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## 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**

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**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.
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### 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 1<sup>st</sup> and 2<sup>nd</sup> 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 decision<sup>1</sup> 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.

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<sup>1</sup> 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 states<sup>2</sup> 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.

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<sup>2</sup> 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 dwellings<sup>3</sup>.

*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

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<sup>3</sup> 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

Richborough Estates

## 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

Richborough Estates