement

As referred to in paragraph 16, the five year supply calculation using the new standard methodology illustrative figure is provided for comparison purposes.

Table C1 - Standard Method versus housing completions (delivery)

a	SCDC Standard Method housing requirement 2016 – 2026	4,950
b	Actual net dwelling completions 2016-2018*	1,130
c	Standard method target (495 dwellings p.a. x 2 years)	990
d	Delivery against Standard Method	+140

The illustrative figures published in September 2017 using the new standard method are based on the period 2016 – 2026. Delivery is therefore considered in relation to the period 2016 – 2018.

Identifying the baseline five year annual housing requirement

Table C2 – identifying the baseline 5-year housing requirement.

a	Annual housing requirement for 5 year period (495 x 5)	2,475
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Identifying the revised housing land requirement

22. The annual requirement based on both the 5% and 20% buffer is set out in Table C3 below. Delivery against the new standard method demonstrates that there has been no shortfall against this figure and that a surplus has been achieved over the period since 2016. However, as with the OAN calculation, recognising that there has been previous under-delivery over a longer timescale it is considered appropriate to apply a 20% buffer (rather than a 5% buffer) in this case.

Table C3 – Revised 5 year housing requirement

a	5 year supply target (2,475 – 140)	2,335
b1	20% buffer	467
c1	Total 5-year supply target incl 5% buffer (a+b1)	2,802
	Revised annual requirement (c1/5)	560
b2	5% buffer*	117
c2	Total 5-year supply target incl 5% buffer (a+b2)	2,452
	Revised annual requirement (c2/5)	490

23. Table 4, in the main body of the report, provides a summary of the sources of supply.

24. Table C4a below shows a land supply of 8.0 years against the new standard method number with a 20% buffer applied.

Table C4a - Housing Land Supply Assessment 2018 – 2023 (20% buffer)

Housing requirement (with 20% buffer)	No of units
5 year + 20% calculated requirement (see Table C3)	2,802
Annual requirement over 5 yr. period (2,802 / 5)	560
Estimated deliverable housing land supply 2018 – 2023 (Table 4)	4,509
Estimated over delivery (4,509 – 2,802)	1,707
Housing Land Supply Assessment 2018 – 2023)	8.05 (8.0) years

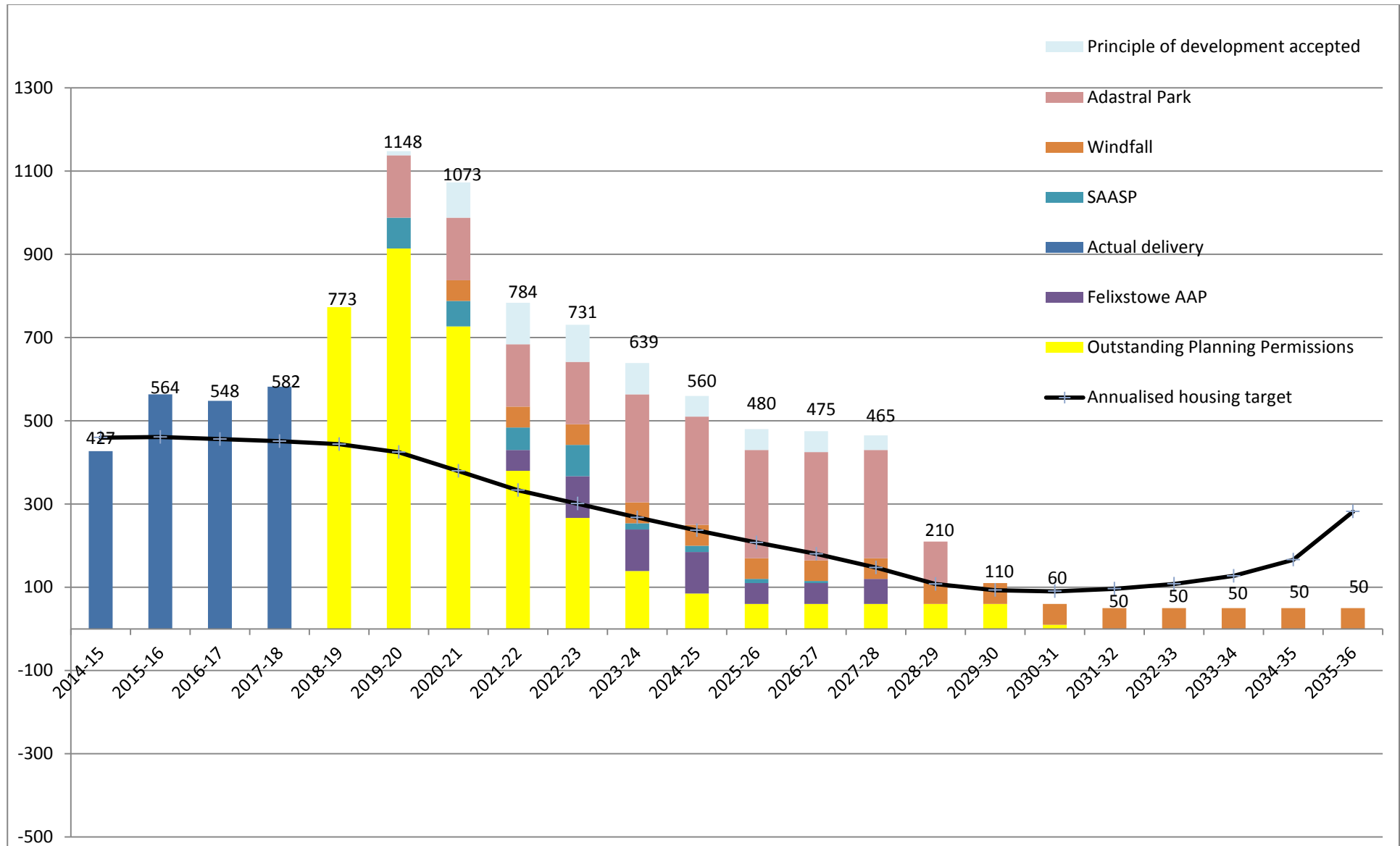
Table C4b - Housing Land Supply Assessment 2018 – 2023 (5% buffer)

Housing requirement (with 5% buffer)	No of units
5 year + 5% calculated requirement (see Table C3)	2,452
Annual requirement over 5 yr. period (2,452 / 5)	490
Estimated deliverable housing land supply 2018 – 2023 (Table 4)	4,509
Estimated over delivery (4,509 – 2,452)	2,057
Housing Land Supply Assessment 2018 – 2023)	9.20 (9.2) years

Appendix D: Housing delivery - completions against annual targets 2004 – 2018

Monitoring Year	Net Dwelling Completions (annual)	Net Dwelling Completions (cumulative)	Target (cumulative no of dwellings per year)	Annual Target (R.S.S, Core Strategy)
2004/05	347 (-163)	347	510	510
2005/06	902 (+392)	1249	1020	510
2006/07	1150 (+640)	2399	1530	510
2007/08	694 (+184)	3093	2040	510
2008/09	550 (+40)	3643	2550	510
2009/10	256 (-254)	3899	3060	510
2010/11	216 (-249)	4115	3570	510
2011/12	270 (-195)	4385	4080	510
2012/13	324 (-141)	4709	4590	510
2013/14	215 (-250)	4924	5100	510
2014/15	427 (- 38)	5351	5565	465
2015/16	564 (+99)	5915	6030	465
2016/17	548 (+83)	6463	6495	465
2017/18	582 (+117)	7045	6960	465

Appendix E: Housing Trajectory



Appendix F: Proforma sent to applicants/landowners of sites for 5 or more units with planning permission or subject to S106 agreement

Suffolk Coastal District Council Statement of housing land supply (April 2018 update)

Planning Application Reference: __ __

Site Address: _____

Proposal: _____

Applicant: _____

Total number of residential units proposed: _____

1. Estimated completion rate: How many residential units do you anticipate will be completed in each of the financial years listed below?

Completions up to 31 st March 2018	2018/19	2019/20	2020/21	2021/2022	2022/2023	Completions after 1 st April 2023	Total

2. Have any factors limited the rate of development on this site, or prevented development taking place so far? If yes, please provide brief details below:

3. Any other comments about the development of this site:

4. If you are no longer involved with this development, please provide the new landowner/ developer's contact details below, if known:

5. For our records, please could you provide an email address for the appropriate contact:

Please return this form to the Planning Policy and Delivery Team by **18th May 2018**:

Email suffolkcoastallocalplan@eastssuffolk.gov.uk

Post Planning Policy and Delivery Team, Suffolk Coastal District Council, East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT

Suffolk Coastal District Council
Planning Policy and Delivery Team
East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT

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01394 444761 ☎

<http://www.eastsoffolk.gov.uk/planning/local-plans/suffolk-coastal-local-plan/> 🗎

Appendix 4

2019 Housing Land Supply Assessment

Statement of Housing Land Supply as at 31 March 2019

Identifying a five year supply of
deliverable land for housing

Covering the Suffolk Coastal Local Plan area and the Waveney Local Plan area

Published August 2019



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The five years covered in this assessment are 1st April 2019 to 31st March 2024.

This statement confirms that the **Suffolk Coastal Local Plan** area of East Suffolk has a housing land supply of **7.03 years**.

This statement confirms that the **Waveney Local Plan** area of East Suffolk has a housing land supply of **6.58 years**.

Introduction

1. The Government published the revised National Planning Policy Framework (NPPF) in February 2019. Paragraph 73 of the Framework requires local planning authorities to:

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.’
2. East Suffolk Council was created on 1st April 2019, covering the former districts of Suffolk Coastal and Waveney. East Suffolk Council is the Local Planning Authority for East Suffolk other than the part of the District which falls within the Broads Authority area. The two areas are identified as being separate Housing Market Areas, with the Suffolk Coastal area falling within the Ipswich Housing Market Area and Waveney comprising its own Housing Market Area (as established through the Ipswich and Waveney Strategic Housing Market Assessment, 2017), and the two areas have separate Local Plans identifying separate housing requirements. It is therefore relevant that their position in relation to five year supply is considered separately, however this is presented in one statement reflecting that both areas are now within East Suffolk. This approach is consistent with the Planning Practice Guidance on Housing Land Supply (published in July 2019), which states that where a newly formed local planning authority is covered by strategic housing requirement policies adopted by predecessor authorities, these policies can continue to be used as the housing requirement for calculating the 5 year housing land supply in the areas they apply where these are less than 5 years old. Where strategic housing requirement policies, covering the predecessor authority area, are older than 5 years and require updating, local housing need should be used, where this is available (Paragraph: 025 Reference ID: 68-025-20190722).
3. The current Local Plan for the former Suffolk Coastal area comprises the Core Strategy and Development Management Policies (2013), along with the Site Allocations and Area Specific Policies Development Plan Document (2017), the Felixstowe Peninsula Area Action Plan Development Plan Document (2017) and the remaining policies of the 2001 Local Plan. A new Local Plan for the former Suffolk Coastal area is currently being prepared and is at an advanced stage, having been submitted for Examination in March 2019. This Local Plan will set a new housing requirement for the area including a strategy, policies and site allocations to deliver this. In the meantime, under paragraph 73 of the NPPF the housing requirement contained in the Core Strategy is identified as out of date and therefore the housing need

figure for the Suffolk Coastal area, as calculated following the standard methodology set out in the NPPF and the Planning Practice Guidance, is 542 dwellings per year. The calculation underpinning this figure is contained at Appendix A.

4. A new Local Plan for the former Waveney local planning authority area was adopted in March 2019, and sets out a housing requirement of 374 dwellings per year over the period 2014 – 2036, along with a strategy, policies and site allocations to deliver the housing requirement, including a contingency of approximately 12%.
5. With reference to paragraph 73 of the NPPF, the revised NPPF published in July 2018 and further amended in February 2019 has amended the definition of ‘deliverable’ to place greater emphasis upon demonstrating the delivery of sites which do not yet benefit from full planning permission and which are for ten dwellings or more, and that this will need to be demonstrated through clear evidence. The glossary to the NPPF defines a deliverable site as follows:

‘To be considered deliverable, sites for housing should be available now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.’

6. The Council has therefore placed emphasis upon understanding the deliverability of sites which fall under criterion b) above in preparing this statement.
7. The five years considered in this statement are 1st April 2019 to 31st March 2024. This statement concludes that the area covered by the **Suffolk Coastal Local Plan** has a **7.03 year supply** of deliverable housing sites and the **Waveney Local Plan** has a **6.58 year supply** of deliverable housing sites.

8. This Council has adopted a single methodology across both Local Plan areas in relation to the identification of evidence as set out below. However, the calculations themselves involve considerations appropriate to each Local Plan area, and these are therefore set out separately in the relevant sections of this Statement.

9. The Council is also producing a Housing Action Plan which will set out actions for the Council in supporting and enabling the delivery of housing, with the intention of having a positive impact on bringing sites forward for development.

Methodology

10. The calculations for the Suffolk Coastal Local Plan area and Waveney Local Plan area are set out in Chapters 3 and 4 respectively. These chapters follow the same structure. For each Local Plan area the housing requirement and the sources of delivery set out in Tables 1 and 2 respectively, with the five year housing land supply calculation set out in Table 3. Full details of sites included in the 5 year housing land supply are shown in Appendix B (Suffolk Coastal Local Plan area) and Appendix C (Waveney Local Plan area). These are categorised as per the categories of the NPPF definition explained below. Sites not considered to be deliverable within the current 5 year supply period are shown at the end of each of these Appendices. This section sets out the Council's approach to obtaining evidence to inform the anticipated rates of delivery.
11. The definition of deliverable in the NPPF sets out expectations in relation to demonstrating whether sites are deliverable. The Planning Practice Guidance on Housing and Economic Land Availability Assessment and on Housing Supply and Delivery sets out further guidance on what statements need to include and on what constitutes a deliverable site.

Sites below ten dwellings / 0.5ha or which have full permission

12. Sites which do not involve major development (i.e. are below 10 dwellings or are less than 0.5ha) and have planning permission and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. The NPPF refers to examples of sites being no longer viable, there no longer being demand for the type of units or sites with long term phasing plans.
13. The Council's starting point for sites which fall within this definition is therefore that they are deliverable. The Planning Practice Guidance (in paragraph 3-048-20180913 and 68-014-20190722) expects the publication of certain information in relation to such sites as follows:
 - Details of homes under construction and completed each year;
 - Where delivery has exceeded or not progressed as expected, a commentary indicating the reasons for any acceleration or delays;
 - Details of the current planning status;
 - Details of demolitions and planned demolitions.

14. In relation to such sites, the Council has therefore gathered evidence on completions, commencements and number of units under construction through interrogation of the Council's monitoring system. Using a proportionate approach, for sites of five or more dwellings, the Council has also contacted landowners, developers, applicants and agents (depending on the most relevant contact for a site) through the use of a proforma (Form A, Appendix E) to obtain information in relation to recent progress, anticipated progress over the next year and next five years, any matters affecting delivery and the anticipated build out rate. This has been used alongside other knowledge such as consideration of the size of site, date of permission and whether there is a known developer to identify an appropriate build out rate for the five year period.
15. Analysis of past permissions and completions has identified that small sites take on average less than one year from grant of permission to construction starting on site, and therefore where permission has been granted but development has not started it is anticipated that development would start in Year 1 and completions are therefore anticipated from Year 2. Where sites are under construction, consideration is given to past build out rates in anticipating future delivery. Analysis of past completions also shows that small sites will generally on average complete in under two years from start on site and therefore the rate of delivery reflects this. For sites of less than 5 dwellings, any dwellings currently under construction but not completed are entered into the current year column, unless there is evidence to suggest delivery of the site has been delayed.
16. Where outline permission is granted for sites of less than ten dwellings, completions are anticipated to begin later in the plan period to allow time for reserved matters to be granted.
17. For sites with full planning permission but which are major development, build out rates have been informed by site specific circumstances including the characteristics of the site. Analysis of past completions has indicated that it is difficult to establish any firm trends in relation to completions on major sites, however for medium sites (10 – 50 dwellings) completions of around 20 dwellings per annum appear to have been achieved on average (once anomalies are removed from the data). For sites of over 50 dwellings, there is insufficient recent data for East Suffolk to identify any trends, and therefore specific consideration has been given to the circumstances of each site. It will be seen that on some larger sites, development is anticipated to continue beyond the five year period.
18. Appendices B and C list separately those sites where it is considered that there is clear evidence that they won't come forward in the five years. Consideration has been given to

any factors that would represent clear evidence that homes will not be delivered within five years in line with the NPPF definition, and an explanation is given in the relevant tables. Where development has stalled on a site for a prolonged period of time, unless evidence is available to indicate that development is to commence, it is has been judged that development will not come forward within five years. Where records show that sites are being built out at a slower rate than might be expected this is also factored into the assessment.

19. In relation to sites of 5 or more dwellings, where contact has been made with developers / agents / landowners, if any information received shows that developers are delaying building, the delivery figures have been added later in the period. If the information suggests that development is occurring sooner rather than later, then the figures can be brought forward.

Sites of ten or more units / 0.5ha or more with outline permission and allocations

20. The Planning Practice Guidance (paragraph 68-014-20190722) states that for sites with outline consent or allocated in adopted plans assessments should include information and clear evidence that there will be housing completions on site within 5 years, including current planning status, timescales and progress towards detailed permission. For sites which have outline permission for ten units or more or which are allocated (including sites allocated within made Neighbourhood Plans), the Council has sought to obtain evidence to understand the prospects for delivery of the site over the five years.
21. The Planning Practice Guidance published in July 2019 (paragraph 68-007-20190722) states that evidence to demonstrate deliverability may include:
 - current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
 - firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
 - firm progress with site assessment work; or

- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.
22. To gain up to date understanding of progress in bringing sites forward, the Council made contact with relevant developers, agents or landowners in relation to these sites through use of a proforma. The proforma (Form B, Appendix E) for these sites contains additional questions (compared to that used for sites with full permission or which are not major development) such as intended timings for the submission of planning applications/discharge of conditions. The Council has made concerted efforts to obtain this information by involving officers from across the Planning service in making contact and following this up, where they have been in regular or recent contact with the agent / developer. As ultimately the decision as to whether to provide information rests with the developer / landowner, consideration has also been given to factors such as the submission of reserved matters applications and the discharge of conditions as an indication that development of a site is progressing.
23. The phasing information provided in response to this has informed the yearly anticipated build out in Appendices B and C, however a judgement has also been made as to whether the rates set out are realistic. In relation to sites falling within this category, whilst there is no firm trend analysis of past completions shows that medium sites (10-50 dwellings) deliver around 20 dwellings per annum on average (once anomalies are removed). For sites of over 50 dwellings, there is insufficient recent data for East Suffolk to identify any trends, and therefore specific consideration has been given to the circumstances of each site. It will be seen that on some larger sites, development is anticipated to continue beyond the five year period.

Windfall

24. Paragraph 70 of the Framework states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
25. Windfall sites make an important and reliable contribution to housing delivery in East Suffolk. Windfall development provides an opportunity for wider housing objectives to be met by enabling some housing development to come forward in other ways, for example affordable housing on exception sites, infill development, development in accordance with

the policies for housing in the countryside, subdivision of existing housing, flats over shops and development on previously developed land. These types of housing development are not expected to make a significant contribution to supply and are usually small in scale. As windfall developments are most likely to be small scale, consideration has been given to the contribution from small windfall developments (1-4 dwellings) over recent years.

26. In the Suffolk Coastal area, completions of small windfall sites over the past five years equate to an average of 97 dwellings per year. The Core Strategy and Development Management Policies (2013), and the emerging Suffolk Coastal Local Plan, anticipate 50 windfall dwellings per year, and based on average figures, the Council can be confident that at least 50 per year will continue to be delivered. In particular there are no significant changes in policy coming through in the emerging Local Plan that would be likely to have a negative effect on small scale windfall completions.
27. In the Waveney area analysis has also been undertaken of past windfall completions of the type that would be supported by policies in the Waveney Local Plan. This has identified 312 windfall completions over the past 5 years from the following sources: flats over shops; intensification sites including development on garden land; previously developed land and buildings, subdivision of housing and barn conversions. This equates to an average of 62 / 63 dwellings per annum and this is projected forwards. The policies in the new Waveney Local Plan would continue to support appropriate small scale windfall development.
28. To avoid double counting no contributions from windfall are identified in the first two years of the supply period.

Losses

29. In accordance with the Planning Practice Guidance (Paragraph 68-014-20190722), account has also been taken of any permissions which would result in the loss of residential uses, for example through conversions to other uses or through demolitions. These are set out in Appendices B and C for the Suffolk Coastal Local Plan area and the Waveney Local Plan area.

Residential Institutions

30. The Planning Practice Guidance (Paragraph 68-035-20190722) states that local planning authorities can count residential institutions in Use Class C2 in the housing land supply, and that the contribution should be based on the amount of accommodation released in the housing market. The Planning Practice Guidance on Housing for Older and Disabled People

(63-016a-20190626) states that authorities should base calculations on the average number of adults living in a house and use published Census data. The calculation has considered the 'mode' average of numbers of adults per household, i.e. the number most represented. In the case of both Waveney and Suffolk Coastal this is two adults aged 65 and over per household, and therefore a ratio of two bed spaces to one dwelling has been applied. It should be recognised however that the number of one adult households in this age category is almost as significant and therefore the ratio of 2 bed spaces equating to one dwelling is considered to be a conservative approach. It is also recognised that some forms of C2 use may accommodate more than one person, for example some forms of extra care accommodation, and this is taken into account on a site by site basis.

31. Completions data related to residential institutions is also presented for the Waveney area (in Appendix C). This is not presented for the Suffolk Coastal area as there is no requirement to consider past supply when the standard method is used to identify the housing number.

Lapse Rates

32. It should be acknowledged that lapse rates have not been included in the calculations. It is not a requirement of the Planning Practice Guidance to apply lapse rates, and the Council has therefore, more appropriately, applied the relevant buffers, obtained evidence to understand delivery and removed sites which are not anticipated to come forward in the five years, as per the Planning Practice Guidance.

Suffolk Coastal Local Plan area

33. Under paragraph 73 of the National Planning Policy Framework, the housing land supply calculation for the Suffolk Coastal area is carried out using the housing needs figure identified through the standard methodology. Paragraph 73 states that local planning authorities should apply the standard methodology figure where adopted strategic policies are more than five years old. The Suffolk Coastal Core Strategy and Development Management Policies Development Plan Document was adopted in July 2013 and therefore it is appropriate that the standard method figure is used.
34. The calculation of the housing need figure follows the guidance in the Planning Practice Guidance (February 2019) and using the 2018 affordability ratios published by the Office for National Statistics on 28th March 2019. The former Suffolk Coastal's affordability ratio has increased from the previous level of 8.95 (2017) to 10.07. If applied following the new standard method, the District's housing need is 542 dwellings per annum. The full calculation is set out in Appendix A.
35. Paragraph 73 of the Framework requires local planning authorities to apply an additional buffer of 5% to ensure choice and competition in the market for land. However, the buffer should be increased to 20% where there has been a persistent under delivery of housing, as indicated by the Housing Delivery Test results. As the Housing Delivery Test has been met, with a result of 128% (as published in February 2019), it is appropriate to apply a 5% buffer. Therefore the 5 year housing supply target is 2,846 (an annual average of 569 dwellings).
36. The Planning Practice Guidance states that where the standard method is used it is not necessary to consider any past under delivery as the methodology accounts for past delivery:
- 'The affordability adjustment is applied to take account of past under-delivery. The standard method identifies the minimum uplift that will be required and therefore it is not a requirement to specifically address under-delivery separately. (Housing and Economic Needs Assessment, Paragraph 2a-011-20190220).'
37. The housing requirement, including buffer, is set out in Table SC1 below.

