



Appeal Decision

Hearing Held on 24 October 2017

Site visit made on 24 October 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 6th December 2017

Appeal Ref: APP/J3530/W/17/3173919

Part Land North of Hill Farm, High Street, Ufford IP13 6EG

- 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 Mrs L Grimes against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/4730/OUT, dated 2 November 2016, was refused by notice dated 24 March 2017.
 - The development proposed is 13 x market and affordable single storey bungalow dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with all matters reserved for future consideration except access onto High Street (the B1438). The internal road layout is for consideration at reserved matters stage. I have determined the appeal on the basis of the above treating the indicative layout as one way in which the development proposed could take place.
3. As part of this appeal, the appellant has provided a Unilateral Undertaking dated 4 August 2017 under s106 of the Town and Country Planning Act 1990 (as amended) providing for four affordable housing units on the site.
4. The evidence makes reference to a number of appeal decisions many of which pre-date the full current development plan. In this decision I refer specifically only to those which are particularly relevant to the current circumstances.

Background and Main Issue

5. On 14 June 2016 a colleague Inspector granted outline planning permission for the erection of seven single storey bungalow dwellings on Land at Hill Farm, Yarmouth Road¹, Ufford IP13 6EG² which, for convenience, I will refer to as the 2016 permission. The location of the appeal before me (the current appeal) is described as "Part Land North of Hill Farm, High Street, Ufford IP13 6EG". Although now described as "Part Land" the current appeal site is larger than the previous appeal site. It includes that of the 2016 permission, plus an

¹ High Street and Yarmouth Road are both used to refer to the B1438

² Appeal Ref APP/J3530/W/15/3133340

additional 'L' shaped area of land which adjoins two sides³. The extant 2016 permission, which could still be implemented, is a material consideration for the purposes of the current appeal.

6. Taking the above into account and from all that I have seen, read and heard, I consider the main issue in this case is whether or not the appeal site is an appropriate location for the quantum and physical extent of residential development now proposed, having regard to national and local planning policies and guidance.

Reasons

7. Planning applications and appeals should be determined in accordance with the development plan unless material considerations⁴ indicate otherwise. The development plan for Suffolk Coastal includes the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies 2010-2027 (2013) (the DMP) and the Site Allocations and Area Specific Policies Development Plan Document 2017 (the DPD). The latter was adopted subsequent to the granting of the 2016 permission.
8. The National Planning Policy Framework (the Framework) together with Policies SP1 and SP1A of the DMP and Policy SSP1 of the DPD seek to achieve sustainable development. Paragraphs 7 and 8 of the Framework require the economic, social and environmental roles of sustainability to be considered together. Paragraph 17 emphasises the principle of a plan-led system.
9. Policies SP2, SP19 and SP27 of the DMP and Policies SSP1 and SSP2⁵ of the DPD set out a settlement hierarchy for the District, based on the principles of sustainable development and sustainable communities. Ufford is defined as a Local Service Centre⁶, a fourth tier settlement. Plan 71 accompanies Policy SSP2 and defines the physical limits boundary (PLB) for Ufford.
10. Ufford is an irregular shaped, elongated and dispersed village. The whole of the appeal site, including the land the subject of the 2016 permission, is outside the PLB and therefore in open countryside for the purposes of planning policy. It is some 300m from the PLB⁷, separated from it by fields and a scattering of houses extending south and mainly fronting High Street. On the opposite side of the road is a more consolidated area of residential development at Spring Lane. The proposed development would conflict with Policy SP29 of the DMP and Policy SSP2 of the DPD which seek to strictly control new development in the countryside. There is nothing to suggest that the appeal proposal falls within any of the exceptions in Policies DM1, DM3 and DM4 which allow for housing in the countryside in certain circumstances.
11. Ufford, as a fourth tier settlement, has only a very limited range of facilities, including two public houses (one of which may offer a limited shop service), a church, a hall and a recreation ground. The nearest of these, a public house, is within 800m of the appeal site, the remainder are significantly further away. There is a range of services and facilities in Melton and Wickham Market. However, due to distance, topography and the paucity of easily useable

³ Appeal Statement Appendix B: Revised Site Area Plan

⁴ Section 38 of the Planning and Compulsory Purchase Act 2004

⁵ At the Hearing the Council confirmed that Policy SSP2 was omitted from the decision notice in error.

⁶ Policies SP19 and SP27 of the CS

⁷ Both the site and the PLB are irregular in shape. The corner that touches the B1438 lies some 300m further along the B1438 than the identified PLB

footpaths, it seems unlikely these would be readily accessible for day to day needs by walking or cycling. There is a bus stop near to the site and I am told the frequency of buses has increased to one an hour over the last year or so. However, these cease at 19:00 hours and do not operate on Sundays. There is also an on demand 'Coastal Accessible Transport Service' (Dial-A-Ride).

