



Appeal Decision

Site visit made on 24 April 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Appeal Ref: APP/X3540/W/25/3359404

Land at Street Farm, Witnesham, Suffolk, IP6 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Lynch of South East Developments Ltd against the decision of East Suffolk Council.
 - The application Ref is DC/21/4111/FUL.
 - The development proposed is Residential Development for 20 no. Dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for Residential Development for 20 no. Dwellings at Land at Street Farm, Witnesham, IP6 9HG in accordance with the terms of the application, Ref DC/21/4111/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by South East Developments Ltd against the decision of East Suffolk Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant has submitted a duly executed legal agreement which I have taken into account. It provides for obligations in relation to affordable housing, ecological mitigation and school transport and I have contemplated this further later in my decision.

Main Issues

4. The council have confirmed that the submitted legal agreement addresses matters pertaining to the third reason for refusal. Therefore, the main issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development, having regard to the site allocation within the East Suffolk Council – Suffolk Coastal District Local Plan (LP); and
 - whether the development would be at risk from flooding.

Reasons

Suitable location

5. The site lies within the parish boundary of Witnesham, which is defined within Policy SCLP3.2 as a small village, where development is permitted through site allocations, development and infill within Settlement Boundaries and windfall development in accordance with other policies within the LP. As the site is outside of the defined settlement boundary for Witnesham it would fail to accord with policy SCLP3.2.
6. Policy SCLP3.3 of the LP sets out that proposals for new development outside of the settlement boundary will be carefully managed in accordance with national planning policy guidance and the strategy for the Countryside. Policy SCLP5.3 sets out the strategy for the Countryside and permits development only in limited circumstances. The proposal does not accord with any of the exceptions listed within the policy.
7. Part of the site is allocated within the LP under policy SCLP12.71 for residential development of approximately 20 dwellings. The policy sets out that the site area is 0.7ha with the application form stating the site area is 0.9ha. Street Farm House, which was included within the allocation, has been excluded from the appeal site and the site has been extended to include an existing agricultural building and extends behind the neighbouring properties of Mill House and Five Gables. This has the effect of rounding off the development adjacent to Firleigh, one of two properties which sits behind Five Gables.
8. The overall number of dwellings proposed remains at 20, with the development served from the existing access and the frontage of the site remaining undeveloped. The parties agree that the development of the area of the site covered by the site allocation accords with policy SCLP12.71.
9. The additional development beyond the site allocation, which comprises approximately half of the proposed dwellings, is contrary to the council's spatial strategy as it is on land beyond the settlement boundary, however noting the overall quantum of development remains as envisaged within the site allocation, I have attributed only limited weight to the conflict.

Flooding

10. The proposal is accompanied by a site-specific Flood Risk Assessment, as required by the allocation policy, SCLP12.71 which also sets out that no development should take place within the area identified as Flood Zone 3. This is to ensure no impediments to flows are introduced that could increase the risk of flooding downstream.
11. A small section of the site along its northern boundary where it borders the River Flynn is within Flood Zones 2 and 3, the remainder of the site is within Flood Zone 1, based on current modelling. The Council have confirmed that there is a record of significant surface water flooding within the site and across its access, following Storm Babet in October 2023, which broadly covers the same area as defined by Flood Zone 2 and 3.

12. The parties agree that the dwellings are located outside of Flood Zone 2 and 3 and located on and at the lowest risk of flooding from any source. However, the proposed access road is within an area at high to medium risk of surface water flooding and the Framework defines built development as including all built form including gardens and site access and egress.
13. The site was considered as part of the Sequential Test Report March 2020 (STR) as part of the evidence base for the Suffolk Coastal Local Plan Review. This identified that 78% of the site is within Flood Zone 1, but that it was at high risk of surface water flooding. One alternative site was considered in Witnesham, which was in Flood Zone 1 with no identified flood risk, however this site was discounted due to concerns about the deliverability of the access.
14. The exception test sets out that the site can deliver sustainability benefits to outweigh onsite flood risk by, in particular, reducing vulnerability to climatic events, such as Storm Babet, and flooding.
15. Suffolk County Council, as lead local flood authority (LLFA), have carried out a Witnesham & Swilland Flood Investigation (WSFI), under Section 19 Flood and Water Management Act 2010, following Storm Babet in 2023, when 16 properties suffered internal flooding. The report was published in March 2025 and is useful in understanding the Council's concerns regarding the suitability of the site for residential development in terms of flood risk.
16. The WSFI documents that both Witnesham and Swilland were severely impacted by flooding due to the intensity of rainfall, that overwhelmed the natural flow routes and the capacity of water courses and drainage infrastructure. This was compounded when multiple overland flow paths converged and exceeded the capacity of a private piped water course, resulting in internal flooding of property. Images within the WSFI show the River Fynn road bridge, outside of the appeal sites entrance flooded and impassable.
17. The WSFI contains a detailed section on The Street, covering the area adjacent to the appeal site. This sets out that the observed flood extents match closely with the national fluvial flood risk mapping. The Council have also confirmed more recently that whilst the flood maps were nationally updated by the Environment Agency on 25th March 2025 there are no notable changes to the extents of Flood Zones 2 and 3.
18. The WSFI recognises that Storm Babet was a significant event with a low probability of recurrence and also made recommendations about reducing flood risk, including landowners to carry out appropriate watercourse maintenance to reduce flood risk as per their riparian responsibilities and to explore potential natural flood management projects to slow the flow and attenuate water on overland flow paths in the upper catchments and west of Witnesham.
19. The WSFI confirms that the Environment Agency has carried out clearance of blockages in the main river channel in Witnesham, which was identified as one of the possible causes of heightened flood levels.
20. Appendix 1 of the WSFI also sets out that there has been a review of how conditions are worded to ensure appropriate construction surface water management measures are put in place to prevent large amounts of unattenuated surface water contributing to flood risk.