Table SC1 – 5 year housing requirement, including buffer

a	5 year supply target (5 x 542)	2,710
b	5% buffer (a x 5%)	136
c	Total 5-year supply target (a + b)	2,846

Identifying and assessing deliverable sites

38. **Table SC4 Assessment of sites in 5-year supply** (Appendix B) sets out the sources of supply for the five year period. The **Housing Trajectory** presents the projected completions against the housing requirement.
39. The methodology set out in paragraphs 10 - 29 in this document have been used to assess and identify deliverable sites allocated in the Waveney Local Plan, sites with extant planning permission or sites where the principle of development has been accepted (such as those approved subject to a satisfactory S106 agreement).

Table SC2 – Summary table of sources of deliverable supply 2019 – 2024

Source of supply	2019/20	2020/21	2021/22	2022/23	2023/24
Major sites (sites of 10 or more dwellings) with outline planning permission / resolution to grant subject to Section 106	0	98	338	384	407
Allocations (Local Plan and Neighbourhood Plans)	0	10	100	190	190
Major sites (sites of 10 or more dwellings or 0.5ha or more) with full planning permission	490	440	316	177	84
Small sites (below 10 dwellings or 0.5ha) with planning permission	97	279	172	19	11
C2 – residential institutions	0	22	27	0	0
Windfall ¹	0	0	50	50	50
Sub Totals	587	849	1,003	820	742
Total	4,001				

¹ No windfall allowance is included for the first two years to avoid double counting with permissions

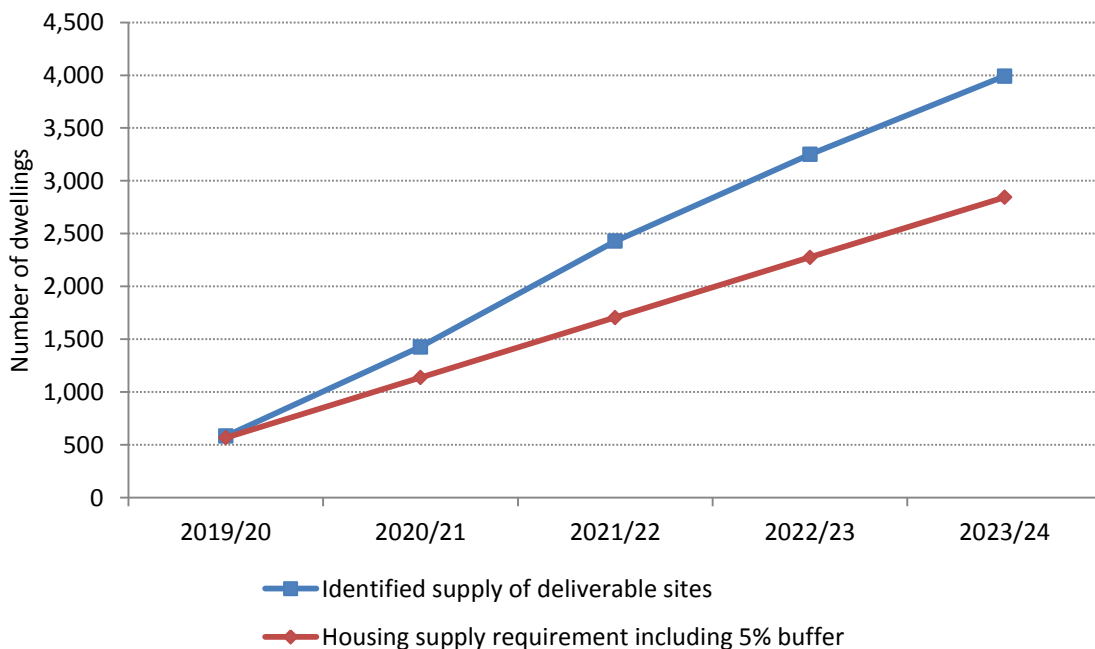
Table SC3 – number of units and years identified against the requirement

a	five year supply requirement including 5% buffer (Table SC1)	2,846
b	annual requirement (a / 5)	569
c	total number of units identified (Table SC2)	4,001
d	number of units above or below 5 year supply requirement (c-a)	1,155
e	number of years of deliverable housing land (c / b)	7.03

Results summary

40. This statement has identified sites within the former Suffolk Coastal area that are considered capable of delivering 4,001 dwellings within the 5-year housing supply period. The requirement is 2,846 dwellings, therefore this represents an over provision of 1,155 dwellings.
41. In conclusion, this statement identifies sites capable of delivering **7.03 years** of housing land supply.

Housing Trajectory



Waveney Local Plan area

42. The Waveney Local Plan covers the former District of Waveney, excluding that part which falls within the Broads Authority area. The Waveney Local Plan (March 2019) identifies a need for 8,223 new homes over the plan period (2014-2036). This equates to 374 new homes per year. For the period April 2014 to March 2019 a total of 1,870 dwellings should have therefore been completed. However, only 1,116 homes have been completed (Appendix D). This is a shortfall of 754 homes (equivalent to 2.02 years).
43. Paragraph 1.7 and Policy WLP1.1 (Scale and Location of Growth) of the Waveney Local Plan makes clear that the Council will apply the ‘Liverpool’ approach with respect to recovering shortfall in housing delivery. This means shortfalls in delivery will be recovered over the remainder of the plan period rather than within a five year period.
44. The current shortfall of 754 homes will therefore be spread across the remaining 17 years of the plan period i.e. 2019 to 2036. This equates to an additional 45 dwellings per year for the majority of the plan period, reducing to 44 in the final two years.
45. The National Planning Policy Framework requires local planning authorities to apply an additional buffer of 5%, 10% or 20% to ensure choice and competition or where there has been a significant under delivery of housing, as demonstrated through results of the Housing Delivery Test. In the case of the former Waveney area, the required buffer is 20% as delivery was below 85% (at 72%) as reported in the Housing Delivery Test, as published in 2019. In accordance with the Planning Practice Guidance (paragraph 68-022-20190722) the buffer is added to the requirement including the shortfall.
46. The 5 year housing land supply requirement for the former Waveney area is therefore 2,514 dwellings or 503 dwellings per annum, as set out in Table W1 below.

Table W1 – 5 year housing requirement, including shortfall and buffer

a	5 year supply target (5 x 374)	1,870
b	Shortfall (5 x 45)	225
c	20% buffer (a+b x 20%)	419
d	Total 5-year supply target (a + b + c)	2,514

Identifying and assessing deliverable sites

47. **Table W4 Assessment of sites in 5-year supply** (see Appendix C) sets out the sources of supply for the five year period. The **Housing Trajectory** presents the projected completions against the housing requirement.
48. The methodology set out in paragraphs 10 - 29 in this document have been used to assess and identify deliverable sites allocated in the Waveney Local Plan, sites with extant planning permission or sites where the principle of development has been accepted (such as those approved subject to a satisfactory S106 agreement).

Table W2 – Summary table of sources of deliverable supply 2019 – 2024

Source of supply	2019/20	2020/21	2021/22	2022/23	2023/24
Major sites (sites of 10 or more dwellings) with outline planning permission / resolution to grant subject to Section 106	35	112	295	393	351
Allocations (Local Plan and Neighbourhood Plans)	0	46	304	366	374
Major sites (sites of 10 or more dwellings) with full planning permission	76	92	106	86	128
Small sites (below 10 dwellings) with planning permission	96	88	133	27	0
C2 – residential institutions	13	0	0	0	0
Windfall ¹	0	0	63	63	62
Sub Totals	220	338	901	935	915
Total	3,309				

¹ No windfall allowance is included for the first two years to avoid double counting with permissions

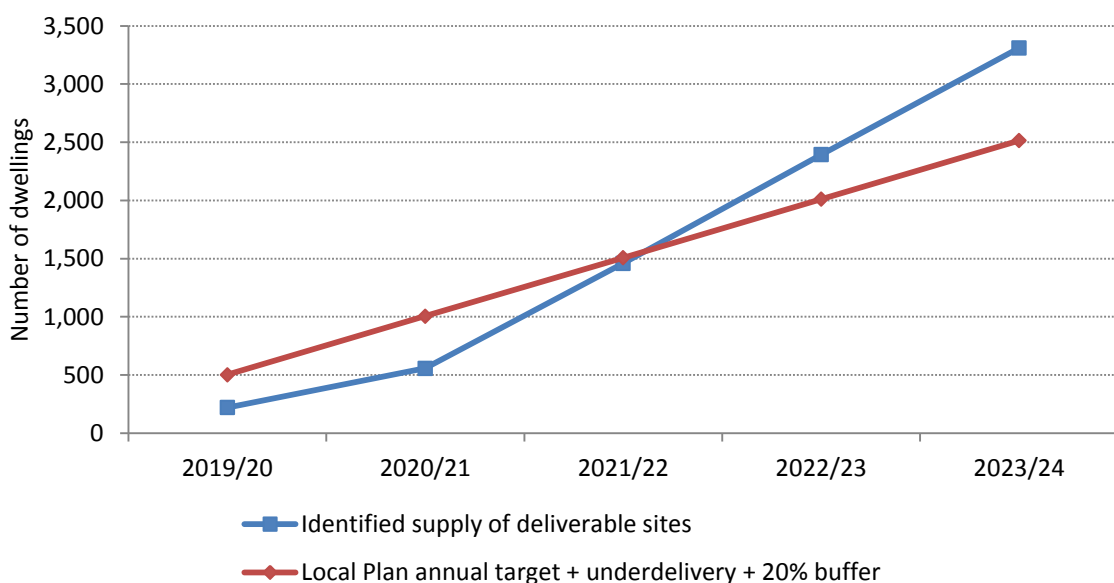
Table W3 – number of units and years identified against the requirement

a	five year supply requirement including Local Plan shortfall and 20% buffer (Table W1)	2,514
b	annual requirement (a / 5)	503
c	total number of units identified (Table W2)	3,309
d	number of units above or below 5 year supply requirement (c-a)	795
e	number of years of deliverable housing land (c / b)	6.58

Results summary

49. This statement has identified sites within the former Waveney area that are considered capable of delivering 3,309 dwellings within the 5-year housing supply period. The requirement is 2,514 dwellings, therefore this represents an over provision of 795 dwellings.
50. In conclusion, this statement identifies sites capable of delivering **6.58 years** of housing land supply.

Housing trajectory



Residential Institutions

51. Waveney completion data for the period 1 April 2014 to 31 March 2019 shows a total of 50 bedrooms have been completed within C2 residential institutions (care homes/nursing homes). Applying the ratio of 2:1 this is equivalent to 25 dwellings (Appendix D). This has not been included within the completions figures to avoid the creation of alternative figures to those reported previously, however should be acknowledged as having contributed towards past delivery in the Waveney area.

Monitoring

52. Progress on delivery of sites is monitored throughout the year from information provided by Building Control and Council Tax. This is supplemented by site visits at the end of the monitoring year.
53. As discussed earlier in this document, sites with planning permission for 5 or more units or allocated in Local Plans or Neighbourhood Plans have been subject to specific consultation with applicants/developers to assess whether they are considered achievable within 5 years. The forms used to inform this housing land supply statement are shown in Appendix E. However, the Council engages with developers, landowners and agents on an ongoing and daily basis in relation to development proposals, in particular through the Development Management service. The Council also holds a Developer Forum with developers and agents, where the Council will present or discuss topical planning matters, which therefore provides a further opportunity to understand general issues around delivery.
54. This statement will be updated annually to maintain an up to date position on housing land supply.
55. The Council's Local Plan Authority Monitoring Report provides data on housing completions (including tenure, house types and sizes) and commitments. The first East Suffolk Authority Monitoring Report will cover the monitoring period 1st April 2018 to 31st March 2019.

Appendices

The appendices are contained in a separate document:

Appendix A: Housing need figure for the Suffolk Coastal Local Plan area

Appendix B: Table SC4 Assessment of sites in 5 year supply (Suffolk Coastal Local Plan area)

Appendix C: Table W4 Assessment of sites in 5-year supply (Waveney Local Plan area)

Appendix D: Delivery of Dwellings in the Waveney Local Plan area

Appendix E: Developers survey forms

Email us 

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Development Management (Planning Applications)

planning@eastsoffolk.gov.uk


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01394 444557 / 01502 523029

Development Management (Planning Applications)

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Appendix 5

Bell Lane, Kesgrave Appeal Decision

APP/J3530/W/16/3160194



Appeal Decision

Inquiry Held on 26 June 2018

Unaccompanied site visit made on 25 June 2018

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 July 2018

Appeal Ref: APP/J3530/W/16/3160194 Land east of Bell Lane, Kesgrave

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Persimmon Homes Limited and BTP Limited against the decision of Suffolk Coastal District Council.
- The application Ref DC/15/4672/OUT, dated 18 November 2015, was refused by notice dated 15 July 2016.
- The development proposed is described in the application as a “phased development of 300 dwellings, the provision of land for a primary school and associated landscaping and open space.”
- This decision supersedes that issued on 30 October 2017. That decision on the appeal was quashed by order of the High Court.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. I made an unaccompanied site inspection the day before the inquiry opened, when I was in the vicinity from about 16:30 to 17:45. I saw the site from Bell Lane and walked to the Foxhall Road junction. I also followed the Long Strops bridleway (BR49) from Bell Lane to a point beyond the eastern boundary of the appeal site. I walked north from Long Strops to Cedarwood Primary School, past the eastern school boundary. I saw the connections from Hares Close and Ogden Grove to Long Strops and took the path through Fentons Wood from its south-western corner. I walked from Cedarwood School back to the appeal site frontage via Halls Drift, Potters Approach, Ogden Grove and the western section of Long Strops, which took about 10 minutes.
2. I saw a good part of the Grange Farm estate and noted the relationship between the appeal site and local shops, services and facilities. On this basis, all parties were content that an accompanied site visit was not necessary.

Preliminary matters

3. The proposal does not include a primary school, but rather makes land available for use as a school playing field. Accordingly, the parties agreed that it is better described as a phased development of 300 dwellings, the provision of land for use as a primary school playing field and associated landscaping and open space. The application was submitted in outline with all matters reserved except access.

4. Following the consent order quashing the previous appeal decision, the appeal is to be re-determined on the basis that the whole case is considered afresh. The quashed decision is treated as though it had not been made and is incapable of having any legal effect. The parties agree that consideration should be given to all of the original planning issues, not just those described in the consent order, namely the adequacy of the Inspector's reasoning in relation to housing land supply. I will also take account of any new evidence or material changes in policy or circumstances since the first inquiry.
5. Given the proximity of the site to the Deben Estuary SPA/R SSSI (the Deben Estuary site), there is some concern over the potential for "recreational pressure" on that site from prospective residents of the proposed development. However, at the time of the previous inquiry, the parties, Natural England and the Inspector concluded that, with the mitigation measures proposed, there would be no significant effect on the Deben Estuary Site. It was therefore considered that an "appropriate assessment" was not required by The Conservation of Species and Habitats Regulations 2017 (the Habitats Regs). Since then, the European Court of Justice ruled in *People over Wind, Peter Sweetman v Coillte Teorant* Case C-3/17 that this approach is wrong; if mitigation measures would be required to avoid significant effects, a full appropriate assessment must be made.
6. The parties agreed that an appropriate assessment would be required, if I were minded to grant permission¹ but, as at the date of the inquiry, I did not have the information necessary to make that assessment, including an up to date consultation response from Natural England. However, as the need for an appropriate assessment would only arise, if I were otherwise minded to grant planning permission, I continued with the inquiry to hear evidence and submissions on all other matters. All parties were content with that approach.

Main Issues

7. The main issues are:
 - (a) whether the proposed development accords with the development plan as a whole;
 - (b) whether occupiers of the proposed development would have adequate access, particularly pedestrian, cycle and bus access, to shops, services, facilities and employment and whether the development would be successfully integrated with Kesgrave;
 - (c) whether, leaving aside any impact on the integrity of the Deben Estuary SPA/R SSSI, material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan, having particular regard to whether the Council can demonstrate that it has a 5 year supply of deliverable housing sites against its requirements;

If I were minded to allow the appeal on the basis of the above considerations, I would then have to go on to consider, following an appropriate assessment under the Habitats Regs:

¹ Regulation 63(1) of the Habitats Regs.

- (d) whether the proposed development would adversely affect the integrity of the Deben Estuary SPA/R SSSI, having regard to the conservation objectives of that site; and, if it would have an adverse effect:
- (e) whether, there being no alternative solutions, the development must be carried out for imperative reasons of overriding public interest.²

Reasons

The development plan

8. As set out in the Statement of Common Ground (SOCG)³, the development plan comprises: the Suffolk Coastal District Local Plan Core Strategy and Development Management Plan Document (CS), adopted July 2013; the Site Allocations Development Plan Document (SADPD), adopted January 2017; and the remnant saved policies from the Suffolk Coastal Local Plan (LP).
9. The CS policies relevant to this outline proposal are:
 - SP1 – Sustainable Development
 - SP1A – Presumption in Favour of Sustainable Development
 - SP2 – Housing Numbers and Distribution
 - SP3 – New Homes
 - SP11 – Accessibility
 - SP12 – Climate Change
 - SP14 – Biodiversity and Geodiversity
 - SP15 – Landscape and Townscape
 - SP16 – Sport and Play
 - SP17 – Green Space
 - SP18 – Infrastructure
 - SP19 – Settlement Policy
 - SP20 – Eastern Ipswich Plan Area
 - SP29 – The Countryside
 - DM2 – Affordable Housing on Residential Sites
 - DM3 – Housing in the Countryside
 - DM20 – Travel Plans
 - DM23 – Residential Amenity
 - DM27 – Biodiversity and Geodiversity
 - DM28 – Flood Risk
 - DM32 – Sport and Play
10. The relevant SADP policies are:
 - SSP1 – New Housing Delivery 2015 – 2027
 - SSP2 – Physical Limits Boundaries
 - SSP38 – Special Landscape Areas
 - SSP39 – Areas to be Protected from Development
11. Saved LP Policy AP212, which concerns the “Ipswich Fringe: Open Character of Areas of Land Between Settlements” is also of relevance.
12. The evidence regarding development plan policies was given in the context of the parties’ agreement that CS Policy SP2 is out of date.⁴ It is important to note the reason for this.

² Regulation 64 of the Habitats Regs.

³ Inquiry document (ID) 1.

⁴ Ibid, paragraph 6.3.

13. Policy SP2 stated that the CS would make provision for at least 7,900 new homes across the district in the period 2010 – 2027, with land being distributed in accordance with the Settlement Hierarchy in SP19. By reference to Table 3.3 in the CS, Policy SP2 stated that 29% of the required new dwellings would be provided in the Eastern Ipswich Plan Area.
14. SP2 did not seek to provide for the full “objectively assessed needs” (OAN) of the district. The context for the CS housing provision had been set by the then revoked East of England Plan but, in 2010, the Council had commissioned Oxford Economics to provide updated forecasts of housing need. Using the East of England Forecasting Model (EEFM), they identified a need for 11,000 new dwellings during the plan period. On the evidence available to him from the Examination in Public (EIP) of the CS conducted in 2012, the Inspector said in his June 2013 report that this figure of 11,000 dwellings should be taken as the OAN between 2010 and 2027⁵. This was despite criticisms from some about assumptions made in the EEFM; the Inspector said it was “the best available estimate of need at (that) point.”⁶
15. The EIP Inspector noted that SP2 would not meet the OAN for 11,000 dwellings. However, he accepted that, if he were to suspend the examination pending the Council’s assessment of options and formulation of proposed changes, the plan would likely be withdrawn. He concluded that having the CS in place at an early stage would support the achievement of sustainable development and bring forward sites. In these circumstances, he concluded that an early review would be preferable to suspension of the EIP.⁷ On this basis the CS was adopted with SP2 explicitly providing for an early review. This was to commence with the publication of an Issues and Options Report by 2015 at the latest, to identify the OAN and make proposals to meet this. That review was not commenced and therefore the Council now accepts that Policy SP2 is out of date.
16. By virtue of section 38(6) of the Planning and Compulsory Purchase Act 2004 (the PCPA 2004), I must determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Section 38(6) therefore involves a two-stage process; namely consideration of whether the proposal is in accordance with the plan and then, whether there are relevant material considerations.
17. The appellants contend that SP2 being out of date infects the other policies on which the Council relies, such that they should all carry reduced weight. I shall come back to that but, in closing, Mr White QC said:

"4.16 The fact that these policies are out of date and have reduced weight is relevant to the section 38(6) exercise, in that any conflict with these policies must receive reduced weight within the section 38(6) exercise.

Mr Woolnough said during XX that he did not reduce any weight to conflict with out of date policies within his s.38(6) exercise, which is entirely the wrong approach.

⁵ Core Document (CD) 5.18, paragraphs 33 – 35.

⁶ Ibid, paragraph 48.

⁷ Ibid, paragraphs 53 – 55.

4.17 ...the only real conflict is with SP29 (which is then referred to in DM3 and SSP2), which is a policy which must be given reduced weight and importance.

4.18 When weighted against the other numerous policies which the development complies with, which do receive material weight, the proposal does comply with the Development Plan as a whole.”⁸

18. This last paragraph 4.18 suggests that, when assessing compliance with the development plan as a whole, I should take account of the reduced weight of policies resulting from their being out of date. However, no authority was cited for that proposition and it seems to me that the consequences of policies being out of date need to be factored in during the second stage of the section 38(6) process, not the first. A proposal which conflicts with key development plan policies will not conform to the development plan merely because some or all of those policies are out of date for any reason. However, a finding that some or all of those policies are out of date would be a material consideration, which might indicate that the appeal should not be determined in accordance with the development plan.
19. It is clear however, that in determining whether a proposal is in conformity with the development plan as a whole, some policies are inherently more important than others. In *R v Rochdale MBC ex parte Milne* [2000] EWHC 650 (Admin)⁹, Sullivan J, as he then was, emphasised the need to make a judgement “bearing in mind such factors as the importance of the policies which are complied with or infringed and the extent of compliance or breach,” and he acknowledged that there may be “minor policies.” Mr White QC used the example of policies requiring the provision of public art or concerning sport and play as ones which might carry less weight.¹⁰ Nevertheless, in determining whether the proposal would be in conformity with the development plan as a whole, I will take the individual policies at face value, without considering whether they are out of date for any reason.
20. The Council contends that the appeal proposal would breach Policies SP20, SP29, DM3 and SSP2.
21. Within the “Major Centres” section of the CS, Policy SP20 relates to the Eastern Ipswich Plan Area (EIPA). In closing, Mr White QC said that SP20 is not breached, because it directs development to a Major Centre, namely the EIPA, within which the site lies.¹¹ With due respect to him, Mr White’s submission on this point went further than the evidence of his planning witness Mr May. He confirmed the thrust of his proof of evidence,¹² namely that the proposal would indeed breach Policy SP20, but only in as far as that policy refers to SP29. Indeed, the appellants’ stance on this is confirmed in the SOCG.¹³
22. Nevertheless, the interpretation of Policy SP20 was the subject of some debate during the inquiry and there was a suggestion of ambiguity within the CS. In pressing the point that the site lies within the EIPA, and therefore within a Major Centre at the top of the Settlement Hierarchy established by SP19,

⁸ ID35, paragraph 4.16.

⁹ Referred to by Mr May at paragraph 5.17 of his proof.

¹⁰ ID35, paragraph 4.8.

¹¹ Ibid, paragraph 4.11.

¹² At paragraphs 5.11.

