

Suffolk Coastal District Council online



Framlingham Planning Appeals - Fairfield Road Framlingham Decision

On 26th April 2016, after an inquiry which took place over three weeks in January and February 2016, Inspector John Braithwaite allowed an appeal by Taylor Wimpey for 163 homes at Fairfield Road Framlingham. One of the key issues in the appeal was the dispute between the developer and the Council over whether or not the Council could identify a five year housing land supply of sites as required by paragraph 47 of the NPPF. The Inspector concluded that the Council could not do so and that the Council's policies for the supply of housing were accordingly out of date.

He then went on to assess the impact of the development on the character and appearance of the area as well as the other main planning issues in the inquiry before concluding that permission should be granted. He expressly set aside those policies he judged to be out of date and, on that basis, concluded that the development accords with the development plan [see paragraph 68 of his decision].

The Council's Response

The Council is disappointed to have lost the appeal and has been giving serious consideration to the implications raised by the decision, particularly in relation to housing land supply matters and the conclusions reached. The Council has also considered whether to bring a legal challenge under Section 288 of the Town and Country Planning Act 1990. To that end, on 19 May 2016, the Council's Planning Committee (in a closed session) considered advice from counsel and decided not to pursue a legal challenge. The Council considers that there are some notable omissions and flaws in the Inspector's analysis and reasoning, but that the Inspector's planning judgments about the impact of the proposals make it highly likely he would have reached the same decision had he taken a legally sound approach because, regardless of whether or not the Council could demonstrate a five year housing land supply, it is likely that the Inspector would have come to the same conclusion with regard to the impact of the development of the appeal site and the local area.

Members of the Council's Planning Committee were nonetheless keen that a letter be sent to the Planning Inspectorate outlining the Council's concerns with the decision letter. They also wish to contribute to the on-going debate at national level that there needs to be a single agreed method for calculating housing land supply so as to avoid councils and others being continually faced with inconsistent planning appeal decisions.

As for the Council's own approach to the calculations, although Inspector Braithwaite, disagreed with the Council over the way it had calculated its five year supply, he stated in his decision on costs that:

"Whether or not the Council could demonstrate a five year housing land supply required consideration of four factors; 5% or 20% buffer, Sedgfield v Liverpool, the relevant five year period, and delivery of housing on the BT Adastral site.

Notwithstanding conclusions reached in the Saxmundham and Melton appeals on the second of these factors, there was sufficient other evidence, including case law and other appeal decisions, for all of the four factors to be debateable. The Council in this regard did not act unreasonably in pursuing their argument that they have a five year housing land supply."

The Council's Housing Land Supply

The Inspector's decision is not a binding precedent but is an important material consideration which the Council will take fully into account as it prepares its next five year assessment of Housing Land Supply. Where the Council does not accept the approach taken by the Inspector, it will make it clear in a public document what approach it does take and why it disagrees with the Inspector.

The Council will also ensure that its assessment reflects any significant changes in circumstances since the inquiry was held. At the present time it is considered that the following are encouraging signs of progress and point firmly to an improving picture in terms of housing land supply, and the Council's efforts to ensure that planning decisions in the district are Plan led:

Progress with site allocations documents

In March 2016 Full Council approved the Proposed Submission versions of the Felixstowe Peninsula Area Action Plan and the Site Allocations and Area Specific Policies documents. Following 'publication' inviting comments in relation to soundness, these documents will be submitted for independent examination before the end of June 2016 with adoption expected by the end of 2016. Sites proposed for allocation in these documents can now legitimately be included as part of the housing land supply assessment, where they are not subject to significant outstanding objections related to deliverability. These two documents therefore can now be accorded some weight when determining planning applications for housing development

Progress with the Local Plan Review

The Council has continued to work with neighbouring authorities to update the evidence base necessary to support the identification of a new Full Objectively Assessed Housing Need (FOAN). This includes amongst other things updating employment information. It is anticipated that the updated FOAN will be made public in the autumn of 2016 as part of a Suffolk-wide strategic approach to addressing housing and employment needs across the county. A Local Plan Review Issues and Options consultation document is due for publication Spring 2017, in accordance with the Council's timetable as set out in the 2015 Local Development Scheme. The collaborative work of the authorities in the Ipswich Housing Market Area (SCDC, Ipswich BC, Babergh DC, Mid Suffolk DC and Suffolk CC) has culminated in the signing of a Memorandum of Understanding (MoU) relating to planning for housing and employment development within the Ipswich Housing Market Area and Ipswich Functional Economic Area.

- View this document and details on the collaborative work on the council's website

Progress with Adastral Park

The information provided to the Fairfield Road inspector was based on the latest available information provided by BT. It remains the case that a new application is due to be submitted to the Council in autumn 2016.

Increased house building

Housing monitoring over the last two years shows that rates of house building have increased significantly in comparison with previous years. In 2014/15 some 427 homes were built. A further 564 were built during 2015/16 against an annual requirement of 465. The housing position as at 31st March 2016 shows that there are outstanding planning permissions for a further 2,911 homes of which 479 are already known to be under construction. Increased housing delivery is an important element in demonstrating a 5 year land supply and the appropriate buffer to apply. The Council maintain, despite the Inspector's conclusions, that there has not been a persistent under delivery, and that a 5% buffer over and above the 5 year requirement is appropriate. The Council's reasons this will be set out in detail in due course.

Updated five year housing land supply document

The Council updates its housing land supply assessment each year. The new five year housing land supply document is due to be published in mid-June 2016. A robust housing land supply assessment will be presented taking into account up to date evidence and progress post the Fairfield Inquiry and appeal decision. Having regard to the guidance, the outcomes of this appeal, and the other evidence cited above the council's 5 Year Housing Land Supply Calculations will be based on a requirement of 7,900 homes (465/year) with a 5% buffer, utilising the Sedgefield Method where the shortfall is to be made up within the first 5 years.

In conclusion the Council, whilst disappointed with the Inspector's views on Housing Land Supply and critical of his analysis and reasoning, is committed to delivering homes across the District to meet the current and future needs of its residents but is also committed to achieving this in a plan-led way as advocated in the National Planning Policy Framework. Key to this is pressing on with the Review of the Local Plan, working with our neighbouring council's to ensure there is a strategic approach to housing, employment and infrastructure provision whilst still maintaining and enhancing the special qualities of our District.