21. Therefore, the evidence before me indicates that the risk of surface water flooding in the locality has been fully considered and detailed recommendations have been set out to ensure that flooding during climatic events can be mitigated, whilst recognising that there is a low risk of a recurrence.
22. It is also notable that both the LLFA and the Environment Agency have raised no objection to the proposal during its consideration. Furthermore the Environment Agency were reconsulted as part of the appeal, at the Council's request, and no further comments were received. It is also evident that their consideration of the scheme fully took into account the events following Storm Babet, as the Council's committee minutes state that the LLFA referenced the flooding following Storm Babet and confirmed that as part of the development of the site a new drainage system had been designed to attenuate a large storm event.
23. As such there is nothing in the evidence before me to suggest that the flood risk of the site has increased since it was allocated in the local plan and the principle of the development and the access and egress to the site formed part of this allocation. The site has been considered by both the STR and a site specific flood risk assessment and includes a detailed drainage strategy.
24. Paragraph 181(e) of the Framework specifically requires that safe access and escape routes are included as part of 'an agreed emergency plan'. It is not evident from the wording in the Framework that such plans should be provided as part of the application, but I am satisfied that in principle a plan could be agreed and as such this could be submitted by planning condition.
25. Therefore, I am satisfied that the matters pertaining to flood risk have been fully considered and that the development will not result in any increased risk of flooding, in accordance with policy SCLP9.5 of the LP.

Other Matters

26. I have also taken into account the range of matters raised in the representations received including issues such as highway safety, design and scale of the proposal, impact on residential amenity, noise, light pollution and impact on wildlife. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Therefore, none of the concerns raised provide a compelling reason why planning permission should not be granted.

Heritage Assets

27. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
28. Street Farmhouse and Mill House, both Grade II listed, are adjacent to the appeal site. In my view, the significance of the buildings are derived from their visual appearance and historic interest associated within their architectural features.

29. The glossary of the Framework gives a definition of the setting of a heritage asset as “the surroundings in which a heritage asset is experienced”. It goes on to advise that the extent of this setting is not fixed and may change as the asset and its surroundings evolve.
30. Street Farmhouse and Mill House derive significance from both their garden setting and that of the wider village and together have group value. This proposal would result in an erosion of the historic connection between the heritage assets and their immediate landscape setting and will reduce the appreciation of the visual, physical and functional connection with the River Flyn and the farmed fields to the rear.
31. The present site comprises undistinguished dilapidated or derelict and vacant 19th century outbuildings close to the vehicular access with further derelict utilitarian mid 20th century outbuildings and farmland more to the rear.
32. With regard to Mill House, while there would be likely to be a limited angled view to at least one of the proposed dwellings to the east-northeast this would be partly masked by the existing mature trees and the proposed planting, the impact on the setting and significance of Mill House would amount to less than substantial harm to the special architectural and historic interest.
33. With regard to Street Farmhouse, the setting of the listed building is currently devalued by the existing derelict and/or vacant farm outbuildings to the immediate north and east. These are of no special interest and their removal under the proposals would be a positive enhancement.
34. Views to the southeast to the main part of the site are well screened by the mature trees to the rear of Mill House, and there would be limited angled views to the new dwellings to the east but dwellings to the upper part of the rear of the site would be likely to be concealed by trees.
35. The appellant’s evidence confirms that the impact on the setting and significance of both Street Farmhouse and Mill House would amount to less than substantial harm to the special architectural and historic interest. I have seen nothing within the Council’s evidence or from my own observations on site to lead me to come to a different conclusion.
36. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 214 of the Framework, sets out that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
37. The site would give rise to some economic benefits during the construction phase and I consider that there would be social benefits arising from the contribution to the Council’s housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area, coupled with the sites allocation within the Local Plan. The site would also result in the provision of three affordable homes. As such the public benefits outlined, are sufficient to outweigh the harm identified.