¹³ ID 1, paragraph 7.3.

Mr White QC drew attention to Map 1 at page 136 of the CS.¹⁴ However, this shows the "Ipswich Policy Area (inc Westerfield)" which, the glossary tells us, is a "spatial area reflecting the sub-regional role played by Ipswich as defined in the former RSS." Though the EIPA falls within the area coloured orange on Map 1, that map does not specifically delineate the EIPA.

23. The CS glossary defines the EIPA as including "the town of Kesgrave". However, crucially, SP20 says the EIPA is divided into 3 sections: the area to be covered by the Martlesham, Newbourne & Waldringfield Area Action Plan; the main urban corridor of Kesgrave, Martlesham and Rushmere St Andrew; and the smaller settlements and countryside which surround these core areas.
24. The appeal site is clearly outside the area to be covered by the Martlesham, Newbourne & Waldringfield Area Action Plan, as shown on Map 4 on page 139 of the CS. With regard to the urban corridor of Kesgrave, Martlesham and Rushmere St Andrew, SP20 states that the strategy is:

"... for completion of existing long-standing housing allocations and other small scale development opportunities within the defined built up area." (My emphasis).

The significance of built up areas in the EIPA is reflected in Table 4.2 on page 63 of the CS. This indicates that, within Major Centres, housing development in the form of estates (where consistent with local character), groups and infill will be allowed "within the defined physical limits."

25. The glossary states that "physical limits boundaries" will be defined on the Proposals Map, namely a separate Local Development Document. SADPD Policy SSP2 provides that physical limits boundaries have been drawn for all settlements listed as Major Centre, Town, Key and Local Service Centre. Paragraph 2.18 of the SADPD indicates that physical limits boundaries define "the main built area(s)" of a settlement. SSP2 states that, outside physical limits boundaries, new residential development will be strictly controlled in accordance with national planning policy guidance and the strategy for the countryside set out in CS Policy SP29.
26. SADPD Map 40 on page 179 shows the physical limits boundaries of Kesgrave (with parts of Rushmere & Martlesham). Whatever the extent of any perceived ambiguity concerning the EIPA, it is clear that the appeal site lies outside those physical limits boundaries. The SOCG confirms this and records the parties' agreement that the site is within "the remainder of the area", namely the remainder of the EIPA, which is countryside.¹⁵
27. As the appeal site is not within the defined built up area, this proposal does not accord with the strategy in SP20 for the EIPA, and in particular the urban corridor section of the EIPA. Given that the site lies within what SP20 describes as "the remainder of the area", Policy SP29 applies. This mirrors SADPD Policy SSP2.
28. The conflict with SP20 does not arise solely because it refers to SP29. SP20 is not just about protecting the countryside from unnecessary development; it embodies a positive strategy for sustainable development within the EIPA, to

¹⁴ ID 35, paragraph 4.11.

¹⁵ ID 1, paragraph 6.6.

- actively manage patterns of growth as advised by the National Planning Policy Framework published in March 2012 (the Framework).
29. In his proof¹⁶, Mr May referred to the "observation" in SP20 that communities "have the opportunity to settle and mature." When allowing for the completion of allocations and for small scale development within the defined built up area, SP20 says: "*In particular, it is recognised that due to the significant levels of growth which have occurred over the past 10 or so years, communities have the opportunity to settle and mature. Developments which offer the opportunity to support this broad approach will be supported...*" This is more than a mere observation; providing the opportunity for communities within the urban corridor to settle and mature is part of the Council's vision of sustainable development. SP20 only encourages developments which offer the opportunity to support that broad approach.
30. I acknowledge that the appeal site lies only 20m or so to the south of the physical limits boundaries of Kesgrave (with parts of Rushmere & Martlesham). Nevertheless, even within those physical limits boundaries, aside from allocations, SP20 only allows for "*small scale development opportunities*". A scheme of 300 dwellings would not be small scale and would not be consistent with the broad approach outlined in SP20. As the site is outside the physical limits boundaries, the conclusion that the proposal conflicts with SP20 applies with greater force; it represents a significant conflict.
31. Turning to CS Policy SP29, this restricts new development in the countryside to that which needs to be located there and accords with other CS policies or the special circumstances outlined in paragraph 55 of the Framework. The appellants acknowledge that the site lies in the countryside, being beyond the relevant physical limits boundaries, and that the proposal would breach that policy.
32. In support of SP29, paragraph 4.98 of the CS notes that the countryside is "*an important economic asset*" and that "*the strategy and approach is very much one which seeks to secure a viable and prosperous rural economy as a key element in maintaining the quality of the built and natural environment of the district.*" The fact that the appeal site is only 20m beyond the Kesgrave settlement boundary could be said to diminish the extent of the breach with SP29. However, it is a large site of some 15 ha and is located to the south of a strong boundary formed by the Long Strops bridleway and a mature hedge and fence. The proposal would not be a minor breach of SP29.
33. CS Policy DM3 specifically relates to new housing development in the countryside. It only supports such development if specified criteria are met. In short, these all envisage small developments and those satisfying paragraph 55 of the Framework. Paragraph 5.13 of the supporting text states that this overarching policy "*first and foremost stresses that such development will be strictly controlled...*"
34. None of the criteria in DM3 is met, but the appellants only accept that this policy is breached to the extent that it is cross referenced in SP29.¹⁷ In his proof, Mr May says that there is "nothing else that is material to the appeal in Policy DM3 that adds to the conflict with Policy SP29." The policy itself says

¹⁶ At paragraph 5.10.

¹⁷ ID 1, paragraph 7.3.

that the criteria are applied in "*the interests of safeguarding the countryside as set out in Policy SP29 as well as meeting sustainable objectives...*" DM3 and SP29 overlap and reinforce each other but, if anything, DM3 is of greater relevance than SP29, as it specifically concerns housing. In any event, a development of 300 dwellings on a 15 ha site in the countryside would amount to a significant breach of DM3, notwithstanding the proximity to the physical limits boundary of Kesgrave.

35. SADPD Policy SSP2 also provides that new residential development outside physical limits boundaries will be strictly controlled in accordance with national policy and the strategy for the countryside in CS Policy SP29. Paragraph 2.17 states that these boundaries have operated as a policy guide to development over many years but "*have been updated to ensure they are fit for purpose for the plan period and beyond, and are logical and defensible.*" The proposal would breach the strict control applied by SSP2.
36. Whilst the appeal scheme would represent a significant breach of Policies SP20, SP29, DM3 and SSP2, many other relevant policies are listed in the SOCG and the Council does not allege any conflict with these. None of the witnesses addressed these other policies one by one. When asked which were the most relevant other policies, Mr May referred to his proof, which drew attention to paragraph 4.07 of the CS. This described SP19, which defines the Settlement Hierarchy as "*one of the 3 key policies, the other two being Climate Change (Policy SP12) and Sustainable Development (Policy SP1) around which the remainder of the Core Strategy is built.*" SP19, SP1 and SP12 are clearly important within the plan, but they embody broad strategic principles and it is necessary to look to other policies to ascertain how those principles should be applied in practice.
37. Whilst SP19 places the EIPA at the top of the Settlement Hierarchy as a Major Centre, SP20 sets tailored strategies for different parts of the EIPA. I have already concluded that the proposal would conflict with SP20 and, to use the words of Sullivan J in *R v Rochdale MBC ex parte Milne* [2000] EWHC 650 (Admin), it cannot be said that SP19 "pulls in a different direction." Similarly, as indicated in paragraph 3.18 of the CS, SP1 "*sets the framework which has guided the development strategy for the district.*" Policies such as SP20, SP29 and DM3 sit within that overall framework and SP1 does not pull in a different direction. Similarly, in seeking to mitigate the impacts of development on climate change, there is nothing in SP12 which pulls in a different direction to the breached policies; the appeal site and the appeal scheme have no particular features which make SP12 especially relevant or important in this case.
38. Policy SP1A reflects the Framework's presumption in favour of sustainable development. It begs the question whether the development accords with the development plan, but does not assist in answering it. Policy SP3 was not specifically mentioned in Mr May's written or oral evidence, or closing submissions for the appellants. However, I recognise that, in seeking to increase the stock and range of housing, Policy SP3 provides some support for the proposal. This is in line with the thrust of the Framework but, despite the importance of this objective, SP3 does not support any amount of housing in any location; provision is to be made "*in accordance with the principles of sustainable development and sustainable communities.*" Policies SP20, SP29, DM3 and SSP2 seek to provide for sustainable development and sustainable

communities and SP3 is less significant in the assessment of compliance with the development plan as a whole.

39. The process of determining whether the appeal scheme would comply with Policies SP14 and DM7 concerning Biodiversity and Geodiversity cannot be separated from the process of an appropriate assessment. For the reasons already given, I leave that question aside.
40. The Council alleges no conflict with the other relevant development plan policies listed in the SOCG, or at least acknowledges that compliance could be achieved through the imposition of conditions and/or through planning obligations. However, the appellants did not identify any way in which those policies pull in the opposite direction to the policies breached. The appellants accepted that some, such as SP16 (Sport and Play) should be given limited weight.
41. Just as the parties did not do so, I will not address each of the remaining relevant policies one by one. However, they generally guide how development should be undertaken, assuming it is acceptable in principle. Even DM2, which concerns the very important issue of affordable housing, simply indicates the proportion of dwellings which should be affordable. The provision of affordable housing is a material consideration in the final planning balance, but DM2 does not indicate that development should be allowed on this site just because it would provide affordable housing; this is not an "exception site" which would benefit from the direct and positive support of DM1.

Conclusion on the development plan

42. In terms of the section 38(6) exercise, the Council contends that SP20, SP29, DM3 and SSP2 are "the most directly relevant policies"¹⁸. Indeed, the SOCG records agreement that the first 3 are "the key policies for consideration of the appeal."¹⁹ I accept that SP20, SP29, DM3 and SSP2 are the dominant policies in this case, as they relate to where development should be, rather than how it should be carried out, and they can be specifically applied to this site and this proposal. Given that the appeal scheme would give rise to significant conflict with those policies, I conclude that it would not accord with the development plan, notwithstanding that numerous less important policies would be complied with, or not breached.

Access to shops, services and facilities – integration with Kesgrave

43. The SOCG notes that the site is 20m from a sustainable settlement, which has a range of services and facilities. Furthermore, with the benefit of a section 106²⁰ contribution, Suffolk County Council has agreed to use its best endeavours to create a footpath link to Long Strops on the eastern boundary of the appeal site. This would be through a public right of way creation agreement or order under section 25 or section 26 of the Highways Act 1980. It is intended that this new footpath would also link Long Strops to the existing footpath FP44, which currently terminates in a wooded area, some distance to the east of the appeal site.

¹⁸ ID 34, paragraph 4.

¹⁹ ID 1, paragraph 6.6.

²⁰ ID 18.

44. Table ID4.2 in the SOCG shows the walking distances and times from the centre of the appeal site to the various facilities, assuming there is no new footpath link. Table ID4.3 shows what those distances and times would be, assuming the proposed new footpath is created.
45. Via a unilateral undertaking²¹, the appellants would provide funding (£17,000) towards the creation of a further 2 public footpaths in the vicinity of the development. During the round table discussion, Mr Barber from the County Council said that there was a strong argument for the new connection at the eastern boundary of the appeal site. The County Council had not considered that contributions to 2 further connections would meet the tests for a planning obligation. However, Mr Barber said he could see Mr Woolnough's point in relation to wider connectivity and indicated that, if the County Council recognised a good case, they would seek to make those connections.
46. I shall come back to the detail of footpath connections, but note that a separate SOCG relating to highway matters was signed by the appellants and Suffolk County Council, as the highway authority, on 29 May 2018. Among other things, this confirmed those parties' agreement that the appeal site is accessible by all modes of transport and is within walking and cycling distances of a range of local facilities and employment opportunities. Having regard to proposed mitigation measures, the highway authority is satisfied that the appeal site is accessible by all modes of transport.
47. As well as the proposed new footpath link, some improvements to the local highway network and the production of a residential Travel Plan, the proposed mitigation measures include a financial contribution to an enhanced bus service. As agreed by the bus operator, First Group, the existing service on route 66 would divert from Bell Lane into the appeal site, around a turning circle and out again via the single vehicular site access point. A bus stop would be created within the site, so that a majority of the dwellings would be within a 400m walking distance of a stop, and an additional bus would be provided to maintain the frequency of the No 66 service.
48. I heard evidence from Sue Hall, as a local resident, but also the volunteer Public Transport Liaison Officer for Kesgrave Town Council²². She expressed concern that running a bus into a cul de sac and back out again is not a good use of time and resources and might not be popular with existing Route 66 passengers. She was supported in this by another local resident, Jane Cody, who also gave evidence. Miss Hall considered that this diversion would add perhaps 20 minutes or more to this route. Whilst acknowledging the offer of funding for an additional bus on this route and extending the service into the site²³, she doubted the viability of the route at the end of this subsidy. Miss Hall cited the example of a service that ran into the cul de sac formed by Glanville Place and Heathview, just to the north east of the appeal site. She explained that, when the County Council's subsidy for this service ended in 2012, it was cut, as the bus company said it was not viable without the subsidy.

²¹ ID 19.

²² ID 24.

²³ The section 106 Agreement, as varied (ID 18 & 20) provides for £120,000 per year for the bus service, index linked, but to a maximum of £600,000.

49. I value the experience and judgement of local people and accept that Miss Hall is very familiar with local public transport issues. However, for the appellants, Mr Dix explained that, assuming an average speed of 14 mph, the 1.2 km diversion into the site would add some 3 to 3 ½ minutes to the route, which now takes about 45 minutes. There is no compelling evidence that the assumed 14 mph average speed is unrealistically high. Indeed Mr Dix explained that it derives from the study of a wide variety of routes. It takes account of delays at stops and junctions and is agreed by the bus company. Whilst Miss Hall and Mrs Cody had particular concerns about the potential for traffic to back up along Bell Lane, account must be taken of the proposal to introduce traffic signals at the Bell Lane/Foxhall Road junction.²⁴ Mr Dix confirmed that, on a route as long as Route 66, an extra 3 ½ minutes or so would not deter users.
50. Mr Dix also explained that, whilst historically there has been a problem with bus services being discontinued when a subsidy ends, the development of residential travel plans has encouraged people to use services. This usually ensures the continuity of service provision. In any event, First Group has confirmed its view that the subsidy would enable the service to become established and remain viable after the subsidy period. It says this service would make the site accessible to and from Ipswich Town Centre, the Railway Station, the hospital and employment at Adastral Park with BT and other future employers.²⁵ The County Council also confirmed its support for this approach in its CIL Compliance Statement submitted in May 2018. In all the circumstances, I am satisfied on the balance of probability that the development would benefit from adequate bus access.
51. In terms of overall connectivity, the Council, namely the district Council, refers to the illustrative plans submitted with the application, including the Illustrative Masterplan 7473/050-Rev A04. This shows 5 pedestrian/cycle connections from the northern site boundary to Long Stroops. For ease of reference, Mr Woolnough submitted an annotated copy of that plan, with the connections marked 1 – 5.²⁶ Where I refer to numbered connections points, the numbers are taken from that plan.
52. The connections shown on the annotated plan include one close to the eastern site boundary and marked (5). This would be especially important to ensure reasonable access from Cedarwood Primary School to the proposed playing field in the north-eastern corner of the appeal site. The Council considers that all 5 connections are important to ensure proper connectivity between the proposed development and Kesgrave and its integration with the existing community. However during the conditions/obligations round table session, Mr Woolnough acknowledged that connection (4) might not be essential, as connection (5) would enable access to the school via a gate near the south-eastern corner of the school site. I agree.
53. Mr Dix referred to DfT Guidance contained in Local Transport Note 1/04.²⁷ This suggests that the mean average utility journey length is approximately 1km for walking and 4km for cycling, though journeys of up to 3 times those lengths are not uncommon for regular commuters. He also refers to the Institution of

²⁴ ID 31, proposed condition 11.

²⁵ Mr Dix' proof appendix 15.

²⁶ ID 32.

²⁷ Ibid, appendix 6.

Highways and Transportation (IHT) document 'Providing for Journeys on Foot' (2000)²⁸ which indicates preferred walking distances (in metres) as follows:

	Commuting/school	Elsewhere
Desirable	500	400
Acceptable	1000	800
Preferred maximum	2000	1200

54. Assuming the creation of a new footpath link to Long Strops on the eastern boundary (connection (5)), Mr Dix says that the 2 local primary schools (Cedarwood and Heath Primary Schools) are within the acceptable walking distance of the appeal site and Kesgrave High School is within the preferred maximum distance. Of 22 other local facilities identified, he said that 7 are within the preferred maximum walking distance and 15 are beyond it. However, there is some force in his observation that, if children can be expected to walk 2000m to school, there is no reason why adults should only be expected to walk 1200m elsewhere. On that basis, all of the local facilities would be within the preferred maximum walking distance.
55. Without a new footpath link to Long Strops on the eastern boundary, it is apparent from Table ID4.3 in the SOCG that all but Suffolk Orthodontics and Kesgrave Pharmacy would be beyond even the IHT acceptable commuting/school distances and 2 facilities, including Kesgrave High School, would be beyond the preferred maximum. The creation of a new footpath link cannot be guaranteed. I cannot pre-empt the outcome of an order confirmation process under the Highways Act, assuming agreement cannot be reached with the landowner. However, having regard to the appellants' solicitors notes²⁹, Mr Barber's comments during the round table session on conditions and obligations and Mr White QC's closing submissions, there is a reasonable prospect of such a connection being achieved.
56. Nevertheless, even if access onto Bell Lane and to Long Strops via one link to the east (connection (5)) would enable acceptable walking and cycling distances with just those connections, the development would still seem like an enclave, separated from Kesgrave by a strong 720m long, 20m wide boundary, comprising a fence, hedge and the Long Strops bridleway. This is not what was envisaged in the Design and Access Statement (DAS)³⁰ submitted with the application. This noted that Long Strops is well used by pedestrians and cyclists and provides links to the Kesgrave town and the surrounding countryside. The Concept Strategy drawing on page 36 of the DAS actually indicates 5 pedestrian/cycle points to Long Strops, in addition to the proposed new footpath link on the eastern site boundary.
57. I also note Mr Woolnough's evidence that the Long Strops bridleway was incorporated into the masterplan of the Grange Farm estate extension to Kesgrave. He points out that the majority of the southernmost housing in that development faces onto and "directly accesses this important green

²⁸ Ibid, appendix 7.

²⁹ ID 11 and 30

³⁰ CD 2.13.

infrastructure asset and valuable pedestrian, cycle and recreation route.”³¹ Notwithstanding the proximity to the settlement boundary, I am satisfied that, without suitable links via Long Strogs to the Grange Farm estate and Kesgrave, the new development would fail to address the connections between people and places or integration into the natural, built and historic environment. I am not persuaded that one new link at the eastern site boundary would provide an adequate level of connection and such an arrangement would be contrary to advice in paragraph 61 of the Framework.

58. To achieve proper integration with the existing Grange Farm estate, it would make sense for the proposed development to include links to Long Strogs in the vicinity of the existing links from that established estate. There is some prospect that such additional connections could be achieved. Accordingly, it would be reasonable and necessary to impose a Grampian style condition to require the reserved matters details of the layout to include connections as shown on the annotated copy of the Illustrative Masterplan e.g. in the vicinity of: the southern extremity of Ogden Close (connection (1)); the path through Fentons Wood which connects with Long Strogs at the south-western corner of Fentons Wood (connection (2)); the southern extremity of Hares Close (connection (3)); and the north-eastern corner of the site (connection (5)). The approved connections could be required to be completed for use prior to first occupation of any of the dwellings in the respective phase of the development.
59. In these circumstances, the lack of connectivity achieved by the appellants’ current firm proposals need not result in dismissal of the appeal. I conclude on this issue that, subject to the imposition of an appropriate condition, occupiers of the proposed development would have adequate access, particularly pedestrian, cycle and bus access, to shops, services, facilities and employment and the development would be successfully integrated with Kesgrave.

Other material considerations

Out of date policies

60. When setting out the context for consideration of compliance with the development plan, I noted that the requirement in SP2 to make provision for 7,900 new homes in the period 2010 to 2027 is out of date. This is because, regardless of any other arguments, an early review of the CS did not commence by 2015, as required by SP2 itself. Given that SP2 also provided for the distribution of these new homes in accordance with the Settlement Hierarchy in SP19 there is, on the face of things, some logic in the appellants’ contention that this would have a “seminal effect” on SP19, SP20, DM3 and SSP2.³² Indeed, Mr Woolnough accepted during cross examination that SP19 should be accorded less weight, as SP2 is out of date, though he did not accept that in relation to SP20, SP29, DM3 or SSP2.
61. Specifically in relation to SSP2, paragraph 2.16 of the SADPD indicates that physical limits boundaries have been re-drafted to implement CS Policies SP19 and SP2. The Inspector who carried out the EIP stressed that the role of the SADPD was to implement the CS and therefore to meet the housing requirement in that plan.³³ She noted that the OAN and housing policies were

³¹ Mr Woolnough’s proof, paragraph 7.5.

³² ID 35, paragraph 4.14.

³³ CD 5.19, paragraphs 26 – 29.

not reviewed in accordance with CS Policy SP2. Accordingly, SP2 was already out of date. Nevertheless, she said that the physical limits boundaries had allowed for space within settlements for minor infill development and also incorporated sites of 5 or more houses where the principle of housing had been accepted by the Council. She found that "a consistent approach had been taken to the drawing of the boundaries, taking public consultation responses into account." Whilst the EIP Inspector noted concerns that sustainable development might potentially be prevented outside those boundaries, she concluded that the physical limits boundaries were "justified, effective and positively prepared."³⁴

62. When cross examined, Mr May said that SP29 was not out of date. Indeed, he acknowledged that, if the development plan and planning permissions are meeting the need for housing, there is no reason to reduce the weight of SP29, although he stressed this did not mean the appeal should be dismissed. By contrast, Mr May said that, as a result of SP2 being out of date, SSP2 carries reduced weight, even if the OAN for housing is still being met. In answer to my questions though, he accepted that "the key thing here is the lack of a 5 year housing land supply." Expanding on this, he said that, if the OAN is actually much more than the out of date policy requirement in SP2, the distribution policy, which includes provision for 29% of housing growth in the EIPA, may be inappropriate. Nevertheless, whilst not wanting to entirely "let go of" the relevance of the datedness of SP2, Mr May accepted that this factor did not really have practical consequences if the OAN could still be met; it was just a "policy principle."
63. If sufficient housing can still be provided within the constraints of the key breached policies, SP20, SP29, DM3, and SSP2, there need be no automatic reduction in the weight of these policies, simply because SP2 is out of date and the requirement for 7,900 new homes in the plan period is no longer appropriate. To put it another way, if SP20, SP29, DM3 and SSP2 remain conducive to meeting the district's OAN for housing, the datedness of SP2 would not of itself indicate that the appeal should be determined otherwise than in accordance with the development plan.

Five year housing land supply

64. Paragraph 47 of the Framework requires the Council to identify a supply of specific deliverable sites to provide for 5 years worth of housing against its requirements. However, notwithstanding paragraph 49, given footnote 9, paragraph 119 and the need for an appropriate assessment under the Habitats Regs, a failure to do this would not engage the so-called 'tilted balance' in paragraph 14 of the Framework. The lack of a 5 year housing land supply would be a material consideration, the weight of which would depend on the extent of the shortfall. It would simply be a question of whether this and any other material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan.
65. The appellants contend that the OAN should be taken as 11,000 dwellings over the period 2010 to 2027 (equating to 647 per annum), as accepted in 2013 by the Inspector who conducted the EIP of the CS. This figure was identified by Oxford Economics in 2010 (the 2010 OAN). The Council argues that the appropriate OAN figure is 10,111 dwellings over the period 2014 to 2036,

³⁴ Ibid, paragraphs 53 – 56.