12. Paragraph 29 of the Framework recognises that the opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Nevertheless the proposal would significantly increase the numbers of residents whose access to day to day services and facilities by means of transport other than by private vehicle would be very limited. Moreover, even though the submitted layout is indicative, as the site area has extended in two directions, it seems to me that a substantial proportion of future residents would have further distances to traverse to reach the facilities that are available than was the case with the 2016 permission. I note that my colleague considered accessibility in relation to the smaller proposal to be about adequate but I am not persuaded that this, in itself, provides support for a greater number of dwellings on a larger site, where some residents would be further from what, in any event, can only be described as a very limited range of facilities. For the reasons set out above I conclude overall that the site is not appropriate for the amount and extent of development proposed in terms of access to facilities and services⁸.
13. The appeal site is within a Special Landscape Area (SLA) as identified at County level. Policy SSP38 of the DPD indicates development will not be permitted in such areas where it would have a material adverse impact on the qualities of the landscape that make it special. The appeal site comprises a significant part of a field and an area of land adjacent to the main garden area of Hill Farm, but which is generally at a higher level than the garden and separated from it by fencing/hedge. The B1438 slopes fairly steeply from the brow just to the north of the appeal site down towards the PBL of Ufford. The site rises away from the B1438 to the west, levels out to some extent and then slopes down from north east to south west. There are mature trees and hedges on the site's northern and eastern boundaries which are clearly visible in views from the B1438.
14. The established field pattern is a key part of the special character of the SLA. The proposal would replace a significant part of an open field, hedge and trees with suburbanised built development. Whilst it would not have a significant effect on the extensive SLA as a whole, on longer views from the A12 corridor or woodland in the Byng Brook valley, it would nevertheless have a significant and material adverse effect on the character and appearance of this particular rural countryside location. The increase in the number of dwellings would result in a more intensive development compared to that of the 2016 permission, spread over a wider area with an apparently arbitrary boundary to the west that cuts across the open field. Moreover, it seems likely that dwellings in the current proposal would be positioned further away from the B1438 than would be the case for the 2016 permission, contrary to the existing pattern of development in the immediate locality and further eroding openness.
15. There are gaps in the existing vegetation along the site boundaries and the screening and softening effect would be significantly reduced at times when the trees were not in leaf. Whilst the intention would be to retain as much existing

⁸ The Bramleys' APP/J3530/A/13/220954 and Crown Ref DC/14/3558/FUL sites are much closer to facilities

vegetation as possible and to supplement it, new trees and hedges would take some time to become effective as a screen.

16. The appellant asserts that the additional extent of the site would occupy the more logical flatter areas of the field. However, during my site visit this was not obvious. It seems to me that the appeal site encompasses land that falls away to the west and more steeply to the south.
17. The potential for future expansion of development into the remainder of the field was discussed at the Hearing. That is a particular concern, given that the site boundary across the field follows no apparent existing feature on the ground. Indeed, there is nothing to indicate what informed the western boundary of the earlier 2016 permission, which also cut across the open field. In essence, the current proposal could be seen 'leap-frogging' on the back of the earlier permission.
18. The appellant advises there is no intention to pursue development on the land beyond the appeal site, particularly where slopes are steeper. However, I saw the slopes are not particularly steep and circumstances can change. Any future application would, of course, need to be considered on its own merits in the light of policies and guidance relevant at that time. However, allowing this appeal in the absence of robust justification could make it more difficult for the Council to resist such development in the future. That said, whilst I understand those concerns, it is not a consideration to which I have afforded any weight in the overall planning balance.
19. For the reasons set out above, I conclude the proposed development would conflict with the development plan as a whole. It would undermine the adopted settlement strategy; it would not be in an appropriate location for the amount and extent of development proposed in terms of access to services and facilities; and there would be material harm to the local open rural character and appearance of the area.

Other Material Considerations

20. As set out earlier, decisions on planning proposals should be made in accordance with the development plan unless material considerations indicate otherwise. One such consideration can be housing land supply. Paragraph 47 of the Framework sets out five bullet points advising what local authorities should do to boost significantly the supply of housing. These include meeting the full objectively assessed needs (OAN) for the area and identifying a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements.
21. There is disagreement between the parties as to whether or not the Council can identify a five year supply of deliverable housing land. The Council maintains that it has a supply of 7.1 years⁹. The appellants' position is that the 7,900 figure in policy SP2 of the CS represents a serious underestimate of the OAN, that there is a record of persistent under delivery, that the early review of the CS has not been undertaken and that this is supported by other appeal decisions¹⁰. Whilst I have had regard to these decisions, many of them involved

⁹ Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment Part 1 and Volume 2 v2 May 2017 and the Housing Land Supply Assessment 1st April 2017 – 31st March 2022 June 2017 (the May 2017 OAN

¹⁰ APP/J3530/15/3138710 Candlet Road; APP/J3530/16/3165412 Bredfield; APP/J3530/16/3160194 Bell Lane; APP/J3530/W/16/3152153 Lodge Road

very detailed evidence at public inquiries. In the absence of detailed evidence in respect of cases put to me in relation to the current appeal, and in the absence of a definitive position, I shall adopt the position of the appellant, namely that there is an under-supply. That is not to be taken as any indication that I endorse that position. I simply adopt it as a worst case scenario in order to carry out the planning balance.