Legal Obligation

38. The appellant has provided a duly executed legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. The agreement secures the provision of affordable housing, secondary school transport contribution and habitat mitigation.
39. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
40. Affordable Housing: The delivery of affordable dwellings for rent, first homes and intermediate housing would be in line with Policy SCLP5.10 of the LP which requires affordable housing to be provided at 30 per cent of the overall total. Furthermore, the provision of affordable houses as part of the development would accord with the Framework which seeks to ensure a sufficient supply of homes to reflect identified needs.
41. Therefore, the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to it in scale and kind.
42. School Transport Obligation: This obligation secures the provision of funding towards transport to secondary schools in the locality. This would be required to meet the needs of the future residents of the scheme and therefore, the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to it in scale and kind.
43. The appeal scheme proposes a dwelling on a site that lies within the Zone of Influence of the Sandlings SPA, Deben Estuary SPA/RAMSAR and Stour and Orwell Estuaries SPA/RAMSAR (Habitat Sites).
44. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the Habitat Sites. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
45. Since the development is for 20 dwellings, the number of additional recreational visitors would be moderate and the likely effects on the Habitat Sites from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.

46. The site is within the 13km zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned Habitat Sites. Therefore, I consider that the development would have an adverse effect on the integrity of the Habitat Sites, but regard can be had to whether these adverse effects can be mitigated.
47. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy Planning Document sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Habitat Sites.
48. Given the evidence before me I am satisfied that the mitigation measures have been secured through the planning obligation and would be used for their intended purpose.
49. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the CIL Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.
50. On this basis, I consider the agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 58 of the Framework. I can therefore reasonably take it into account.

Planning Balance

51. The proposal accords with paragraph 84 and 110 of the Framework, as the proposal is not isolated and located in a sustainable location. The proposal would also achieve the aims of paragraphs 129, 135 and 139 which together support development that makes efficient use of land taking into account the desirability of maintaining an areas prevailing character and setting, is visually attractive as a result of good architecture and layout and accords with the National Design Guide.
52. I have taken into account that there would be modest social benefits arising from additional dwellings, in an accessible location, that would contribute to housing supply in the area. Noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. Furthermore, the provision of affordable houses as part of the development would accord with the Framework which seeks to ensure a sufficient supply of homes to reflect identified needs. The economic benefits arising from construction would be short term and similarly limited.
53. Although the proposal would not fully comply with Policy SCLP12.71 of the LP, this would result in only limited environmental harm.

54. Therefore, the identified adverse impacts of the development in respect of this conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Conditions

55. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance and where necessary amended them for clarity. In addition to the standard implementation condition, it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
56. In order to respect the character and appearance of the area I have imposed a condition requiring the external facing materials to accord with the approved plans, and details of hard and soft landscaping.
57. The submission and implementation of a construction management plan and a construction method statement is necessary to minimise detrimental effects to the living conditions of neighbouring residents and ensure highway safety during the construction phase.
58. In order to protect future occupiers a report is required to ensure the risk posed by any contamination is appropriately dealt with prior to the occupation of the site.
59. To manage the surface water environment of the scheme a condition is necessary that secures a detailed surface water drainage scheme to be submitted to and agreed by the Council.
60. In order to ensure appropriate standards of highway safety, the access to be constructed in accordance with the approved plans in terms of visibility splays, surfacing and drainage. This has to be implemented prior to the development being first brought into residential use. I have also imposed a condition to secure off site highway improvements.
61. In order to protect below ground heritage assets I have imposed conditions to require a scheme of archaeological investigation and for these findings to be recorded and preserved.
62. I have also imposed a condition relating to bicycle storage, to ensure that appropriate space is provided within the site for storage cycles and also that electric vehicle charging infrastructure is provided.
63. In order to ensure appropriate living conditions for future occupiers, I have imposed conditions relating to water efficiency and space standards. I have also imposed a condition to ensure that carbon reduction is achieved as part of the development.
64. To ensure appropriate mitigation for protected species and to ensure appropriate ecological gains are secured I have imposed conditions requiring an updated survey and submission of a lighting strategy, enhanced ecological strategy and a landscape and ecological management plan.