- based on the May 2017 Strategic Housing Market Assessment (SHMA), (equating to 460 dwellings per annum).³⁵ On an annual basis, this is very similar to the policy requirement in SP2, namely 7,900 dwellings, but over the period 2010 to 2027 (equating to 464 per annum).
66. The appellants do not accept that the Council's housing land supply is as generous as that set out in the June 2018 Housing Land Supply Assessment (HLSA)³⁶. Nevertheless, they acknowledge that, even using their own supply side figures, the Council will have a 7.42 year supply, if the 2017 SHMA figure of 460 dwellings per annum is used. This takes into account a 20% buffer, the need for which is agreed because of the Council's acknowledged record of persistent under delivery. Based on the Council's supply side figures, there will be a 9.3 year supply, if the SHMA figure is used.
67. By contrast, on the basis of the appellants' supply side figures and the 2010 OAN for 647 dwellings per annum recognised in the CS, the Council would only have a 2.85 year supply. Even using the Council's supply side figures, it could only demonstrate a 3.57 year supply.³⁷ Accordingly, as acknowledged by both parties in closing³⁸, the supply argument is largely academic. Based on the SHMA, the Council can demonstrate a healthy supply of between 7.42 and 9.3 years. Based on the 2010 OAN figure, a supply of between 2.85 and 3.57 years would represent a significant shortfall.
68. The Planning Practice Guidance (PPG) indicates that where evidence in Local Plans has become outdated and where, as here, emerging plans are not yet capable of carrying sufficient weight, information provided in "the latest full assessment of housing needs" should be considered. However, the weight given to these assessments should take account of the fact that they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment, the PPG says household projections published by the Department of Communities and Local Government should be used though again, the weight attributed to these projections should take account of the fact that they have not been tested.³⁹ Mr May acknowledged during cross examination that, if household projections were used, the Council could show a 5 year housing land supply, but maintained that the 2010 OAN should be used.
69. There are some obvious problems with the 2010 OAN figure. Whilst it was accepted in the context of the CS EIP in 2013, the assessment is now 8 years old and indeed nearly half of the period to which it related has already elapsed. Furthermore, as noted at paragraph 3.30 of the CS, that 2010 assessment was based on old data, namely from the 2001 Census. The CS anticipated its early review in the context of "updated objectively assessed housing needs for the period to 2031", which would have been "re-assessed using information from the 2011 Census." The 2010 assessment was also made long before publication of the PPG and was not therefore undertaken in accordance with that guidance. Mr May accepted in cross examination that, despite having been considered at the CS EIP, the 2010 OAN has not been tested in accordance with the PPG.
70. Ms Howick identified an additional, if less obvious problem, namely that the 2010 OAN relied on EEFM demographic predictions for the district, which she

³⁵ ID 23, paragraphs 2.7 – 2.8.

³⁶ ID 4.

³⁷ ID 23, Table 4.

³⁸ ID 35, paragraph 5.5 and ID 34, paragraph 39.

³⁹ ID 25.

said are flawed because they do not take account of the district's "exceptionally elderly population profile."⁴⁰ As a result, she says the EEFM job-led housing need figure is "not a credible view of future housing need." Mr May did not contradict this and, though she also emphasised this point in her oral evidence, Ms Howick was not challenged on it in cross examination.

71. A number of appeal decisions concerning sites in this district have been drawn to my attention.⁴¹ Those appeals determined before the Council's acceptance that the policy requirement in SP2 for 7,900 dwellings was out of date and/or without reference to the SHMA published in May 2017 are of little assistance.

72. However, a decision issued on 14 June 2017⁴² concerning a site at Woodfield Road, Bredfield did take account of the SHMA. Nevertheless, the Inspector said:

"10. The appellant is sceptical of the OAN figure advanced in the new SHMA, especially the proposition that the OAN going forward would be notably lower than the OAN of 11,000 homes confirmed in the CSDMP. For this reason it is likely the 2017 SHMA will be the subject of detailed scrutiny. Moreover, the Council were unable to explain at the hearing what factors had resulted in the apparent fall in the OAN. The SHMA has not been tested at examination and therefore it cannot be afforded full weight. ...I revert back to the 11,000 OAN figure confirmed in the CSDMP."

73. The Council sought permission for a statutory review of that decision in the High Court, one of the grounds being that the Inspector rejected the Council's independent and up to date assessment of OAN in the SHMA. In refusing permission, HH Judge Waksman QC said⁴³:

"The Inspector was well-entitled to reject the OAN implicit in the SHMA as not being of sufficient weight for the reasons he gave. He was not given a complete copy and the Planning Officer who represented the Claimant's case was unfamiliar with it and could not assist as to why the OAN had gone down significantly since 2013 and it had not been independently examined..."

74. The judgement of the court in that case does not necessarily establish that the 2011 OAN figure is to be preferred over the OAN figure from the 2017 SHMA. The court merely ruled that, on the evidence before him, the Inspector in the Bredfield appeal was entitled to take the approach that he did. This does not mean it would not be open to me to take a different approach, especially given that I have been presented with the complete SHMA and more detailed evidence and explanation, in particular from Ms Howick, who directed the SHMA for the Council.

75. Of greatest significance, is the Secretary of State's decision concerning Candlet Road, Felixstowe⁴⁴, issued on 31 August 2017. However, the inquiry closed in September 2016 and the Inspector's report was issued January of that year, before publication of the 2017 SHMA. This was then forwarded to the Secretary of State, but given limited weight. The Secretary of State said:

⁴⁰ CD 12.1, paragraphs 2.4 and 3.31.

⁴¹ CDs 8.1 – 8.6, 11.2, 11.3, 11.26, 13.3 and 13.4.

⁴² CD 11.3.

⁴³ ID 26

⁴⁴ CD 13.3.

"17. Since the inquiry was held, relevant documents have been published. The Suffolk Coastal District Council Housing Land Supply Assessment 1st April 2017 – 31st March 2022 (HLSA) was published in June 2017. It draws on the conclusions of the Ipswich Policy Area Strategic Housing Market Assessment (SHMA), which was published in May 2017. An appeal decision relating to Woodbridge Road, Bredfield (APP/J3530/W/16/3165412) was issued on 14 June 2017. The Council has further provided material relating to discussion of the SHMA at the Bell Lane inquiry (APP/J3530/W/16/3160194).

18. The Secretary of State has considered whether the figure of 11,000 should be amended in the light of this new information. The SHMA identifies an OAN figure of 460dpa, roughly in line with the CS figure. He has taken into account that the HLSA acknowledges that this figure has not been tested, and that this will happen as the Local Plan Reviews progress ... The Secretary of State considers that testing of the SHMA figure is particularly important in this case. He notes that the SHMA highlights several uncertainties: e.g. the causes of UPC⁴⁵ cannot be satisfactorily explained, and hence excluding it from future projections could either underestimate or overestimate trend-driven demographic change; migration and household formation are difficult to measure for the past and even more difficult to predict for the future; and there are difficulties in identifying the appropriate housing market uplift. In the light of these uncertainties, the Secretary of State considers it is important that the SHMA is subject to consultation, scrutiny and independent objective testing. He further considers that it is not appropriate or necessary for him to attempt to resolve these uncertainties within this appeal process.

19. He agrees with the Bredfield Inspector's reasoning in paragraph 11 of his decision letter that the fact that the recently adopted DPD was found sound based on a housing requirement of 7,900 homes does not alter the fact that the OAN is identified in the CS as 11,000 homes, and that the Framework states that the housing requirements of an area should be based upon this.

20. For these reasons, he considers that the OAN set out in the SHMA carries limited weight, and considers that a figure of 11,000 for the OAN is appropriate in the current case..."

76. The post inquiry representations to the Secretary of State⁴⁶ included Ms Howick's proof and rebuttal proof for the first inquiry into this appeal⁴⁷, in which she addressed some criticisms of the SHMA. However, the appellant's agent urged the Secretary of State to reach the same conclusion as the Bredfield Road appeal Inspector concerning the weight to be afforded to the SHMA and suggested that, if he were minded to take a different view, the inquiry should be reopened. The inquiry was not reopened and the Council did not challenge the Secretary of State's decision. Nevertheless, though he acknowledged receiving material relating to discussion of the SHMA at the first Bell Lane inquiry, with respect, the Secretary of State did not specifically address the points raised by Ms Howick in response to criticisms of the SHMA.

77. In his proof for this inquiry, Mr May relied on the Secretary of State's conclusion on OAN in the Felixstowe appeal and said there had been no change

⁴⁵ Unattributable Population Change (se CD 11.6 at appendix C)

⁴⁶ ID 26.

⁴⁷ CDs 12.1 and 12.2.

of circumstances which would invalidate that conclusion. To quote from his summary proof, he said the “five-year housing land supply position overall is settled for the purposes of this appeal” by that Felixstowe decision. I also note that, following a hearing, a decision on an appeal concerning a site at Grimston Lane, Trimley St Martin also took the Felixstowe line. The Inspector concluded that due to “the uncertainties implicit in the SHMA, and the lack of testing through plan examination” the OAN figure from the SHMA was not “sufficiently robust.”⁴⁸

78. In chief, Mr May said he did not have particularly strong views about the 3 examples of areas of uncertainty in the SHMA figure, identified in paragraph 18 of Secretary of State’s decision in the Felixstowe appeal. He did not contradict Ms Howick’s evidence⁴⁹ that those uncertainties are merely general comments about methodological issues; they are not specific to this SHMA or this district and not material in changing the OAN figure. He did not contradict Ms Howick’s view that the Secretary of State’s reference to identifying the appropriate housing market uplift are not substantiated by the SHMA; it concludes that a 15% market signals uplift is justified and identifies no factors which make setting the uplift problematic. Indeed, the appellants suggest no alternative uplift.
79. Furthermore, when cross examined on the point, Mr May confirmed that he had no criticisms of the SHMA, in terms of what it set out to do, its appropriateness in terms of the PPG, or the housing market area chosen. He agreed that no discounts had been applied to the full OAN and he had no objections to the credentials of Peter Brett Associates, who carried out the SHMA. In these terms, the appellants made no attack on the robustness of the SHMA.
80. In October 2017, Mr May’s firm, Pegasus, did make criticisms of the 2017 SHMA firm in the context of the Local Plan Review.⁵⁰ Ms Howick confirmed that these were essentially the same points that had been made by Mr May at the first inquiry in this appeal.⁵¹ They concerned: (a) the use of short term migration trends as the basis for deriving a baseline demographic projection of housing need; (b) the inadequacy of the assessment of past under-delivery of housing in order to establish the extent to which an uplift to the baseline demographic need should be applied; and (c) the use of un-justified and unrealistically high activity rates for the over-65 age group in order to balance jobs growth with the demographic baseline.
81. Ms Howick responded to these points in her rebuttal proof and technical note for the first inquiry⁵². In short, she said that: (a) it would be inappropriate to use the longer base period for in-migration advocated by Pegasus, because that would include a period of exceptionally high in-migration associated with enlargement of the EU - a one-off peak, which is unlikely to be repeated; (b) whilst there had been an undersupply, completions had broadly followed the national trend, so that a 15% uplift is sufficient to respond to that undersupply; and (c) the change in activity rates predicted by EEFM and relied on by Pegasus is almost exactly the same as that predicted by Experian and used in the SHMA. Ms Howick was not challenged on her responses to those points and

⁴⁸ CD13.4, paragraph 8.

⁴⁹ Ms Howick’s proof, paragraphs 2.17 – 2.19.

⁵⁰ CD 12.9.

⁵¹ Ms Howick’s proof, paragraph 2.24.

⁵² CD 12.2 and 12.3

- Mr May did not seek to pursue them at this inquiry. He simply said that Ms Howick did not address the fundamental point that the SHMA had not been tested and said this could only be properly achieved through an EIP.
82. I will return to the question of testing. However, on the evidence before me, I am satisfied with Ms Howick's responses to the criticisms of the SHMA set out in the October 2017 Pegasus report. I am also satisfied by her responses to the examples of uncertainties stated in paragraph 18 of the Secretary of State's decision in the Felixstowe appeal.
83. In a supplemental note⁵³, Mr May did also say that the weight of the SHMA OAN is "further undermined" by the publication in May 2018 of the most recent 2016-based Sub-National Population Projections (SNPP) by the Office for National Statistics (ONS) and the revised Mid-year Population Estimates (MYE) issued 22 March 2018. At the time of the SHMA, the 2014-based SNPP were the most up to date projections. Over the period 2014 – 36, the 2016-based population projections show a 52% greater increase in population than is suggested by the 2014-based projections.
84. However, Mr May did not suggest that the 2014-based household projections have been rendered out of date, as it will be necessary to await publication by the ONS of the official household projections in September 2018. These will apply household representative rates to the 2016-based population projections. Mr May was not suggesting that those projections "can be used to derive a proxy figure for household growth and hence the demand for dwellings in Suffolk Coastal for the purposes of this appeal."⁵⁴
85. Nevertheless, Mr May did contend that this most up to date evidence casts "further doubt" on the robustness of the SHMA OAN figure and reinforces the Secretary of State's decision that the 2010 OAN figure is the appropriate one to use. In her supplementary note in response⁵⁵, Ms Howick acknowledged that the SNPP and MYE are relevant evidence which should be taken into account in any future assessment of housing need, but they would have to be tested and possibly adjusted, before being translated into estimated need, just as the 2014-based figures were when the SHMA was produced. It is perhaps ironic that the appellants rely on recent data to cast doubt on an assessment carried out in 2017, but then urge me to prefer an assessment undertaken back in 2010 and informed by the 2001 Census.
86. There is of course some irony on both sides of the argument because, just as the latest SNPP and MYE have not been tested, the lack of testing of the SHMA is the appellant's principal objection to it, reflecting the Secretary of State's decision in the Felixstowe appeal. Ms Howick accepted, both in her proof for the first inquiry in this appeal and when cross examined during my inquiry, that the weight of the SHMA is reduced because it has not yet been tested through an EIP. The PPG⁵⁶ makes that clear in any event. However, the specific criticisms that have been levelled at the SHMA and the uncertainties identified by the Secretary of State in the Felixstowe appeal have not stood up to the scrutiny enabled by my inquiry, albeit that such scrutiny is limited compared to that provided by an EIP, to which many parties could contribute.

⁵³ ID 2.

⁵⁴ ID2, paragraph 1.15.

⁵⁵ ID 8.

⁵⁶ ID 25.

87. Although the SHMA has been subject to consultation, the responses had not been analysed at the time of my inquiry and the Council has not formally resolved to 'adopt' the SHMA OAN. I cannot assume that the SHMA would emerge unaltered from the rigorous testing process of an EIP. However, there is no evidence before me to indicate that any representations have so far been made which would undermine the SHMA. The lack of testing reduces its weight but, in terms of the PPG, it is still "the latest full assessment of housing needs."
88. In any event I am satisfied that the SHMA OAN figure carries considerably more weight than the 2010 OAN, which: was based on data from the 2001 Census; was not arrived at in the context of the PPG; and which the CS itself recognised would need to be updated in the course of an early review of the CS, using information from the 2011 Census. The 2010 OAN is old and by no means the latest full assessment of housing needs. Clearly, it is even more out of date than it was when the Felixstowe decision was made. There is also Ms Howick's unchallenged evidence that the 2010 OAN is derived from technically flawed EEFM predictions.
89. I accept that consistency in decision making is an important objective and I am very conscious that my conclusion is a departure from previous decisions, especially the Secretary of State and Inspector's decisions in the Felixstowe, Bredfield and Trimley St Martin appeals. I made it clear during the inquiry that I would need good reasons to depart from the approach to OAN taken in those decisions, but I am satisfied that good reasons have been advanced.
90. I conclude on the evidence that, notwithstanding its reduced weight, the 2017 SHMA is to be preferred to the 2010 OAN in providing, in accordance with the PPG, the latest full assessment of housing needs for the purposes of this appeal. The importance of a recent SHMA, despite a lack of testing, was acknowledged in another appeal to which I have been referred concerning a site at Walton-on-Thames.⁵⁷ As in that case, my conclusion on OAN is without prejudice to any assessment of OAN or the housing requirement that may be made in the context of the emerging local plan.⁵⁸
91. I note that the proposed standard method of assessing local housing need would change matters, but this will only come into effect when the revised Framework is published. Though this is likely to happen very soon, both parties agree that no weight can be given to the anticipated change. That said, the appellants accept that, if the standard methodology were in play, the Council would be able to demonstrate a 5 year housing land supply anyway.⁵⁹ The expected introduction of the standard method means the SHMA will not be tested at an EIP and the SHMA OAN figure will not make its way into the local plan. However, I do not accept Mr White QC's submission in closing⁶⁰ that this factor supports use of the 2010 OAN. Clearly the 2010 OAN will not make it into the local plan either and the SHMA figure still represents the latest full assessment.
92. On the basis of the 2017 SHMA OAN, and even if the appellant's supply-side evidence were accepted in full, the Council would have a healthy 7.42 year supply of housing land. Accordingly, whilst the Framework seeks to boost

⁵⁷ CD 12.6, paragraph 340 of the Inspector's report.

⁵⁸ Ibid, paragraph 373.

⁵⁹ Mr May's proof, paragraph 6.39

⁶⁰ ID 35, paragraph 5.3.3

significantly the supply of housing, the evidence indicates that the Council is in a position to achieve that. In this context, the fact that the proposal would provide a substantial quantity of new housing carries only limited weight in favour of the appeal, as indicated by Mr Woolnough⁶¹. This is in contrast to the Felixstowe appeal where the supply of housing was only 3 – 3.5 years. Though this is not relevant to the basis of the challenge in *St Modwen Developments Ltd V SSCLG, East Riding of Yorkshire Council and Anor* [2017] EWCA Civ 1643, to which Mrs Townsend drew my attention in closing, I note that the Inspector in that case said at paragraph 13.65 of her report: "*Since it has not been shown that there is any pressing need for additional sites to come forward to sustain the local supply of housing, I consider that the appeal proposals would not deliver additional benefits by virtue of their contribution to that supply.*"

93. I turn now to the other material considerations advanced by the appellants.

The provision of affordable housing

94. As well as delivering 200 units of market housing, the proposal would provide 100 affordable units. Mr May said that, whilst the lack of affordable housing was a national problem, this consideration should carry significant weight. Mr Woolnough acknowledged that the provision of this quantity of affordable housing would be a benefit, even with a 5 year supply of housing land. However, he said that, with a healthy supply of 7 years or more and a large number of allocated and consented sites, including the 2,000 dwelling development at Brightwell Lakes (formerly Adastral Park), a considerable amount of affordable housing will come forward without this development. Furthermore, the appeal scheme's contribution to affordable housing would not be proportionally greater than that of other significant schemes.

95. In her evidence, Ms Howick said that, at 8.95, the 2017 "affordability ratio"⁶² for this district is a little above the average of 7 or 8 for England and Wales, but it is not exceptionally high. I note by comparison that the ratios for Blaenau Gwent, Chelmsford and Kensington and Chelsea are 3.35, 11.38 and 40.69 respectively. In all the circumstances, I attach moderate weight to the contribution this scheme would make to the provision of affordable housing.

The economic benefits

96. As detailed in the SOCG, the building of this development would provide a significant number of jobs during the construction phase and it would support local business, increasing local spend, once the new dwellings are occupied. I accept the evidence of both Mr May and Mr Woolnough that this benefit carries moderate weight.

The social benefits

97. Similarly, I see no reason to depart from the view of Mr May and Mr Woolnough that the development would bring social benefits associated with the provision of a wide range of types and tenures of housing and that this factor should be given moderate weight.

⁶¹ Mr Woolnough's proof, paragraphs 8.29 – 8.30.

⁶² ID 17.

Footpath creation

98. Though not highlighted in closing, Mr May's proof referred to the proposed link between FP44 and Long Strops, as a component of the "social benefits." This would be achieved through a section 106 contribution and the imposition of a Grampian style condition. It would improve access to the countryside and I attach limited weight to this additional, specific benefit.

Provision of the school land

99. This development would generate a need for increased capacity at Cedarwood Primary School. The provision of land for a playing field would enable the school to expand on its existing site just to the north. This is largely mitigation, but Mr May said that a little more land would be provided than is actually needed. To the extent that this represents a benefit, I attach very little weight to it.

Development in a highly sustainable location

100. The appeal site is in close proximity to Kesgrave Town and its facilities and services, and it would have access to public transport. However, its development would not accord with the development plan strategy and, given the healthy supply of deliverable housing land, the sustainability of the location carries limited weight in favour of the development.

Wider improvements to highway safety

101. The provision of traffic lights at the junction of Foxhall Road and Bell Lane would mitigate the impact of traffic generated by this development. However, Mr Woolnough acknowledged under cross examination that these improvements would have some wider benefits identified in the Transport Assessment⁶³. He agreed with Mr May that this consideration carries moderate weight and I see no reason to differ.

Biodiversity gains

102. As agreed in the SOCG, enhanced planting and biodiversity measures across the site would result in a net gain, when compared with a cropped agricultural field. Mr May and Mr Woolnough agreed that this factor also attracts moderate weight and again, there is no reason for me to take a different view.

Other matters

103. In his written closing submissions, Mr White QC referred to the costs decision following the first inquiry in this appeal⁶⁴, which was not challenged by the Council. The costs decision said there was "little or no substance to" the Council's refusal, but this was by reference back to the substantive decision, which has been quashed. When supplementing his closing submissions orally, Mr White QC confirmed that he did not in fact ask me to place any reliance on the terms of the costs decision. I have not done so.

Planning balance and conclusion

⁶³ CD 2.19.

⁶⁴ ID 5.

104. I have found that, subject to the imposition of an appropriate condition, occupiers of the development would have adequate access to shops, services and facilities and the development would be successfully integrated with Kesgrave. However, the appeal proposal does not accord with the development plan, as it would give rise to serious conflict with the key policies for consideration of the appeal, namely CS Policies SP20, SP29, DM3 and SADPD Policy SSP2. Having found that the Council has a healthy supply of housing land, the weight of the breached key policies is not reduced, merely because SP2 is out of date on its own terms and it has not been suggested that any of the key policies conflict with the Framework.
105. Mr Woolnough suggested that the cumulative weight of the other considerations in favour of the appeal is only moderate. My analysis of the other considerations advanced reveals 5 of moderate weight, 3 of limited weight and 1 of very little weight. Taken together, these must be given significant weight in favour of the proposal and, in this regard, I accept the submission of Mr White QC in closing.⁶⁵
106. Nevertheless, paragraphs 12 and 150 of the Framework support the plan-led system enshrined in section 38(6) of the PCPA 2004 and make it clear that Local Plans are the key to delivering sustainable development. This principle has been reinforced by the courts and I note Mrs Townsend's reference in closing⁶⁶ to paragraph 40 of Sales LJ's judgement in *Gladman v Daventry DC* [2016] EWCA Civ 1146. Notwithstanding their significant cumulative weight, I conclude that the other material considerations identified are insufficient to indicate that the appeal should be determined otherwise than in accordance with the development plan. I am therefore satisfied that the appeal should be dismissed, whether or not the development would adversely affect the integrity of the Deben Estuary Site. It is not therefore necessary for me to undertake an appropriate assessment in accordance with the Habitats Regs.

Decision

Appeal Ref: APP/J3530/W/16/3160194

107. The appeal is dismissed.

J A Murray

INSPECTOR

⁶⁵ ID 35, paragraph 6.10.