22. The Government's recently published document "*Planning for the right homes in the right places*" proposes a standard method for calculating housing need. However, little weight can be given to this as the document is in the early stages of consultation. Suffice it to say here, that the current proposal would make a modest addition of 13 dwellings to the overall housing supply.
23. There is a lack of affordable housing within the District; a recognised large proportion of elderly people and a lack of suitable accommodation for downsizing and thus freeing up of other housing stock. The current appeal proposal would deliver 13 bungalows, which the appellant considers would be suitable for elderly people. However, the location would have drawbacks for elderly people given the distance to facilities and local topography. Other recent permissions, which include bungalow accommodation, have been permitted/are under construction closer to the available facilities and I have seen no evidence that leads me to conclude there is particular unmet need for bungalows in Ufford. The proposal gains little support from Policy DM2 of the CS, as the appeal site is not within a Local Service Centre. I therefore give these matters limited weight in support of the proposal.
24. During the construction period, the development would contribute to the economy, albeit in the short term. Future occupiers of 13 dwellings could also be expected to support local businesses, services and the local community which would be benefits. The proposal would therefore make a modest contribution to the economic dimension of sustainability.
25. Since the 2016 permission there have been significant changes in the planning policy context. The DPD has been adopted and the draft Issues and Options for the Suffolk Coastal Local Plan Review has been published. However, neither provides any support for the development proposed in this location. The Council is making progress with the development plan and I am mindful of the plan-led principle of the planning process.

Other Matters

26. Local residents have raised concerns about the safety of the proposed junction relative to the brow of the hill to the north and the numbers and speed of vehicles passing the site. However, the Highway Authority has raised no objections subject to conditions and I have no substantive evidence to suggest a different conclusion, even taking into account the permitted separate access to Hill Farm. Similarly, I see no reason to conclude that the proposal would have an unacceptable effect in respect of ecology, drainage or ground conditions, subject to appropriate safeguards which could be secured by planning conditions were the appeal to succeed.

Planning Balance and Conclusion

27. The development plan strategy for the distribution of housing is set out in policies SP2, SP19, SP27, SSP1 and SSP2. Together, they seek to direct new

housing to sustainable locations within PLBs. Whilst limited housing growth in Ufford, as a Local Service Centre, is provided for, the appeal site is in the open countryside and some distance from the PLB of Ufford. Although part of the site would be closer to the PLB than the site of the 2016 permission, any positive weight that might attract is tempered by the fact that part would also be further away. Policies SP29, DM3 and DM4 of the DMP seek to restrict housing in the countryside to specific forms and locations. There is nothing to suggest that the appeal proposal falls within the exceptions set out in Policies DM3 and DM4. I conclude the proposal conflicts with these development plan policies.

28. The 13 proposed dwellings would make a modest contribution to the social and economic roles of sustainability. However, there would be a significant and adverse effect on the local open rural character of the area. I acknowledge that my colleague found the smaller site suitable for seven dwellings in the circumstances pertaining at that time, but this in itself in my view, as set out above, is insufficient at the present time to justify a more extensive development that conflicts with the development plan. On balance I conclude that, for the reasons set out above, in this case the social benefit of providing an additional six bungalows well beyond the PLB of the settlement, on an extended site in the open countryside, is not sufficient to overcome the conflict with the development plan regardless of the precedent set for part of the site by the 2016 permission.
29. Applying the tilted balance of Paragraph 14, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the scheme does not benefit from the presumption in favour of sustainable development and I conclude the appeal should not succeed.

S Harley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Ransome	Plainview Planning
Christen Moore	Plainview Planning
Lynne and Richard Grimes	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Naomi Goold	Senior Planning Officer
Philip Ridley	Head of Planning

INTERESTED PERSONS:

Kathryn Jones	Ufford Parish Council
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DOCUMENTS Submitted at or after the Hearing

1. Site Allocations and Area Specific Policies Development Plan Document January 2017 Policies SSP1, SSP2, SSP38, Plan 71 Ufford
2. Core Strategy and Development Management Policies July 2013 Policy SP3
3. Supplementary Planning Guidance Affordable Housing July 2004
4. Issues and Options for the Suffolk Coastal Local Plan Review Consultation – 18 August to 30 October 2017
5. Route Guide Bus Service 64 800
6. Proposed wording for condition relating to external lighting
7. Appeal decision APP/J3530/W/16/3160194
8. Email from appellant dated 25 October 2017 with "Topographical Survey with Site Boundary Identified" and 'Coastal Accessible Transport Service' information dated 25 October 2017
9. Email from the Parish Council dated 26 October 2017 confirming Dial-A-Ride service is available in Ufford
10. Email from the Council dated 26 October 2017 with amended proposed lighting condition and physical limits boundaries plans for Ufford