⁶⁶ ID 34, paragraph 12.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Harriet Townsend of counsel, instructed by the Solicitor to Suffolk Coastal District Council

She called

Cristina Howick MA MSc

Partner, Peter Brett Associates
LLP

Ben Woolnough BSc(Hons) MSc MRTPI

Major Projects Advisor, Suffolk
Coastal District Council

Luke Barber BSc DipME DipCE, Senior Development Management Engineer, Suffolk County Council, also took part in the round table discussion of conditions and planning obligations.

FOR THE APPELLANT:

Sasha White QC and Anjoli White of counsel, instructed by Tim Johnson of Shoosmiths LLP

Mr White called

Ian Dix BSc(Hons) MSc
MCIT MCIHT

Director, Vectors transport
planning specialists

Christopher May
BA(Hons) MRTPI

Executive Director, Pegasus
Planning Group

Mark Hewett, Partner, Intelligent Land also took part in the round table discussion of housing land supply.

Tim Johnson of Shoosmiths LLP also took part in the round table discussion of conditions and planning obligations.

INTERESTED PERSONS:

Avtar Athwall, local resident and Member of Kesgrave Town Council

Sue Hall, local resident and volunteer Public Transport Liaison Officer for Kesgrave Town Council

Jane Cody, local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Statement of Common Ground dated 25 June 2018
- 2 Christopher May's Supplementary Note re Objectively Assessed Housing Need
- 3 Inspector's Pre Inquiry Note
- 4 Council's Housing Land Supply Assessment for 1 April 2018 – 31 March 2023, published June 2018
- 5 Costs decision of P W Clarke dated 16 October 2017 following the previous inquiry in this appeal
- 6 Erratum to Ben Woolnough's proof of evidence
- 7 Summary of Ben Woolnough's proof of evidence
- 8 Cristina Howick's Supplementary Note on Housing Need
- 9 Primary school roll forecasts summer term 2018
- 10 Mrs Townsend's submissions concerning previous appeal decisions
- 11 Note prepared by Tim Johnson solicitor concerning sections 25 and 26 of the Highways Act 1980
- 12 Opening submissions by Sasha White QC and Anjoli Foster for the appellants
- 13 Opening submissions by Harriet Townsend for the Council
- 14 Draft Supplemental Statement of Common Ground on Housing Land Supply (ultimately superseded by Inquiry Document 23)
- 15 Council's preferred version of table 4 in Inquiry Document 14 (ultimately superseded by Inquiry Document 23)
- 16 Copy of Core Document 12.4 (Planning for the right homes in the right places: consultation proposals: housing need consultation data table)
- 17 Copy of Core Document 12.5 (Ratio of median house price to medium gross annual (where available) workplace-based earnings by local authority district, England and Wales, 1997 – 2017)
- 18 Section 106 Agreement dated 23 August 2017
- 19 Unilateral Undertaking dated 23 August 2017
- 20 Deed of variation dated 26 June 2018 (varying section 106 Agreement dated 23 August 2017)
- 21 Statement of Avtar Athwall, Kesgrave Town Councillor and local resident
- 22 Supplemental Note of Mark Hewett (submitted for the purposes of the housing land supply round table session)
- 23 Agreed Supplemental Statement of Common Ground concerning Housing Land Supply (to replace Inquiry Documents 14 and 15)
- 24 Statement of Miss Sue Hall, local resident and volunteer Public Transport Liaison Officer for Kesgrave Town Council
- 25 Extract from Planning Practice Guidance (Ref ID: 3-030-20140306) concerning the starting point for the 5-year housing supply
- 26 Post Inquiry representations to the Secretary of State re Candlet Road Felixstowe Ref APP/J3530/W/15/3138710 and the Order of HH Judge Waksman QC in *Suffolk Coastal DC v SSCLG and David Wood and Associates* CO3486/2017
- 27 Number not used
- 28 Mr Ian Dix's response to the evidence of Sue Hall
- 29 Ben Woolnough's email to the Planning Inspectorate dated 9 March 2017
- 30 Note prepared by Tim Johnson solicitor concerning the section 106 planning obligations, school land option and sections 25 and 26 of the Highways Act 1980

- 31 Revised schedule of suggested conditions
- 32 Copy of the Illustrative Master Plan No. 7473/050/Rev A04 annotated to show the Bell Lane footway access and 5 possible access from the site to the Long Strops bridleway
- 33 Option Agreement dated 23 August 2017 concerning land for use as a school playing field
- 34 Closing submissions by Harriet Townsend for the Council
- 35 Closing submissions by Sasha White QC and Anjoli Foster for the appellants

Appendix 6

Aldeburgh Appeal Decision

APP/J3530/W/17/3172629



Appeal Decision

Inquiry Held on 10 September 2018

Site visit made on 19 September 2018

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2018

Appeal Ref: APP/J3530/W/17/3172629

Brickfield Barns, Saxmundham Road, Aldeburgh Suffolk IP15 5PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by M S Oakes Limited against the decision of Suffolk Coastal District Council.
 - The application Ref DC/15/3673, dated 9 September 2015, was refused by notice dated 4 November 2016.
 - The development proposed is demolition of existing redundant stores, change of use of builder's yard and redevelopment of quarry site to provide 43 No dwellings, including 14 affordable homes.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The inquiry opened on 10 September and sat for 6 days. I undertook an accompanied site visit on 19 September. I also made a number of unaccompanied visits during the course of the inquiry. Aldeburgh Town Council was a Rule 6 party at the inquiry.
3. The appellant submitted a Unilateral Undertaking dated 18 July 2017. This covenanted to provide 14 affordable homes, together with a financial contribution towards the legal cost of providing a public right of way (PROW) linking Saxmundham Road with the river wall. The footpath was provided pursuant to a condition imposed on the development of 15 dwellings to the south-west of the site (Phase 2).
4. The Unilateral Obligation also covenanted to make a Habitat Contribution towards the additional wardens and monitoring of visitor disturbance to the Sandlings Special Protection Area (SPA), the Alde-Ore Estuary SPA and the Minsmere-Walberswick SPA, in order to mitigate the in-combination effect of the proposal on these areas. In conjunction with neighbouring authorities the Council subsequently published the Draft Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy. This advised that in zone B, where the appeal site is located, a contribution of £321.22 per dwelling is required towards measures to mitigate and manage the effect of the proposals for housing on these areas. The appellant submitted a further Unilateral Obligation; this covenanted to make an additional Habitats

- Regulation contribution of £171.22 per dwelling, to provide a contribution of £321.22 per dwelling in total.
5. Following the close of the inquiry the 2016 Household projections were published. This was followed by the publication of the Technical Consultation On Updates to National Planning Policy and Guidance in October 2018. The parties were provided with an opportunity to comment on the implication of the household projections on the 5 year housing land supply position, and the Technical Consultation. These comments have been taken into account in reaching my decision.
 6. The reasons for refusal included the failure to make adequate provision for affordable housing. The Council is satisfied that the submitted Unilateral Undertaking would address its concerns in relation to affordable housing. I share this view and I have considered the appeal accordingly.
 7. I have had regard to its contents of the submitted Environmental Statement in reaching my decision.
 8. Part of the quarry floor has been used to store the soil excavated from the adjoining Phase 2 development. Aldeburgh Town Council considers this to be a breach of planning control, and also submits that the removal of this material from the site would represent a waste operation for which an application should be made to Suffolk County Council. It is submitted that planning permission is required for the removal of the waste, and since the appeal scheme could not be implemented until this material has been removed the Town Council considers that the proposal cannot be favourably considered.
 9. Any breach of planning control that has occurred is a matter for the local planning authority. Whilst the removal of waste may require planning permission, Mr Ward conceded that this matter could be addressed by way of a condition.

Main Issues

10. I consider the main issues to be:
 - The effect of the proposal on the character and appearance of the surrounding area with particular reference to the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty(AONB);
 - Whether the proposal would deliver the high quality design sought by national and development plan policies;
 - Whether the proposal would be major development within the AONB, and if so, whether there are any exceptional circumstances to justify the proposal;
 - Whether the Council has a five year supply of housing land; and
 - Whether the appeal site is appropriately located relative to community services and facilities.

Reasons

Development Plan Context

11. The development plan for the area includes the Suffolk Coastal District Local Plan Core Strategy and Development Management Plan Document (July 2013),

the Site Allocations and Area Specific Policies (January 2017) and the saved policies of the Suffolk Coastal Local Plan, incorporating 1st and 2nd Alterations to 2001 and 2006 (saved July 2013).

12. Core Strategy policy SP1 sets out the Council's aims in terms of sustainable development. These include ensuring that new housing development is related to employment services, transport, and infrastructure. It states that in order to achieve this, a defined settlement hierarchy based on sustainability principles will be applied. Policy SP1 also seeks to achieve a local balance between employment opportunities, housing growth, and environmental capacity. The other aims include enhancing accessibility to services, conserving and enhancing the area's natural, historic, and built environment, maintaining and enhancing a sense of place, and the creation of inclusive and sustainable communities in both urban and rural locations. It also prioritises the re-use of previously developed land and buildings in and around the built up areas where possible.
13. Policy SP2 provides for at least 7,900 new homes across the district over the period 2010 to 2027 (about 465dpa). These homes will be distributed in accordance with the settlement hierarchy at policy SP19. Policy SP2 also commits to an early review of the Core Strategy in order to identify the full objectively assessed housing needs of the District. It anticipates that about 19% of new dwellings will be located within Market Towns, which include Aldeburgh.
14. At the inquiry it was common ground between the parties that the housing requirement at SP2 is not based on an Objectively Assessed Need in accordance with the 2012 Framework. The parties therefore assessed the housing land supply using a minimum housing requirement of 509dpa. However, they agree the when assessed in accordance with the National Planning Policy Framework (July 2018) (the Framework) using the standard method within the National Planning Practice Guidance (NPPG), the minimum housing requirement for the District is 582 dpa. Consequently the housing requirement considerably exceeds that within the Core Strategy. For this reason policy SP2 is not up to date in so far as it relates to the housing requirement.
15. Policy SP19 sets out the settlement hierarchy. Aldeburgh is identified as a second tier settlement. The accompanying tables indicate that the appropriate scale for housing development within such settlements includes allocations in the form of estate scale development, if appropriate, and where consistent with the Core Strategy, as well as developments within the limits to built-development. The settlement hierarchy sets the principles to guide new development in terms of scale and broad location, rather than seeking to accommodate a specific number of dwellings at various locations across the District. Therefore whilst it may be necessary to adjust the settlement boundaries in order to accommodate an increased level of housing, this does not reduce the weight to be afforded to the hierarchy which seeks to balance the scale of development against the built, natural, historic, social and cultural environment.
16. Policy SP22 sets out the strategy for Aldeburgh. It acknowledges that Aldeburgh is subject to physical and natural constraints, but states that these must not outweigh the retention of a balanced, cohesive, and socially inclusive

community. It expects new development to occur through the development of previously developed land, including infilling, and anticipates development to occur within the defined physical limits of the settlement, or in accordance with other policies within the Core Strategy. Amongst other matters, the strategy seeks to deliver new housing, including affordable housing for local people, in order to address the age imbalance of the population and enable local residents to remain within the area.

17. Due to its location outside of the physical limits boundary for Aldeburgh the appeal site lies within the countryside as defined by the Core Strategy. Policy SP29 states that within the countryside development will be limited to that which of necessity needs to be located there and accords with other relevant Core Strategy policies. Policy DM3 restricts new housing within the countryside to specific categories of development. The appeal scheme does not fall within any of these categories and therefore is contrary to policy SP29.
18. The Site Allocations and Area Specific Policies Document (SAASP) seeks to ensure that sufficient land is identified to meet the housing requirement within the Core Strategy. Policy SSP2 of the SAASP states that the physical limits boundaries identify the parts of those settlements to which new development, including housing is directed. Within Aldeburgh it identifies a single site, Land to the rear of Rose Hill, Saxmundham Road, to provide 10 dwellings and a care home.
19. The Council is currently undertaking a review of the Local Plan in partnership with Waveney District Council. However it is at an early stage in the plan-making process and therefore I am unable to give the policies within it any weight.

Landscape

20. The appeal site lies within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and Heritage Coast. Core Strategy policy SP15 seeks to protect the visual qualities, tranquillity, and ambience of these areas. The Framework confirms that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. This reflects the duty under Section 11A(2) of the National Parks and Access to the Countryside Act 1949.
21. The appeal site is located to the rear of the existing dwellings in Saxmundham Road. It comprises the remaining part of Aldeburgh Brickworks. The balance of the brickworks is occupied by Phases 1 and 2. These are situated to the west and south-west of the appeal site.
22. Aldeburgh and the appeal site lie on the northern edge of the Alde Estuary, which forms a broad shallow valley that cuts through an area of low plateau between Snape Maltings and the North Sea at Orford. To either side of the river channel are areas of intertidal mudflats and areas of salt marsh vegetation on the upper levels, including the Iken Marshes on the opposite side of the estuary.
23. The appeal site is located on the upper valley slopes. There is a gentle fall across the site from the north western corner (about 14 metres AOD) towards the south eastern corner (8 metres AOD). The most notable feature on the site

- is the former sand and clay extraction pit. This comprises a relatively level quarry floor with steeply sloping quarry faces. The quarry floor is about 4 metres lower than the level of the surrounding landscape. It is surrounded by undisturbed ground that generally reflects the natural valley topography.
24. The western part of the former extraction pit is currently used as a builder's storage yard with associated sheds and outbuildings, together with stockpiles of materials. The eastern part of the pit has been partially filled with earth and soil from the excavations in respect of Phase 2. It is intended that this will be removed in order to accommodate the proposed dwellings. The north-western part of the appeal site is designated as the Aldeburgh Brick Pit SSSI due to its geological interest.
 25. The landscape character of the area has been assessed at national, county and district level. The most recent assessment is the Suffolk Coastal Landscape Character Assessment (July 2018) which forms part of the evidence base for the emerging Local Plan and is supported by a Sensitivity Assessment.
 26. These various assessments acknowledge the mainly flat or gently rolling landscape of the area, the significance of the estuaries to the landscape form, and the extensive wildlife-rich intertidal areas of mudflat and salt marsh. The importance of the coast for biodiversity is recognised by its many wildlife designations.
 27. The wider AONB is characterised by a sparse settlement pattern consisting mainly of small villages, however it also includes a number of market towns such as Aldeburgh, as well as major infrastructure such as Felixstowe and Harwich docks, Sizewell nuclear power station, and offshore wind farms. Notwithstanding this, overall the area is noted for its tranquillity, high-quality environment, culture, and outstanding wildlife.
 28. At District level the Suffolk Coastal Landscape Character Assessment locates the site within area J4 – Alde Estuary. The assessment draws attention to the shallow valley sides that extend to the mudflats, the semi-natural habitat, and small areas of woodland. The wide and open views, together with the quietness, tranquillity, and sense of remoteness are the over-riding qualities of the area.
 29. The Sensitivity Assessment divides the landscape fringes of Aldeburgh into two peripheral areas. The appeal site comes within area AL1. It adjoins area AL2 on two sides, and housing on the other two sides. The Assessment generally finds area AL1 to be less sensitive to residential development than the land within AL2. Nevertheless, it considers that any housing should be small scale one-off bespoke housing, and advises of the need to avoid urbanising influences. It states that particular care is needed where new buildings overlook the marshes, and the materials used should be subdued in colour, whilst the buildings should be no more than 2 stories in height and appear to nestle in the landscape.
 30. The character of the appeal site is not typical of the surrounding landscape due to its previous use. However, the part of the site surrounding the pit blends with the land to the south and has an open character consistent with that identified within the AL2 sensitivity assessment. Despite the dwellings to the west and south west, and the current use of the quarry pit, the site benefits from a sense of tranquillity that characterises this part of the Alde Estuary.

31. The long gardens to the existing dwellings along Saxmundham Road create a wooded skyline when viewed from the estuary to the south. The Phase 2 development extends onto lower slopes within the valley extending the settlement towards the estuary. Notwithstanding this, the simple architectural style and muted materials of these dwellings help to mitigate their visual prominence within the wider landscape.
32. The proposed dwellings would be located on the floor of the pit and would extend above it by about four metres. The two and a half storey dwellings would extend above it to a greater degree. The location of the dwellings within the pit, together with the proposed materials, which include cedar cladding and brown and brindle roof tiles, would help to minimise the effect of the proposal on longer distant views towards the site. It is intended that the access road would remain un-adopted in order to accommodate a less intrusive lighting scheme. The landscape proposals provide for small copses of trees to filter views of the proposal. The proposed dwellings would be seen against the backdrop of the trees and vegetation to the rear of the dwellings in Saxmundham Road. Although the proposed trees and other planting would not fully screen the proposed dwellings, they would filter views of it some extent.
33. The proposal would change the character of the appeal site and its immediate environs. The builder's yard only occupies part of the site and it is contained within the pit. In views from the north the existing use is only apparent when in close proximity to the site entrance. From most viewpoints the site has an open character, and contributes to the wide open views that are typical of this locality. Although the existing builder's yard cannot be considered to make a positive contribution to the character of the area, due to its containment within the pit any adverse impacts on character are minimised. Therefore whilst its removal may be beneficial in landscape terms, any benefit would be localised.
34. The proposal would be compatible with the character of the surrounding residential uses. Whilst there are other dwellings within the locality, these generally take the form of ribbon development, such as those to Saxmundham Road, or the phase 2 dwellings. Others have an informal loose-knit arrangement, such as those to the west of the appeal site. The loose-knit arrangement of these dwellings contributes to the character of the rural fringe of this part of Aldeburgh.
35. In views from Brick Dock Lane the proposed dwellings would be separated from the highway by a substantial area of open land. They would also be seen against the backdrop of the long, well vegetated back gardens to the properties in Saxmundham Road. Due to the number of dwellings proposed and the extent of the developed part of the site, the proposed dwellings would have the appearance of a small housing estate within a predominantly open landscape. This form of development would be at odds with the prevailing pattern of development within this part of Aldeburgh. It would intrude upon the open views that characterise this part of the AONB. Moreover, the presence of the dwellings and the activity associated with them would give rise to a loss of tranquillity of this part of the AONB.
36. The dwellings would be particularly noticeable from the footpath linking the Phase 2 development with the estuary. The Phase 2 buildings are set low within the landscape and the flat roofs and timber cladding minimise their impact on the landscape. Nonetheless, due to their proximity to the footpath

they remain a conspicuous feature. When viewed in conjunction with these dwellings, as well as the Phase 1 dwellings, and Brick Dock House, the appeal scheme would form a continuous band of development extending across an area currently characterised by its openness and wide open views. This change in character would be particularly noticeable from footpath ALD/18 which runs alongside the estuary.

37. The proposed dwellings would also be discernible from the seawall footpath near Aldeburgh. However, these views would be over a considerable distance, and given the extent to which the proposed dwellings would extend above the pit, they would not be unduly prominent once the proposed landscaping is established.
38. The proposed dwellings would be visible from the opposite side of the estuary. Within such views the more noticeable dwellings are generally two storeys in height and finished with light coloured render. Due to the distance of the proposed dwellings from these viewpoints, their height relative to the surrounding landscape, and the proposed materials, they would not be unduly conspicuous in these viewpoints. Local residents were concerned that lighting from the proposed scheme would intrude upon the night sky and distant views. However, it is not intended that the road would be adopted, and therefore a less intrusive lighting scheme could be achieved, moreover, unlike the earlier phases, the proposed landscaping would filter views of the scheme.
39. The appellant suggests the character of the appeal site is strongly influenced by its proximity to the town, and displays few, if any of the typical agricultural, heathland or estuarine qualities of the wider landscape. The Town Council believes that the site lies within one of the more sensitive parts of the AONB in that it is open to views over a wide area and is poorly related to the built up area of the town. It considers that the scheme would not be read with the town as a whole, but as an intrusion into a highly valued landscape.
40. I consider that the context of the site falls between both assessments. Whilst the proposal would be an intrusion into a valued landscape, the proximity of the residential development to the north, west and south-west of the site form part of its context. Although the proposal would not give rise to significant harm in distant views, the loss of openness and tranquillity would be harmful to the AONB. Overall I conclude that the proposal would harm the character and appearance of the surrounding area, including the Suffolk Coast and Heaths AONB and the Heritage Coast contrary to Core Strategy policy SP15 as well as policy DM21, which seeks to ensure that proposals do not detract from the character of their surroundings, and the policies within the Framework.

Design

41. The third reason for refusal concerns the appropriateness of the design approach given the traditional characteristics of other properties within the area. At the inquiry the Council was also critical of the density and layout of the scheme, as well as the proposed materials.
42. The elements that contribute to the form and character of a scheme, such as height, materials, and the design of individual dwellings, also influence the compatibility of a scheme with its surroundings. My comments below are confined to the suitability of the design approach rather than the effect of the

- scheme on the character and appearance of the surrounding area and landscape.
43. Policy DM21 of the Core Strategy is consistent with the policies in the Framework and amongst other matters seeks a high quality of design. It expects development to establish a strong sense of place and create attractive and comfortable places to live, work, and visit. It lists a number of criteria against which proposals will be assessed. These are intended to provide a starting point for informed discussion.
 44. The Framework confirms that good design is a key aspect of sustainable development. Like policy DM21 it requires proposals to establish or maintain a strong sense of place. It also encourages design quality to be considered throughout the evolution and assessment of individual proposals. It states that early discussion between applicants, the local planning authority, and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. The appellant engaged with Council officers at an early stage in the design process. On the basis of these discussions the appellant adopted a contemporary design approach rather than the traditional approach scheme originally proposed.
 45. The proposed dwellings would be located within the pit and arranged around an access road which would enclose a village green. The remainder of the site would provide open space, including a dog walking area and footpaths. The proposed dwellings would vary in height from 1 to 2 ½ storeys. The appeal scheme turns in on itself and would form a distinct residential enclave.
 46. The surrounding area comprises predominantly traditionally designed dwellings, however the Phase 2 dwellings to the south-west of the appeal site adopt a contemporary design approach. Due to the length of the rear gardens of the properties in Saxmundham Road and the vegetation to the rear boundaries, the proposed dwellings would not be seen in the context of these properties, but would form a distinct group of dwellings with their own character, in a similar manner to the Phase 2 dwellings. Having regard to the location of the dwellings within the pit, and the lack of connection to the existing townscape, I consider the contemporary design approach to be appropriate.
 47. At the inquiry the Council was critical of the arrangement of the proposed dwellings around a 'village green', however, given the physical characteristics of the appeal site, this is a logical approach that has the potential to create an attractive residential environment and a distinct sense of place in accordance with policy DM21 and the Framework.
 48. The proposed materials include timber cladding and red brick. Whilst these materials are not typical of the traditional buildings within Aldeburgh, I noted that similar materials were used for a number of more recent buildings within the town and close to the estuary. The materials would be similar to those used on the Phase 2 development and due to their muted colour would blend with the landscape. I therefore consider the proposed materials to be acceptable.
 49. In terms of the spaces between buildings, the quality of the accommodation proposed, the manner in which the parking areas are integrated with the scheme, the proposal forms an attractive architectural composition. In this

regard the proposal relates satisfactorily to the scale and character of the surrounding dwellings.

50. The proposal would be of a higher density than some areas of surrounding housing, including the dwellings on Saxmundham Road. However, the density of a scheme does not in itself justify withholding planning permission. Although the proposal would be higher in density than some of the surrounding dwellings, it would be comparable to the Phase 2 scheme. Furthermore, paragraph 123 of the Framework seeks to optimise the use of land and encourages the use of minimum density standards in development plans. Notwithstanding my conclusions above in relation to the effect of the proposal on the landscape, I do not consider the density of the proposal to be inappropriate in this location.
51. Whilst I have found above that the proposal would harm the character and appearance of the surrounding area, including the AONB, I am satisfied that the general layout, contemporary design and proposed materials would combine to provide an attractive environment for future occupants and would create a strong sense of place. I therefore conclude that the design approach would deliver the high quality design sought by policy DM21 and the Framework, although it would not comply with policy DM21 considered as a whole due to the harm to the landscape character of the locality.

Accessibility to services

52. The appeal site is located towards the periphery of Aldeburgh, which is a second tier settlement with a range of services. The site would be about 950 metres from the two supermarkets within the town. There is also a recreation ground and a range of community facilities close to these supermarkets. Although not particularly close, I consider this to be a comfortable walking distance and these facilities would also be accessible by cycle. The appeal site is about 1.7km from the High Street. It is probable that many future residents would use their car when visiting the High Street. Notwithstanding this, many of the shops within the High Street are directed towards tourists rather than the day to day needs of the town's residents. Therefore the weight to be attributed to the distance of the appeal site from the High Street is limited. The nearest bus stop is about 460 metres from the site. It provides an hourly service to Ipswich, Saxmundham, Woodbridge and Martlesham.
53. The Rose Hill allocated site within the SAASP is a significantly greater distance from facilities by comparison with the appeal site. Moreover, there are numerous other dwellings, including those to the north of Saxmundham Road, which are a greater distance from these facilities by comparison with the appeal site. Therefore whilst the site is not particularly close to local services and facilities, neither is it remote. I therefore conclude that the location of the appeal site is acceptable in terms of its distance from services and would not conflict with Core Strategy policy SP1.

Whether the proposal is major development within the AONB

54. The appeal site, together with the town of Aldeburgh is situated within the AONB. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within AONBs, which have the highest status of protection in relation to these issues. It advises that the scale and extent of development within AONBs should be

- limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
55. The parties differ as to whether the proposal represents major development. Footnote 55 of the Framework advises that whether a proposal is major development within the AONB is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
56. At the time of the application Council officers concluded that the proposal was major development, but considered that the public benefits arising from the provision of the proposed dwellings in this location, were sufficiently 'exceptional' to justify the proposal. In reaching a judgement on this matter they had regard to the definition within The Town and Country Planning (Development Management Procedure) (England) Order 2010. This definition includes developments of 10 dwellings or more. The 2018 Framework is clear that this definition is not the basis for assessing whether a scheme is major development within an AONB.
57. The AONB was designated in 1970 and its statutory purpose is to conserve and enhance the natural beauty of the area. Designation demands that the policies and decisions of public bodies should focus on the conservation and enhancement of the landscape. In pursuing this purpose a number of matters should be taken into account, including the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development.
58. The appellant suggests that the scale of the proposal is not significant when considered in the context of the overall size of Aldeburgh. It would add 43 dwellings or 32 buildings (excluding garages) and would represent an increase of 2.5% in terms of the number of dwellings within Aldeburgh at the present time. In support of this view the appellant refers to the Kingsbridge appeal decision¹ where the Inspector concluded that development of 32 dwellings, retaining walls and associated infrastructure would not amount to major development in the AONB.
59. However, the Kingsbridge decision was informed by the setting of the site and the form of the development, as well as the information submitted to that inquiry. I note that the site at Kingsbridge was enclosed by housing to south, an industrial estate to the north and it was adjacent to a scout hut and public park. Whilst the appeal site is adjoined by housing on two sides the site has an open character and contributes to the wide open views within the AONB. Consequently it is materially different from the Kingsbridge site. Also the Kingsbridge decision does not set a threshold for major development within other AONB locations. The appeal scheme would be a substantial extension to a small market town and would considerably exceed the 10 dwellings allocated in the SAASP. The amount of new buildings and the extent of the access road, footways, hard surfaced areas and other infrastructure would be of a significant scale in this part of the AONB.

¹ Appeal Ref: APP/K1128/W/16/3156062

60. When considered as a whole the proposal would fail to conserve or enhance the natural beauty of the AONB, the purpose for which it was designated. In these circumstances I consider that a proposal for 43 dwellings in this location would represent major development within an AONB. The Framework states that planning permission for major development should be refused other than in exceptional circumstances.
61. The appellant submits that should I find that the proposal is major development, there are exceptional circumstances to be taken into account. In particular the contribution that the proposal would make to market and affordable housing, and the Core Strategy objective of retaining a balanced cohesive and socially inclusive community in Aldeburgh. These are matters to be weighed in the overall planning balance and I return to them below.

Housing Land Supply

62. The parties agree that the housing requirement within the Core Strategy is not up-to-date. The Council's published Housing Land Supply Statement (June 2018) is based on an OAN of 465 dpa. The recently published Framework states that in order to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in National Planning Practice Guidance (NPPG). Both parties agree that using the methodology within NPPG the minimum housing requirement for the District is 582dpa. On this basis there is a five year housing requirement for 2,910 dwellings excluding the buffer.

Buffer/lapse rate

63. Paragraph 73 of the Framework states that the supply of specific deliverable sites should include a buffer moved forward from later in the plan period. Where there has been a significant under delivery of housing over the previous three years, the buffer should be 20% to improve the prospect of achieving the planned supply.
64. At the time of the inquiry both parties agreed that the OAN was 509 dpa. This figure, and the Core Strategy target of 465dpa, were exceeded in each of the last three years. When assessed against the updated requirement based on the 2016 household projections there has been an under-delivery of 52 dwellings. The most recent requirement for 582 dpa considerably exceeds the Council's planned delivery for the period. This requirement was met in the most recent monitoring year and the shortfall was moderate in the two previous years. The overall shortfall was about 3%. Therefore based on the evidence before me, I do not consider that there has been a significant under delivery of housing over the last three years and I consider a 5% buffer to be appropriate.
65. The appellant submits that the Council has historically over-estimated the number of houses to be delivered and therefore its housing trajectory should be treated with caution. For this reason the appellant suggests that should the 5% or 10% buffer be preferred a lapse rate should be applied. The Council acknowledged that previous projections may have been over-optimistic, but explained that it has adopted a more rigorous approach to the assessment of future completions and as a consequence its trajectory is more reliable. I have no reason to doubt the Council's evidence regarding its current approach. Furthermore, the 2018 Framework has changed the definition of 'deliverable'

and this now excludes sites with outline planning permission and sites allocated in the development plan unless there is clear evidence that housing completions will begin on site within five years. This will further increase the robustness of the housing land supply. Therefore based on the evidence submitted to the inquiry I do not consider that a lapse rate is justified. On this basis there is a five year housing requirement for 3055 dwellings including the buffer.

Disputed sites

66. The Council considers that it has identified sufficient land to deliver 4,509 dwellings, whereas the appellant considered that only 2,852 dwellings could be delivered in the next five years. The difference is due to a number of disputed sites.
67. The Framework states² that in order for a site to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. It states that sites with outline planning permission, permission in principle, allocated in the development plan, or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. I have assessed the supply of housing land accordingly.

Land adjacent to 45 and 50 Watson Way

68. Outline planning permission for 10 houses was granted in February 2017. The Council considers that all 10 houses will be delivered in the next five years. No reserved matters have been submitted and the Council state that there has been no correspondence from the applicant since February 2017. Although this is a small site, and it may be possible for the dwellings to be delivered in the next five years, there is no clear evidence to indicate that this will be the case. I therefore conclude that it should be removed from the housing land supply.

School Lane

69. Outline permission was granted for 13 houses in January 2018. The Council advises that the site has been sold and that a reserved matters application should be submitted in the near future. Discussions between the Council, County Council and the agent are on-going. The Council's trajectory anticipates that the dwellings will be completed in 2020/21. The on-going discussions, together with the small size of the site, provide a clear indication that housing completions are likely to commence within the five year period, even if there is some slippage in terms of the Council's trajectory.

Garrison Lane

70. Outline planning permission was granted for 10 dwellings. The Council accepted the appellant's evidence regarding the history of unimplemented permissions on this site, as well as some difficulties with the landowners. Accordingly, in the absence of any clear evidence to indicate that the site will be developed within the five year period, these dwellings should be removed from the five year housing land supply.

² Glossary page 66

Candle Road

71. Outline planning permission was granted for 560 dwellings. The Council anticipate that 130 of these dwellings will be delivered in the five year period, whereas the appellant considers that no dwellings will be delivered over this period. The site forms part of the Felixstowe extension, and Council officers are in discussion with the applicant/landowner to bring the site forward. I understand that there are on-going discussions regarding the need to safeguard land for a primary school, and monitoring fees for a travel plan. The site is part of a larger masterplan area, however, there is no clear indication as to when completions on site are likely to commence. Therefore on the basis of the evidence submitted to the inquiry, I agree with the appellant that 130 dwellings should be removed from the Council's supply figure.

Land South of Solomon's Rest

72. Outline planning permission for 10 dwellings was granted in May 2017. The Council states that a telephone call from the landowner confirmed that he proposes to submit reserved matters by the end of the year, but there is no substantive evidence to support this view. I have therefore removed these dwellings from the Council's five year housing land supply.

Johnsons Farm

73. Outline planning permission was granted in June 2017 for 187 dwellings, the Council expects 125 to be delivered over the five year period commencing 2020/2021. The appellant considers that the site should be removed from the trajectory since reserved matters have not been submitted. The Council stated that the agents for the site were known to the Council, but confirmed that there is no named developer, and no discussions have taken place with promoters/developers. There is insufficient evidence for me to conclude that housing completions will begin on this site within the five year period, therefore 125 dwellings should be removed from the Council's trajectory.

Abbey Road, Margaret's Crescent

74. Outline planning permission was granted for 100 dwellings at Abbey Road, and 77 Dwellings at Margaret's Crescent in June 2017. The Council's trajectory indicates that all of the Abbey Road dwellings and 35 of the Margaret's Crescent dwellings will be delivered over the five year period. Reserved matters have not been submitted for either site. Although the Council states that there are no impediments to these sites coming forward, there have been no discussions with the applicants since the grant of outline permission. The appellant considers that these dwellings should be removed from the five year housing land supply. In the absence of any clear evidence that completions will start on these sites in the next five years I agree.

Mill Farm and Thomas Avenue, Land South of High Road

75. Outline permission for these sites was granted for 50 and 70 dwellings respectively. Reserved matters have not yet been submitted. The site is owned by Trinity College, a landowner with a track record of delivering their sites with outline permission. The Council has regular meetings with this landowner and it has been confirmed that it is intended to bring these sites forward. However, no evidence has been submitted to support the Council's trajectory, or whether these sites will be developed simultaneously or by

individual house builders. Accordingly, on the basis of the limited evidence submitted to the inquiry, I consider that these sites should be removed from the five year trajectory.

Old Station Works

76. Outline planning permission has been granted for 35 dwellings which the Council anticipates will be delivered in 2022/23. No reserved matters have been submitted to date, but the Council advised that it is in discussion with the owners to bring forward a hybrid application with detailed planning permission for 75 dwellings and outline permission for community facilities. Whilst there may be some delay to the delivery of community facilities I consider that there is credible evidence that the 35 dwellings within the trajectory will be delivered during the five year period.

Rose Hill, Aldeburgh

77. This site is located within Aldeburgh and is allocated by policy SSP3. The Council's trajectory suggests that 10 dwellings will be completed by 2020/21, whereas the appellant considers that none will be delivered. At the present time there have been no discussions with the owner as to how, or when, the site will be developed. I therefore do not consider that it should be included within the five year housing land supply.

Aldeburgh Road (SSP4)

78. The Council's trajectory indicates that 40 houses will be delivered within the five year period. The appellant does not consider that any will be delivered. There is a current application, submitted by a local house builder with a good delivery record. I understand that this has not been subject to any significant objections. Nonetheless, the appellant considers that doubt remains as to whether planning permission will be granted, particularly given the potential to impact on the setting of a listed building. However, this is an allocated site and was considered at the time of the SAASP examination and found to be acceptable. Therefore taking account of the current planning application and the absence of significant objections, I am satisfied that there is a realistic prospect that housing on this site will be delivered in the next five years.

Townfield Cottages (SSP8) Mill Close (SSP11)

79. The Council's trajectory includes 10 dwellings on each of these sites, but no applications have been submitted. Moreover, the Council confirmed that there have been no discussions with the owners.

Ambleside(SSP10)

80. The Council's trajectory indicates 30 dwellings will be delivered in 2019/20. Although no application has been submitted, the Council states that the trajectory is informed by the landowners'/developers' response and that it is a small straightforward site. In the absence of any application, or discussions with the owners I consider the Council's trajectory to be unrealistic, and based on the evidence submitted to the inquiry I conclude that this site should be removed from the trajectory.

Garden Square (SSP12), Redwald Road (SSP13), Sorrel House (SSP15)

81. The Council agrees that these sites will not deliver any dwellings in the five year period and should be removed from the trajectory.

Street Farm (SSP14)

82. The Council expects 59 dwellings to be delivered on this site over the five year period. There is a current planning application with the Council, and the s106 agreement is currently being negotiated. It is owned by a local housebuilder with a good track record of delivery. I therefore consider that there is clear evidence that housing completions will begin on the site within five years.

Lower Road (SSP17)

83. The trajectory shows 20 dwellings delivered on the site over the five year period. No application has yet been submitted, but the Council states that it is a small straightforward site with no problems. The appellant states that there is a possible constraint in terms of a water main crossing the site. Even if this matter is resolved, no substantive evidence has been submitted to suggest that dwellings on this site will be delivered in the five year period. Accordingly these dwellings should be removed from the five year housing land supply.

Street Farm (SSP19)

84. The trajectory indicates that 10 dwellings will be delivered in the five year period. The Council states that an application has been submitted and is due to go to committee soon. I am therefore satisfied that the site is likely to come forward within the next five years.

Conway Close (FPP5)

85. The site is allocated for 150 dwellings and the Council expect 50 of these to come forward within the five year period. The Council states that it is currently in discussions with the landowner and an application is expected early next year. However, there is no certainty that an application will be submitted, or whether it will be an outline or full planning application. I therefore agree with the appellant that these dwellings should be removed from the Council's trajectory.

Howlett Way (FPP7)

86. The site is allocated for 360 dwellings, the Council expects 100 dwellings to be delivered in the five year period. Although the Council expects an application to be submitted by the end of the year, there is no certainty that an application will be submitted or whether it will be an outline or full planning application. I therefore agree with the appellant that these dwellings should be removed from the Council's trajectory.

Walton High Street

87. Outline permission for 385 dwellings has recently been granted, the Council anticipates that 150 dwellings will be delivered in the five year period. The site is owned by a local developer with a good record of delivery. Notwithstanding this, insufficient information has been submitted to persuade me that the dwellings on this site will be delivered in accordance with the Council's

trajectory. I therefore conclude that these dwellings should be removed from the trajectory.

Adastral Park (Brightwell Lakes)

88. Outline permission was granted for 2,000 dwellings in April 2018. The Council expects 600 of these to be delivered over the five year period at a rate of 150 dpa. I understand that the intention is to market the site as separate parcels of land and it is probable that individual housebuilders will submit reserved matters applications. The appellant suggests that allowing for the provision of infrastructure and marketing of the site, it is unlikely that any dwellings will be delivered before August 2021. On this basis the appellant concludes that only 170 dwellings will be delivered over the five year period.
89. The Council's trajectory suggests that the first dwellings would be delivered in 2019/20. In view of the need to provide infrastructure, and allowing time for the marketing of the site and submission of reserved matters, I consider the Council's trajectory to be unduly optimistic. It is unclear from the submitted evidence how many outlets would be operating at any one time, or how the delivery rate of 150 dpa is arrived at. It is possible that each outlet could deliver 50dpa, although where there are multiple outlets the figure could be lower. On the basis of the available evidence, I consider it unlikely that any dwellings would be delivered in the 2019/20 period and that the appellant's annual delivery figure of 130 dpa to be more realistic in the light of the currently available information. I therefore conclude that the site is unlikely to deliver more than 390 dwellings over the five year period. I consider this to be a best case scenario, accordingly the trajectory should be reduced by 210 dwellings³.

Council Offices Woodbridge

90. An application for 100 dwellings was withdrawn in August in order to activate the vacant building credit. A similar application has been submitted and in the light of the resolution in respect of the previous application it is expected to be approved. The Council expects all 100 dwellings to be delivered over the five year period.

Housing Land Supply Conclusion

91. I therefore find that the Council's housing land supply figure should be reduced by 1,195 dwellings. Therefore the Council has a housing land supply sufficient for 3,314 dwellings which is equivalent to a 5.4 years supply of housing land including the buffer.

Other Matters

92. The lack of houses at prices affordable to local people and social rented housing is identified as a key issue within the Core Strategy. It states that the lack of affordable housing provision within the District is a major problem. It commits to providing 1,896 affordable homes between 2010 and 2027 (equivalent to 112dpa).
93. The evidence regarding the number of affordable dwellings delivered over this period is inconsistent. The East Suffolk Housing Strategy 2017-2023 indicates

³ 600 - (3x130)

that 500 affordable homes have been delivered since 2010, including 383 between 2013/14 and 2016/17. The Suffolk Coastal Local Plan Annual Monitoring Report 2016-2017 found that 338 dwellings had been delivered over the same period. The reasons for the differences are not clear, however the latter figure is derived from information provided by the Council's planning policy team and I therefore consider it to be the more reliable of the two. When assessed over the four year period the delivery falls well short of the annualised delivery rate. If the figure from the Housing Strategy is used, looking back over the plan period, the extent of the shortfall is considerably greater.

94. The emerging Local Plan notes that a high proportion of homes within Aldeburgh are second homes or holiday homes. At the inquiry local residents reflected this view. Aldeburgh has been identified as the third most expensive seaside town in the country. The average house price is 2.3 times higher than the District as a whole.
95. Within Aldeburgh, there is a specific need for affordable housing, due to the age imbalance within the local population and the high proportion of second homes. Policy SP22 of the Core Strategy states that there is a need to retain a balanced, cohesive, and socially inclusive community. The strategy for Aldeburgh includes the provision of new housing (including affordable housing) for local people, in order to address the age imbalance of the population and enable local residents to remain within the area. The appeal proposal would deliver 14 affordable dwellings in accordance with policy SP22 of the Core Strategy.
96. In December 2014 the Government changed the threshold for affordable housing. The SAASP was amended to reflect this change in Government policy which has since been carried forward into the 2018 Framework. As a consequence, affordable housing contributions are now only sought from sites with 11 or more dwellings. The monitoring report recognises that in some settlements there are few sites suitable for 11 or more units and this could limit the delivery of affordable housing. The only allocated housing site within Aldeburgh is the Rose Hill site which is expected to deliver 10 dwellings. Therefore it is unlikely that it will help to meet the need for affordable dwellings within Aldeburgh. Furthermore, for the reasons given above, the Rose Hill site is unlikely to deliver any dwellings in the next 5 years.
97. I agree with the Council that there may be other locations within the District where the need for affordable housing could be met, however this would do little to redress the age imbalance, or meet the need for affordable housing within Aldeburgh identified in the Core Strategy. Moreover, whilst the numerical need for affordable housing may be greater outside of Aldeburgh, the housing needs of those within Aldeburgh remain important for the reasons given in the Core Strategy and the emerging Local Plan.
98. Aldeburgh Town Council submitted evidence to suggest that based on the existing housing stock, and assuming a turnover of 8-10% of dwellings a year, there would be sufficient affordable housing to meet the needs of those on the housing register within the next 12-18 months. This view is based on the information provided in an email from Pathfinder Development Consultants. The submitted email includes a number of caveats. These include that the number of households on the housing register is likely to be an

- underestimation of need, that the turnover figure is an average and can be lower in areas of high demand.
99. The housing register represents those who have applied for social housing. The planning definition is more wide ranging and includes housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership, and/or is for essential local workers). Therefore the number of households on the housing register does not reflect the full extent of need, moreover, it is a reflection of current need, not future or emerging need.
100. Having regard to the high proportion of second homes within Aldeburgh, and the high house prices compared to other locations within the District, I consider that there remains a significant need for affordable housing in order to support the aim of Core Strategy policy SP22. The Phase 2 development has added to the existing affordable housing stock, but it is evident that there remains a need for affordable housing within the area.
101. The mechanism for the delivery of affordable housing is either in conjunction with market housing on sites of 11 or more dwellings, or, on exception sites particularly at those settlements where opportunities for open market housing schemes is limited. I have found above that the Council has a five year supply of housing land, and in recent years has delivered a high proportion of the planned housing. Therefore whilst the delivery of affordable housing is a clear benefit of the scheme, the submitted evidence indicates that the District wide need for such housing could be met elsewhere within the District. Notwithstanding this, there is a specific need for affordable housing within Aldeburgh, where the opportunities to deliver affordable housing would appear to be severely constrained. In these circumstances I accord significant weight to the delivery of affordable housing.
102. The proposal would be major development within an AONB. The Framework states that such development should be refused other than in exceptional circumstances. A pressing need for more affordable dwellings is common to many local authorities. Within Aldeburgh there is a clear need for such housing to meet local needs, particularly given the high proportion of second homes within the town and the high cost of housing relative to other parts of the District. However, the proposal would provide a policy compliant level of affordable housing and the majority of the dwellings would be market housing. In these circumstances the benefits of affordable housing in this location do not amount to the exceptional circumstances necessary to justify major development within the AONB and outweigh the environmental harm arising from the proposal.
103. The application site lies some 320m from the Alde – Ore Estuary Special Protection Area (SPA) which is a European site. The estuary is also listed as a Ramsar site; Special Area of Conservation (SAC) and also notified at a national level as a Site of Special Scientific Interest (SSSI). In the light of *People over Wind, Peter Sweetman v Coillte Teorant judgement Case C-3/17* the parties agreed that an appropriate assessment would be required, if I were minded to grant permission. The information required to make that assessment was submitted following the close of the inquiry. However, for the reasons given above I have decided to dismiss the appeal and therefore an appropriate assessment is not required.

Overall Planning Balance

104. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is one such material consideration.
105. The proposal would fail to comply with the development plan in that it would give rise to harm to the AONB contrary to Core Strategy policy SP15, and would also harm the character and appearance of the surrounding area contrary to policy DM21. Due to the location of the appeal site outside of the physical limits boundary for Aldeburgh the proposal would also fail to comply with policies SP22, SP29 and DM4.
106. Policy SP22 does not preclude all development outside of the physical limits boundary but instead anticipates that development will occur within the boundary. However, it also seeks to retain the sensitive environment of the town particularly its setting and edges. Although the proposal would help support the aim of policy SP22 in so far as it seeks to address the age imbalance of the population and enable local residents to remain in the area, taking account **of** the scale of the development proposed, and the harm to the AONB, I find that the proposal would fail to comply with policy SP22 as a whole.
107. I have found the intended design approach to be acceptable, but for the reasons given above the proposal would not comply with policy DM21 considered as a whole. Whilst the proposal would be consistent with policy SP1 in terms of accessibility to services, it would not comply with the development plan considered as a whole.
108. I accord considerable weight to the benefits of delivering affordable housing within Aldeburgh. Together with the delivery of market housing it would support the social dimension of sustainability through the provision of homes to meet the needs of present and future generations. It would also assist with the delivery of a more socially balanced and cohesive community.
109. The proposal would contribute to the economic dimension of sustainability in the short-term in respect of construction jobs. In the longer term it would increase household spending within the locality. It would also support economic growth through the creation of jobs in local services to meet the additional demands arising from the development. The provision of public open space and improved pedestrian access to the estuary would contribute to the environmental dimension of sustainability. The removal of the existing builder's yard would bring a limited environmental benefit.
110. However, the proposal would be major development within the AONB and I have found that there are no exceptional circumstances to justify it. It would also harm the character and appearance of the surrounding area and the natural beauty of the AONB. I am required to give great weight to this harm. Notwithstanding the environmental benefits above, looked at in the round the proposal would not be environmentally sustainable.
111. Overall I conclude that the benefits of the proposal do not outweigh the considerable harm to the AONB, or justify a decision other than in accordance with the development plan.

Conclusion

112. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton of Counsel

He called

Mark Flatman
Martin Ivatt
Alison Hutchinson

Landscape Consultant Liz Lake Partnership
Principal Urban Designer Essex County Council
Hutchinsons Planning and Development
Consultants

Liz Beighton (Round
table discussion and
conditions only)

Planning Officer Suffolk Coastal District Council

FOR THE APPELLANT:

Meyrick Lewis of Counsel

Instructed by Robert McGeady Ashtons Legal

He called

Simon Nesson
Bruce Hart

Landscape Consultant The Landscape Partnership
Architectural Technologist Paul Robinson
Partnership

David Churchill

Planning Consultant Carter Jonas

FOR ALDEBURGH TOWN COUNCIL :

Paul Shadarevian QC

He called

Neil Ward

Planning Consultant

INTERESTED PERSONS:

Mary Holmes
Paul Lewington
Lynn Walker
James Powell
Stephanie Howell
John Digby
Peter Howard Dobson
Sarah Gammon
David Gammon

Keith Richmond
Robin Anderton
Alan Collett
Keith Martin

Trustee of the Alde and Ore Association

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Alison Hutchinson Appendices to Proof of Evidence.
- 2 Extract from Touching the Tide submitted by the appellant
- 3 Submissions on behalf of Sarah and David Gammon
- 4 Submissions on behalf of James Powell
- 5 Submissions on behalf of Mary Holmes
- 6 Submissions on behalf of Alde and Ore Association
- 7 Housing trajectory showing disputed sites submitted by the appellant
- 8 Appellant's housing land supply calculation
- 9 Revised housing land supply with lapse rate submitted by the appellant
- 10 Submissions on behalf of Stephanie Powell
- 11 Draft conditions submitted by the Council
- 12 Note from Mr Neesom in relation to Suffolk Coastal Landscape Character Assessment
- 13 Copy of letter dated 13 August 2018 notifying interested parties of arrangements for the Inquiry
- 14 Submissions on behalf of Keith Richmond
- 15 Submissions on behalf of Robin Anderton
- 16 Submissions on behalf of Peter Howard-Dobson
- 17 Submission on behalf of Allan Collett
- 18 Extract from Core Strategy and Development Management Policies Inspector's Report submitted by the appellant
- 19 Government guidance in relation Natural England's duties within Areas of Outstanding Natural Beauty submitted by the appellant
- 20 Council's CIL compliance Statement
- 21 Aldeburgh Town Council comments on proposed conditions
- 22 Appellant's written confirmation of pre-commencement conditions
- 23 Additional draft conditions submitted by the Council
- 24 Letter and plan dated 19 September 2018 in relation to footway construction and boundary with 70 Saxmundham Road submitted by the appellant
- 25 Extract from Final Draft Estuary Plan showing extent of Alde-Ore SPA and Ramsar site
- 26 Comparative LVIA tables submitted by the appellant

PLANS

- A Plan Number 7/62/40A showing footpath links on and adjacent to the Site

PHOTOGRAPHS

- 1 Aerial photographs dated 2007 and 2011 submitted by Stephanie Powell

DOCUMENTS SUBMITTED FOLLOWING THE INQUIRY

- 1 Signed copy of Unilateral Undertaking dated 18 July 2017 submitted by the appellant
- 2 Travel Distances between appeal site and local amenities submitted by the appellant
- 3 Winter bird surveys part 1 and Part 2 submitted by the appellant
- 4 Note explaining the Appellant's updated housing land supply position
- 5 Draft Habitats Regulation Assessment Recreational Avoidance and Mitigation Strategy submitted by the Council
- 6 Unilateral Undertaking dated 21 October 2018 in relation to SPA mitigation submitted by the appellant
- 7 Email dated 6 November explaining The Council's updated housing land supply position
- 8 Appellant's response in relation to MHCLG Technical Consultation

Appendix 7

**Kirton Appeal Decision and Costs Decision
APP/J3530/W/18/3212430**



Appeal Decision

Hearing Held on 13 March 2019

Site visit made on 13 March 2019

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2019

Appeal Ref: APP/J3530/W/18/3212430

Land between 73 and 101 Bucklesham Road, Kirton, Suffolk IP10 0PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trustees of GH Paul 1964 Settlement against the decision of Suffolk Coastal District Council.
 - The application Ref DC/18/0105/FUL, dated 10 January 2018, was refused by notice dated 27 March 2018.
 - The development proposed is described as 'erection of 10 new dwellings and creation of new vehicular access and internal road'.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by Suffolk Coastal District Council against the Trustees of GH Paul 1964 Settlement. This application will be the subject of a separate Decision.

Preliminary Matters

3. Since the Council issued its decision the revised National Planning Policy Framework (the 'Framework') was published. The Council and appellant were afforded an opportunity to supplement their statements in respect of this¹, and discuss it at the hearing. Further evidence was submitted at the hearing² that was directly relevant to the matters being discussed, was not extensive in scope and was capable of being addressed by the parties. I therefore accepted it as no party was prejudiced by me doing so.
4. A draft Statement of Common Ground was tabled at the hearing. Sections 1 and 2 had been agreed subject to a slight correction³. Section 3 had not been agreed as it effectively set out the appellant's case regarding the five-year housing land supply position. I have considered the document on this basis.

¹ The Council supplied an updated position on whether it could demonstrate a five-year housing land supply by email on the 6 March 2019 whereas the appellant table information on this matter at the hearing as Part 3 of the draft Statement of Common Ground

² The Council referred to an extract from a Landscape Institute guidance and another extract from its Settlement Sensitivity Assessment Volume 2 2018

³ Reference to Policy SP19 had been omitted in error from Paragraph 2 on Page 7

5. Amended drawings were deposited with the appeal. These propose reconfigured visibility splays with a frontage hedge replanted behind. I have accepted this amendment as it was minor in scope. Following agreement from the parties present at the hearing, I undertook my site visit on an unaccompanied basis as I was able to see all I needed to from public land.

Main Issues

6. At the outset of the hearing the Council confirmed that the amended drawing submitted by the appellant demonstrates that a safe and suitable access could be achieved subject to the imposition of planning conditions. The Council's position flows from advice from the Local Highway Authority (LHA) and substantive technical evidence was not presented to counter this. Consequently, I am satisfied this matter has been addressed and therefore it has not been considered further.
7. During the hearing I sought confirmation regarding the findings of the ecological survey prepared by Geosphere Environmental Ltd (dated 8 December 2016) and submitted by the appellant. In view of the subsequent discussion I have addressed the effect on biodiversity as a main issue. Accordingly, the main issues in this appeal are:
 - Whether the proposed development would be in a suitable location with reference to development plan policies;
 - Whether the proposed development would make adequate provision for affordable housing;
 - The effect of the proposed development on the character and appearance of the area, including the landscape;
 - Whether the proposed development would preserve the setting of Kirton Manor, a Grade II listed building;
 - The effect of the proposed development on biodiversity; and
 - If there is a conflict with the development plan, whether there are material considerations that indicate a decision should be taken other than in accordance with the development plan.

Reasons

Whether the appeal site would be a suitable location for housing

8. Policy SP1 of the CSDMP⁴ 'comprises the foundations around which the Core Strategy framework is built'⁵. It sets out the overarching objectives and strategy for development in the district from which the other policies in the document flow. This includes an aim to relate new housing development to employment transport and infrastructure, achieve a balance between housing and employment growth, reduce the need to travel and conserve and enhance the area's natural, historic and built environment.
9. Policy SP19 of the CSDMP builds on the strategy outlined in Policy SP1 by directing development through a settlement hierarchy. The proportion of total

⁴ Suffolk Coastal District Local Plan Core Strategy and Development Management Policies Development Plan Document July 2013

⁵ Paragraph 3.17 of the CSDMP

proposed housing growth identified within the hierarchy for the countryside is identified as being 'minimal'. The 'countryside' is defined in table 4.1 as being the area outside the settlements and this includes the appeal site, which is located outside the settlement boundary of Kirton.

10. Policy SP19 includes a footnote that states that *windfall (unidentifiable small sites) is expected to add to the new housing provision in the district*. The terms 'windfall' and 'small sites' are not defined. Nevertheless, in my view the windfall developments being referred to are those permitted by other policies in the plan such as small schemes within the settlement boundaries, barn conversions, rural exception sites and infilling under Policy DM4. It should not be taken as an indication that Policy SP19 is permitting housing in the countryside in addition to that permitted by other policies in the plan.
11. Policy SP27 of the CSDMP relates to Key and Local Service Centres such as Kirton. It states that housing is to be permitted within the defined physical limits (settlement boundaries) or where there is proven local support in the form of allocations. Exceptions will be made for affordable housing. The appeal scheme is outside the settlement boundary, has not been allocated and is not exclusively for affordable housing. As such, the proposal would not glean support from Policy SP27(b).
12. Part (d) of Policy SP27 states that some organic development may occur where opportunities within the physical limits are severely limited. It goes on to confirm that this may be in the form of the inclusion of potential sites within the physical limits boundaries when drawn or development in adjacent clusters. In my view, part (d) sets out the only two types of organic development which would be permitted by Policy SP27. It is not suggested within the policy that these are examples and therefore other forms of organic development could occur. Such an interpretation would leave the term 'organic development' ill-defined and too open as a concept.
13. The appeal site has not been incorporated into the settlement of Kirton through a revision of the settlement boundary and it would not meet the criteria in Policy DM4 of the CSDMP to be considered infilling within a cluster. For example, it would be too large a scheme and, for the reasons I go into later, it would result in a harmful visual intrusion into the surrounding landscape. Accordingly, the appeal scheme would not involve the two types of organic development envisaged by Policy SP27(d).
14. Paragraphs 3.119 - 3.122 of the Felixstowe Peninsula Area Action Plan Development Plan Document 2017 (FAAP) explain that given the level of growth in the village to date, any future growth is expected to be windfall sites within the settlement boundary of the village. Policy FPP2 of the FAAP, which relates to physical limits boundaries in the plan area, needs to be read in this context. It states that the physical limits boundaries identify the part of the settlement to which new housing development is directed and that new residential development outside the boundaries will be strictly controlled in accordance with Policy SP29 of the CSDMP.
15. Policy SP29 of the CSDMP states that the strategy for new development outside the physical limits of settlements is that it will be limited to that which needs to be located there and it accords with other policies in the CSDMP, such as those promoting rural business or the conversion of rural buildings. The appeal scheme does not need to be located in the countryside and it is not the type of

development expressly permitted in principle by other policies elsewhere in the plan. Thus, the appeal scheme would be at odds with Policy SP29.

16. Policy DM3 of the CSDMP flows from Policies SP19 and SP29 and lists the types of development that would be permitted in the countryside, such as replacement dwellings, the sub division of larger dwellings, affordable housing exception sites, conversions and minor infilling in clusters. The appeal scheme would not be any of these types of development. Policy DM3 also permits development that accords with Paragraph 79 of the Framework. The appeal scheme would not amount to any of the types of development listed therein but this is of little consequence as Paragraph 79 is not engaged because the appeal site is not isolated.
17. In conclusion, the proposal would not adhere to Policies SP1, SP19, SP27, SP29 and DM3⁶ of the CSDMP or FPP2 of the FAAP. These policies are consistent with the Framework in that they set out the plan led approach to development in the district. Thus, the proposal would amount to a notable departure from the development plan that would harmfully undermine the adopted and evidenced based spatial strategy for housing therein and the consistency and relative certainty that should flow from a plan led approach to the location of new development.

Whether the proposal would make adequate provision for affordable housing

18. Policy DM2 of the CSDMP requires 1 in 3 homes within a housing scheme to be affordable homes. This requirement is consistent with Paragraph 62 of the Framework, which permits affordable housing to be sought as part of major development⁷. It was a point of agreement at the hearing between the Council and the appellant that the appeal scheme should provide three affordable homes as this is necessary to make the development acceptable (by adhering to development plan policy), would be directly related to the development and would be fair in scale and kind. I agree with this analysis.
19. For affordable housing to be provided effectively, arrangements must be made to transfer it to an affordable housing provider, to ensure that appropriate occupancy criteria are defined and enforced, and to ensure that it remains affordable to first and subsequent occupiers. The legal certainty provided by a planning obligation makes it the best means of ensuring that these arrangements are effective.
20. A planning obligation has not been submitted. Instead, the Council and appellant have suggested that a planning condition could be imposed to secure the affordable housing and a draft was tabled at the hearing. The condition refers to a 'scheme' for the provision of affordable housing and a requirement for further 'arrangements' relating to controls over who could subsequently occupy the dwellings. These are rather vague terms. It is likely that the 'scheme' and 'arrangements' referred to would require the relevant parties to enter into some form of legally binding obligation.
21. The Planning Practice Guidance advises that in exceptional circumstances a negatively worded planning condition requiring a planning obligation or other

⁶ The Council referred to Policy SP1A of the CSDMP in its reason for refusal, but I do not consider this policy is engaged as there are relevant development plan policies that are not out of date.

⁷ Major applications are defined in the glossary of the Framework as 10 or more homes.

agreement to be entered into before development can commence may be appropriate in the case of more complex and strategically important development. The appeal scheme is neither complex nor strategic and therefore a planning condition along these lines cannot be imposed to secure the affordable housing. Consequently, an appropriate mechanism to secure the adequate provision of affordable housing is not before me and therefore the proposal would be contrary to Policy DM2 of the CSDMP.

The effect of the proposed development on the character and appearance of the area, including the landscape

22. The appeal site encompasses part of a larger field, has a frontage onto Bucklesham Road and is surrounded on three sides by residential ribbon development. That said, there is an attractive view across the appeal site from Bucklesham Road over the largely undeveloped and gently undulating agricultural landscape around Kirton Hall and Kirton Brook. The appeal site is a positive component of this view and therefore has a scenic quality when experienced from Bucklesham Road, nearby properties and three public footpaths.
23. The field in which the appeal site is located is largely enclosed by hedges and slopes gently away from the road down towards Kirton Brook. The agricultural landscape to the west of Kirton, including the appeal site and its environs, is broadly characterised by small fields delineated by hedges. The Council's Settlement Sensitivity Analysis specifically identifies the field system as a feature and describes it as an enclosure pattern that is pre 18th Century and largely intact. The appeal site contributes positively to this landscape character.
24. Thus, in light of the foregoing, the appeal site can reasonably be considered as being part of a valued landscape when having regard to its scenic quality and intactness, factors outlined by the landscape institute to be considered when establishing if a landscape is valued or not. In this respect, it is justifiably part of a locally defined Special Landscape Area. The sites inclusion within the SLA may or may not have followed correct procedures but that does not diminish the value of the landscape for the purposes of my assessment.
25. The appeal scheme would introduce development where there is none currently and this would urbanise the appeal site and thus erode the intactness of the landscape. The development would also largely block the view across the landscape from Bucklesham Road and this would harm the scenic quality that can be experienced from this vantage point. These impacts would not be aided by the tightly packed composition of the development, whereby the properties would be arranged in a tight row with prominent intervening garages.
26. When considering the impact on landscape character I share the view of Mr Newton that it is the effect on the localised landscape around Kirton Brook that is more relevant to my assessment than the impact on the SLA as a whole, which is extensive. Therefore, the conclusion in the Landscape and Visual Impact Assessment (LVIA) regarding the 'impact significance' is too low. A finding of medium-low adverse would be more appropriate in the local context of the appeal site.
27. In respect of the visual impacts of the proposal, the visual envelope identified in the LVIA is broadly accurate. This demonstrates that some views of the development would be over the valued landscape centred on the brook. The

impacts classified in the LVIA from the specific viewpoints identified have been understated, particularly the impact from View Point 5. The impact from here would be major (in the winter months) as opposed to negligible because the houses would be highly visible. No doubt the negligible finding in the LVIA was because the assessment was undertaken when the trees were in full leaf. For similar reasons the development would be highly visible in View Point 1 during the winter months and moderately visible from View Point 6.

28. Planting a boundary hedge along the south western boundary of the appeal site would do little to mitigate the visual impact of the development because it would take time to mature and future residents are likely to want to keep it low due to the modest size of the proposed gardens and in order to take in the view. The dwellings would be too tightly arranged to enable planting in-between, which could otherwise break up the roof scape. The development would be viewed in the context of existing housing and could be regarded as a type of infilling. However, gaps of countryside between groups of housing is a characteristic of Bucklesham Road and the appeal scheme would erode this. Moreover, most of the proposed dwellings would sit further back from the road than the houses either side and this would appear somewhat discordant. Plot 1 in particular would jar with the grain of development along Bucklesham Road as it would be side on to the street. Overall the appeal scheme would have a notable and harmful visual impact in the local landscape and this would harm the character and appearance of the area.
29. In arriving at this view I acknowledge that the Council previously considered allocating the site for development at the Preferred Options consultation stage. The preliminary assessment of the Officer's engaged in that exercise was that a scheme of fifteen homes at the appeal site would not harm the character and appearance of the area. Nevertheless, the Council appears to have changed its view based on the information before it and its stated position is that the proposal would harm the character and appearance of the area. Regardless of the Council's shifting position and the reasons for this, I have come to my own view on the impact of the proposal on the landscape for the reasons given.
30. I therefore conclude that the appeal scheme would harm the character and appearance of the area, including the character and visual quality of the local landscape. Accordingly, it would not adhere to Policy SP15 of the CSDMP, which seeks to protect and enhance the various landscapes in the district. Policy SP15 is consistent with Paragraph 170 of the Framework.

Whether the proposal would preserve the setting of Kirton Manor

31. The appeal site is located to the south west of Kirton Manor, a Grade II listed building. In accordance with Paragraph 189 of the Framework, applicants are required to describe the significance of any heritage assets that may be affected by a development proposal, including its setting. The appellant failed to do this at the application stage and therefore the Council's sixth reason for refusal was added to its decision notice. The appellant has subsequently commissioned a Heritage Impact Assessment (HIA), which was submitted with the appeal.
32. The HIA indicates that Kirton Manor probably dates from the 17th Century and was part of an historic farm. The house has been severed from the barns and farm land that it was historically linked to. Nevertheless, given its historic use, the setting of the building includes the surrounding agricultural landscape as an

important component of how the building is understood and appreciated. This setting has been compromised to a notable extent by ribbon development along Bucklesham Road.

33. The currently undeveloped and open appearance of the appeal site provides some limited visual connectivity between Kirton Manor and the wider agricultural landscape. The appeal scheme would introduce built development into the appeal site that would erode the visual connectivity between Kirton Manor and the wider agricultural landscape. This would harm its setting when taken in isolation and when considered cumulatively with the other nearby development that has encroached into the setting of the building. I share the view expressed in the HIA that the harm would be less than substantial because it would be limited to the wider setting of Kirton Manor. The Council is also satisfied that the proposal would result in less than substantial harm in the manner described in the HIA. In accordance with Paragraph 196 of the Framework, I have weighed the less than substantial harm against public benefits later in this decision letter.

The effect on biodiversity

34. The application included a Preliminary Ecological Appraisal dating from 8 December 2016. It is therefore reasonably old and was not undertaken at the optimal time of year. Appendix 1 of the document explains the limitations of the report and states that it does not assess the presence or absence of species but is used to assess the potential habitat to support them. The report concludes that the appeal site may provide habitat for birds, bats and reptiles. Moreover, biological records confirm that a bat roost has been present in a mature pedunculate Oak tree located on the north western boundary of the appeal site. The report therefore recommends that further Phase 2 surveys are undertaken to establish the presence or otherwise of protected species and thus the significance of the appeal site as a habitat.
35. The Preliminary Ecological Appraisal has confirmed a reasonable likelihood of protected species being present because the habitats in the site would support them. The appeal scheme would involve significant works including the removal of the existing road side hedge and the construction of a service road and dwellings. Subsequent occupation would result in activity and light spillage. As such, the development is likely to affect protected species if they are present.
36. In these circumstances it is necessary to identify the presence or otherwise of protected species before granting planning permission so that any impacts and potential mitigation can be identified and fully understood. The absence of the Phase 2 surveys is therefore a significant omission. Without them, there is an unacceptable risk that the proposal could significantly harm biodiversity.
37. It would not be appropriate to secure the Phase 2 surveys through the imposition of a planning condition because it would prove difficult to retrospectively apply mitigation (the extent and nature of which is unknown) to a scheme that has been approved. For example, interested parties at the hearing suggested that Plot 10 is probably too close to the Oak tree if a bat roost is still present. Moreover, Circular 06/2005 - Biodiversity and Geological Conservation states that ecological surveys should only be left to a planning condition in exceptional circumstances, which do not apply in this case.

38. From the evidence before me I cannot conclude with any confidence that the proposal would conserve or enhance biodiversity and therefore I conclude that it would be contrary to Paragraphs 174 and 175 of the Framework.

Whether there are material considerations that indicate a decision should be taken other than in accordance with the development plan

Whether the Council can demonstrate a five-year housing land supply

39. Following discussions at the hearing the Council and the appellant agreed that when applying the standardised methodology in the Planning Practice Guide, the Council's annual housing need is 515 dwellings per annum. It was also agreed between these parties that a buffer of only 5% should be added, to ensure choice and competition, because the Housing Delivery Test results have confirmed that the Council has not significantly under delivered in the previous three years. Accordingly, the Annual Housing Need was agreed at being around 540 dwellings per annum.
40. The Council considers that 4,509 homes will be delivered in the district over the five-year period. The sites are listed in the Council's Housing Land Supply Assessment of June 2018 and this analysis followed a dialogue with developers. That quantum of delivery would give a housing supply of around 8.3 years. As a 'worst case' scenario the Council considers the supply of deliverable sites to be 3,314 as this was the conclusion of an Inspector in a reasonably recent appeal decision⁸ where the evidence was tested through an inquiry. This would give a housing supply of approximately 6.1 years.
41. Paragraph 74 of the Framework introduces a discretionary measure whereby the Council can confirm or 'fix' its five-year housing land supply for one year by agreeing an annual position statement. In doing so a 10% buffer is applied. When considered in its proper context and with reference to relevant guidance⁹, Paragraph 74 cannot reasonably be read as setting out the only means by which a Council can demonstrate a five-year housing land supply as required to by Paragraph 73 of the Framework.
42. The appellant does not consider the Council has correctly applied the definition of 'deliverable' in the glossary of the Framework to its housing supply sites. Particularly the second part, which relates to major outline permissions, allocations in a development plan and sites with permission in principle. It states that such sites should only be considered deliverable where there is clear evidence¹⁰ that housing completions will begin on site in five years. To my mind it is for the Council to seek the clear evidence if it intends to rely on such sites, as the requirement is upon the Council to demonstrate that it has a five-year housing land supply.
43. The appellant suggests that all allocated sites should be removed from the Council's list of deliverable sites as a matter of principle because they do not have planning permission (355 homes). In addition, it was suggested that I should remove from the list of deliverable sites all sites where the Council has stated the principle of development is accepted (775 homes) along with a

⁸ APP/J3530/W/17/3172629

⁹ Including Paragraph: 050 Reference ID: 3-050-20180913

¹⁰ The PPG states that clear evidence could be in the form of 1) any progress being made towards the submission of a planning application; 2) any progress on site assessment works; and 3) any relevant information about site viability, ownership constraints or infrastructure provision.

further fifteen sites with outline permission (609 homes). This would reduce the Council's list of deliverable sites to 2770. The appellant shifted position following the discussion at the hearing, where the Council was able to provide an update on some sites, including where permission had been granted, and this was accepted by the appellant¹¹.

44. It would not be appropriate to remove all allocated sites as a matter of principle as the definition of deliverable sites in the Framework does not advocate that course of action. Instead, each site should be considered on a case by case basis to establish the rate of delivery. The appellant has not sought to challenge the Council's conclusions on the allocated sites on a site by site basis as they have no evidence upon which to base such a challenge.
45. Although the Adastral Park development would include some complex highway infrastructure it would be appropriate to include some delivery within the five-year period in light of what I heard from the Council's case officer at the hearing. Moreover, I note that a previous Inspector included 210 homes after considering this matter following an inquiry. Upon reviewing the 15 outline sites it became apparent that the Council did not have clear evidence that completions would commence at all of them in the five-year period and many of the sites were removed by the previous Inspector.
46. On balance, and based on the evidence before me, the deliverable housing supply is likely to be closer to 3,314 than 4,509. However, it would not be as low as 2,770. Notwithstanding this, even if I accepted the appellant's analysis of deliverable sites in full, the Council would have a housing land supply for 5.13 years¹². The appellant acknowledged this at the hearing but considered the supply would fall beneath five years if a 10% lapse rate was applied to the housing requirement to account for under delivery by developers.
47. There is no requirement in planning policy to include a lapse rate¹³ and the Council has chosen not to because it actively seeks evidence on delivery rates from developers. Moreover, with the more rigorous definition of what can be considered 'deliverable', which in part requires clear evidence to be established, a lapse rate will often prove unnecessary because only genuinely deliverable sites will be included in the five-year supply. It would be double counting to impose the rigorous definition of 'deliverable', discount sites where there is no clear evidence of delivery and apply a lapse rate.
48. The Inspector in the Aldeburgh appeal did not impose a lapse rate because she applied the rigorous definition of what is deliverable and considered the Council's evidence in respect of the sites she included as being deliverable to be robust. In light of the foregoing, it is not appropriate to apply a lapse rate. Accordingly, even on the appellant's analysis of what are the deliverable sites, the Council has a five-year housing land supply and therefore the tilted balance in Paragraph 11(d) of the Framework is not engaged.

¹¹ The appellant had originally suggested removing 414 allocated sites, 834 sites where the 'principle of development is accepted' and 657 sites with outline permission

¹² 2770/540

¹³ The PPG makes reference to lapse rates in the context of preparing an Annual Position Statement as a possible assumption to test delivery rates or where there is no information from developers - Paragraph: 047 Reference ID: 3-047-20180913

Whether the benefits of the proposal would outweigh its harm

49. The proposal would deliver ten homes, but this would be a modest benefit given the Council are able to demonstrate a five-year housing land supply and is therefore in the process of significantly boosting the supply of housing. The residents of the appeal scheme could support the vibrancy and vitality of the local community and that of the local economy by supporting local facilities and services, albeit mostly in nearby villages. There would also be some benefits to the local construction industry.
50. However, evidence has not been submitted that outlines the practical local effect of this, for example there is nothing to suggest nearby services are failing for lack of patronage. Thus, the extent and significance of these benefits attracts moderate weight. The dwellings would be good quality modern homes, but this is to be expected and is not determinative. Similarly, the opportunity to name the development 'Homefield' is not a benefit of any notable weight.
51. Alternatively, the appeal scheme would harmfully undermine the spatial strategy in the development plan. It would also fail to deliver affordable housing. The proposal would also harm the character and appearance of the area and potentially harm biodiversity. There would also be less than substantial harm to the setting of Kirton Manor. I am required to give considerable importance and weight to the special regard I must have to the desirability of preserving the setting of this listed buildings¹⁴. Overall, the appeal scheme is a long way off presenting benefits that would outweigh its cumulative harm. This does not indicate that a decision should be made other than in accordance with the development plan.

Other Matters

52. Various concerns have been raised by interested parties in respect of highway safety, noise and sewerage capacity, which I have noted. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issues. Similarly, in light of my overall conclusions I have not undertaken an appropriate assessment as required by the 'Habitat Regulations'¹⁵ as the findings would not alter the outcome of the appeal.

Conclusion

53. The proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain

INSPECTOR

¹⁴ See Sections 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

¹⁵ The Conservation of Habitats and Species Regulations

APPEARANCES

FOR THE APPELLANT

Andrew Cann	Planning Direct
Nikki O'Hagan	Planning Direct
James Tanner	Hollins (Architect)

FOR THE LOCAL PLANNING AUTHORITY

Rachel Smith	Senior Planning Officer
Ben Woolnough	Major Sites and Infrastructure Manager
Nicolas Newton	Arboriculture and Landscape Manager

INTERESTED PARTIES

Paul Durrant	Local Resident
Julie Durrant	Local Resident
Raymond Long	Local Resident
Yvonne Long	Local Resident
Anne Smith	Local Resident
Jane Bartle	Local Resident
John Jay	Local Resident
Graham Walker	Local Resident
Jack Cade	Local Resident/Kirton Parish Council
Sheilia Fothergill	Local Resident
John Fothergill	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Extract from Landscape Institute guidance on factors that can help identify a valued landscape
2. Extract from Settlement Sensitivity Assessment Volume 2: Suffolk Coastal Settlements - Alison Farmer Associates July 2018
3. Council's list of suggested planning conditions
4. Photographs of the public highway in the vicinity of the appeal site
5. Draft and unsigned version of the Statement of Common Ground
6. Suffolk Coastal District Council Housing Land Supply Assessment 1 April 2018 – 31 March 2023.



Costs Decision

Hearing Held on 13 March 2019

Site visit made on 13 March 2019

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th March 2019

Costs application in relation to Appeal Ref: APP/J3530/W/18/3212430 Land between 73 and 101 Bucklesham Road, Kirton, Suffolk IP10 0PF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Suffolk Coastal District Council for a partial award of costs against Trustees of GH Paul 1964.
 - The hearing was in connection with an appeal against the refusal of planning permission for a proposal described as 'erection of 10 new dwellings and creation of new vehicular access and internal road'.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Irrespective of the outcome of the appeal, the Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The PPG lists examples of unreasonable behaviour that may result in a procedural award of costs and these can include a lack of co-operation with another party, delays in providing information, a failure to adhere to deadlines, introducing fresh and substantial evidence at a late stage necessitating extra expense for preparatory work and not completing a timely statement of common ground. An example of a substantive failing in the PPG is when the development is clearly not in accordance with the development plan, and other material considerations are advanced without adequate supporting evidence.
4. The application for an award of costs was made in writing and alleges a procedural and substantive failing in respect of the appellant's case that the Council are currently unable to demonstrate a five-year housing land supply.
5. The appellant is of the view that the appeal scheme would adhere to the development plan, but a proper consideration of the relevant policies indicates that this is not the case for the reason set out in my formal decision. Therefore, the appeal turned on whether there are other material considerations that outweigh the conflict with the development plan, including matters of housing land supply and whether the 'tilted balance' in Paragraph 11(d) of the National Planning Policy Framework (the 'Framework') is engaged. Accordingly, this was an important component of the appellant's case.

6. The appellant initially advanced this argument through their Statement of Case, but it was unsupported by any technical evidence. This would have left the Council unclear as to the detail underpinning the appellant's case on housing land supply and therefore the Council would have been in the position of having to prepare for several scenarios.
7. Both parties were asked to update their respective cases on housing land supply following the introduction of the revised Framework. This request was also in the context of a recent appeal decision¹ and the results of the Housing Delivery Test. The Council provided the update, but the appellant failed to respond to this direct request. The Council's update demonstrated that the housing requirement had fallen and that there had not been a persistent under delivery over the last three years. The lack of any update from the appellant would have left the Council unclear as to where the appellant stood on these matters and as to the detail of their case.
8. Discussions relating to a statement of common ground could have provided this clarity, but these took place very late in the appeal process and resulted in the appellant trying to present their case through this document. If the appellant had properly engaged in this process in a timely and appropriate manner it would have become clear that regardless of who's figures on deliverable sites was used, the Council are able to demonstrate a five-year housing land supply if a lapse rate is not imposed. The appellant accepted this point at the hearing. This was a significant shift in position that should not have come about so late in the day, as it was based on matters that would have been simple to check, such as new planning permissions. It became clear during discussions at the hearing that the appellant's case was not up to date. If the appellant had engaged properly with the Council before the hearing this would have been apparent to them.
9. Therefore, the issues in dispute could have been narrowed significantly with proper engagement. In effect, the discussions at the hearing, and the Council's preparation, could have focussed on the appropriateness of a lapse rate. Instead, the Council, at short notice, would have had to prepare to discuss which sites it considers to be deliverable as well as other inputs in the five-year housing supply calculation. Because of this, and the technical nature of the issue, a senior manager had to attend the hearing. The point on lapse rates was raised with the Council only a few days before the hearing and I knew nothing of this until the hearing itself. This is an inappropriate way of introducing what transpired to be the main plank of the appellant's argument on housing land supply.
10. Notwithstanding the above, the appellant's position on a lapse rate contradicts that of an Inspector in a recent appeal decision² who considered this point and concluded that a lapse rate is not appropriate. The appellant stated that they disagreed with the Inspector because she contradicted herself in finding the Council's approach on deliverable sites to be robust and then removing a significant number of homes from the supply. This, they argued, meant the Council's approach to what is deliverable is unsound and therefore a lapse rate should be imposed.

¹ APP/J3530/W/17/3172629

² Ibid

11. The Council are still promoting a supply of around 4,509 homes even though this was discredited by the Inspector and therefore the appellant's argument on the Council's preferred position does have some traction. However, the Council adopted a second position, which was, in effect, the findings of the Inspector. This second position is more robust as it followed an inquiry and the strict definition in the Framework on what constitutes a deliverable site. Little was submitted by the appellant to suggest the Inspector's conclusions on those sites she found to be deliverable were not robust.
12. Moreover, the Inspector was quite clear that a lapse rate was not appropriate in addition to her reducing the supply by over a thousand homes. The Inspector reached this conclusion following an inquiry that would have tested the evidence. I accept that Inspectors come to different conclusions based on the evidence before them but the appellant in this instance did not table any recent appeal decisions where an Inspector concluded a lapse rate should be imposed. Moreover, the appellant provided no substantive evidence on the past delivery rates of developers to justify a different conclusion to that of the previous Inspector. Thus, the appellant's case on housing supply was predicated on a point of little substance, i.e. the imposition of a lapse rate.
13. This was compounded by the appellant's interpretation of Paragraph 74 of the Framework, in respect of an Annual Position Statement, which was erroneous. However, little time would have been spent by the Council on this before the hearing and it was not a time-consuming point during it. Accordingly, addressing it did not result in unnecessary expense.
14. In conclusion, the appellant's conduct before the hearing in missing a deadline for providing an update, failing to prepare a statement of common ground in a timely fashion and failing to generally review and update their case has resulted in procedural failings. This ultimately led to a case that was substantively flawed. The Council was therefore put to the unnecessary expense in address it. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated but only in so far as it relates to the appellant pursuing an argument that the Council is unable to demonstrate a five-year housing land supply. Accordingly, a partial award of costs is justified.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Trustees of GH Paul 1964 shall pay to Suffolk Coastal District Council the costs of the appeal proceedings described in the heading of this decision in so far as they relate to the Council having to prepare a case regarding its five-year housing land supply; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. The Council is now invited to submit to the Trustees of GH Paul 1964, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Chamberlain,
INSPECTOR

Appendix 8

Suffolk Coast Recreational disturbance

Avoidance and Mitigation Strategy (RAMS)

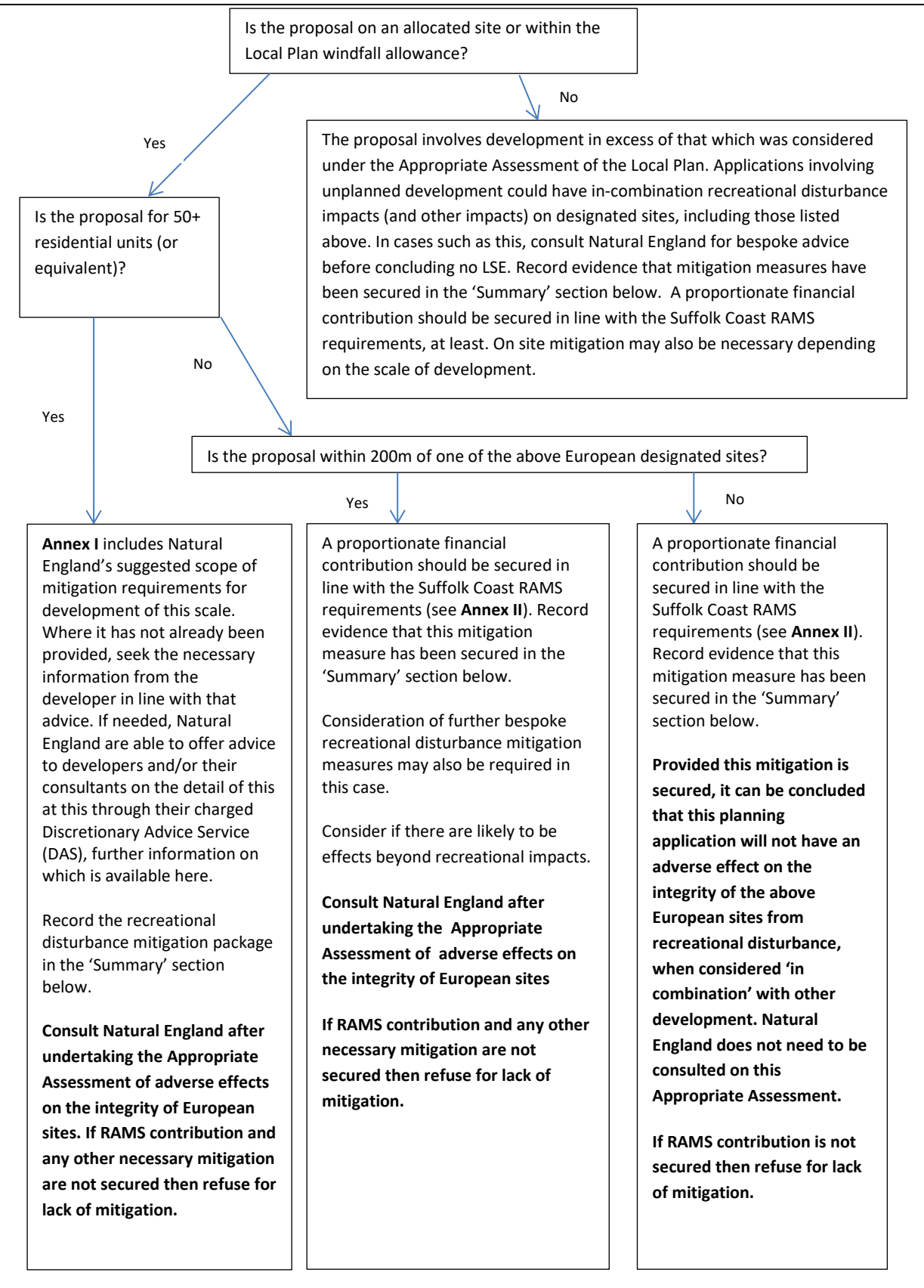
Habitat Regulation Assessment (HRA) Record

**Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat
Regulation Assessment (HRA) Record**

Application details	
Local Planning Authority:	
Case officer	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance	
<p><i>Is the development within 13 km of the below European sites (check NE IRZs)?</i></p> <ul style="list-style-type: none"> • Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site • Benacre to Easton Bavents SPA • Deben Estuary SPA and Ramsar site • Minsmere to Walberswick Heaths & Marshes Special Area of Conservation (SAC) • Minsmere – Walberswick SPA • Orfordness-Shingle Street SAC • Sandlings SPA • Stour and Orwell Estuaries SPA and Ramsar site (Suffolk side only) 	
Yes	No
<p>Does the planning application constitute residential development?</p> <ul style="list-style-type: none"> • New dwellings of 1+ units included in current site allocations and windfall (excludes replacement dwellings and extensions) • Houses in Multiple Occupancy (HMOs) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and travelling show people plots • Tourist accommodation 	<p>Conclude no LSE to the above designated sites in terms of recreational disturbance.</p> <p>An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue or recreational disturbance to these sites can be scoped out of any HRA covering other issues.</p>
Yes	No
<p>Conclude LSE. This proposal is within scope of the Suffolk Coast RAMS as it falls within the 13 km 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination.</p> <p>Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites.</p>	<p>RAMS is not relevant, however other Habitats Regulations considerations should be taken into consideration for non residential developments and in some circumstances a bespoke AA may be required.</p>

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered



Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

Summary of recreational disturbance mitigation package

[INSERT]

Conclusion

Having considered the proposed avoidance and mitigation measures above, [INSERT LPA] conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Suffolk Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:

Annex I – Natural England’s recommendations for larger scale residential developments within the 13 km Suffolk Coast RAMS zone of influence (50 units +, or equivalent, as a guide)

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance here can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km¹ within the site and/or with links to surrounding public rights of way (PROW)
- Dedicated ‘dogs-off-lead’ areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available here.

However, the unique draw of the above European sites means that, even when well-designed, ‘on-site’ provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together ‘in combination’. We therefore advise that consideration of ‘off-site’ measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases. Such measures are to be delivered strategically through the Suffolk Coast RAMS to make the sites more resilient to increased recreational pressures. A proportionate financial contribution should therefore be secured from these developments in line with the Suffolk Coast RAMS.

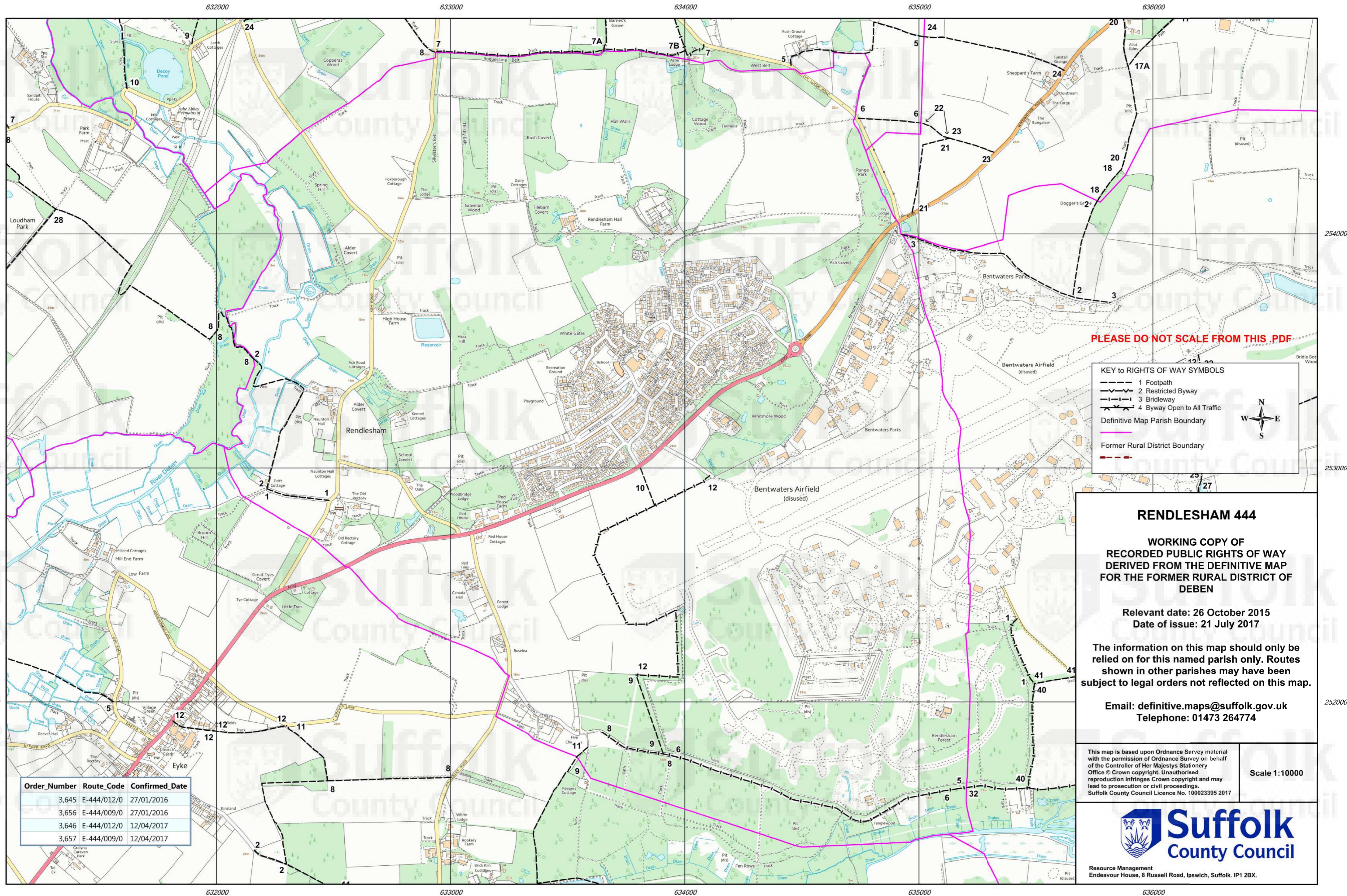
¹ Taken from *Jenkinson, S., (2013), Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

Annex II – Natural England’s recommendations for smaller scale residential developments within the 13 km Suffolk Coast RAMS zone of influence (0-49 units, or equivalent, as a guide) which are not within/directly adjacent to a European designated site

Whilst the provision of well-designed open space/green infrastructure on site or contributions towards strategic green infrastructure in your district is to be welcomed for developments of this scale, we advise that consideration of ‘off-site’ measures (i.e. in and around the relevant European designated site(s)) is required as mitigation for predicted recreational disturbance impacts in these cases as a minimum. Such measures are to be delivered strategically through the Suffolk Coast RAMS to make the sites more resilient to increased recreational pressures. A proportionate financial contribution should therefore be secured from these developments in line with the Suffolk Coast RAMS.

Appendix 9

Rendlesham Parish Public Right of Way Definitive Map



PLEASE DO NOT SCALE FROM THIS .PDF

KEY TO RIGHTS OF WAY SYMBOLS

- 1 Footpath
- 2 Restricted Byway
- 3 Bridleway
- 4 Byway Open to All Traffic

Definitive Map Parish Boundary

Former Rural District Boundary

RENDLESHAM 444

**WORKING COPY OF
RECORDED PUBLIC RIGHTS OF WAY
DERIVED FROM THE DEFINITIVE MAP
FOR THE FORMER RURAL DISTRICT OF
DEBEN**

Relevant date: 26 October 2015
Date of issue: 21 July 2017

The information on this map should only be
relied on for this named parish only. Routes
shown in other parishes may have been
subject to legal orders not reflected on this map.

Email: definitive.maps@suffolk.gov.uk
Telephone: 01473 264774

Order Number	Route Code	Confirmed Date
3,645	E-444/012/0	27/01/2016
3,656	E-444/009/0	27/01/2016
3,646	E-444/012/0	12/04/2017
3,657	E-444/009/0	12/04/2017

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Scale 1:10000



Resource Management
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