65. To ensure that residents can evacuate the site safely during any flooding event a condition requiring the submission of a flood evacuation plan is also necessary.

Conclusion

66. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, a determination must be made in accordance with the development unless material considerations indicate otherwise. There would be limited harm arising from the conflict with Policy SCLP12.71 of the LP for the reasons I have set out above. However, taken as a whole, the benefits of the appeal scheme are considerable material considerations that would outweigh the minor conflict with the policy of the development plan.
67. Accordingly, there are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan.
68. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than [three] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1265.01 Rev.C - Landscape Strategy; 4180-15B - Type B - Plot 13 Plans and Elevations; 418002N - Proposed Site Plan; 2011-506 110E - External Levels and Retaining Walls; 4180-27 - Type E (plots 1 and 2) Plans and Elevations; 4180-28 - Type E (plots 3 and 4) Plans and Elevations; 4180-14C - Type D - Plot 11 Plans and Elevations; 4180-18D - Type D - Plot 12 Plans and Elevations; 4180-25B - Type A - Plots 15 and 16 Plans and Elevations; 4180-27A - Proposed Street Scenes/Cross Sections; 4180-31 - Garage Plans and Elevations (plots 11 and 17 handed. 12 and 13); 4180-26B - Garage Plans and Elevations (plots 1 handed, 7, 10, 14 and 18. 2 and 3. 5, 6, 19 and 20); 2011-506 300 - Refuse Vehicle Tracking; 2011-506-001A - Site Access; 2011-506-200 - Fire Tender Tracking 4180-01B - Site Location Plan; 3055IPLS-01 - Topographical Survey 1 of 2; 3055IPLS-02 - Topographical Survey 2 of 2; 4180-30 - Existing building schedule; 4180-04 - Site Sections; 4180-28 - Cross Section corresponding plan; 4180-13B - Type A - Plots 6 and 7 Plans and Elevations; 4180-24 - Type B - Plot 19 Plans and Elevations 4180-19 - Type C - Plot 20 Plans and Elevations; 4180-21 - Type C - Plot 17 Plans and Elevations; 4180-20 - Type C - Plot 18 Plans and Elevations; 4180-22 - Type C - Plot 14 Plans and Elevations; 4180-23 - Type C - Plot 8 Plans and Elevations; 4180-12A - Type C - Plot 5 Plans and Elevations; 4180-17A - Type E - Plots 9 and 10 Plans and Elevations; 4180 - Material Schedule.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 4180 - Material Schedule.
- 4) No development shall take place until:
 - (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority
- 5) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 6) No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 20% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.

- 7) The development hereby permitted shall not be occupied until the Building Regulations requirements for accessibility and adaptability have been complied with.
- 8) No development (including any ground works, demolition or site clearance) shall commence until an updated ecological survey has been submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation informed by the results of those surveys shall be implemented fully in accordance with the approved survey documents prior to development commencing.
- 9) Prior to any works above ground level, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 10) Prior to commencement, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.
- 11) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 12) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include

- Trees and shrub planting;
- earthworks showing existing and proposed finished levels or contours;
- means of enclosure and retaining structures;
- boundary treatment[s];
- vehicle parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 13) No development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented (as set out in the Arboricultural Impact Assessment and the Tree Protection Plans within that report). At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.
- 14) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;

- ii) the site has been remediated in accordance with the approved measures and timescale; and
- iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) haul routes for construction traffic on the highway network
 - ix) delivery, demolition and construction working hours.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 16) No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy and delivered in accordance with the timings set out within the approved strategy.
- 17) No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 18) Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 19) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition

and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction
- iv. A communication plan to document and communicate the implementation and progress of construction of CSWM mitigation on the site.

The LPA and Lead Local Flood Authority shall be notified a minimum of 10 working days prior to commencement of development with a detailed programme of the works contracted to implement the CSWMP. The LPA and Lead Local Flood Authority shall then be notified upon completion of the CSWM mitigation and be invited for inspection.

- 20) The development shall not be occupied until a Flood Emergency Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan should deal with matters of evacuation and refuge, and should demonstrate that people will not be exposed to flood hazards. The commitments explicitly stated in the Flood Emergency Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Flood Emergency Plan are being undertaken at any given time.
- 21) No other part of the development hereby permitted shall be occupied until the new access has been laid out and completed in all respects in accordance with drawing no. 2011-506-001A. Thereafter it shall be retained in its approved form.
- 22) Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 23) Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), and private road signing, shall be submitted to and approved in writing by the Local Planning Authority.

- 24) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.
- 25) Prior to any development above slab level, details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 26) Prior to any development above slab level, details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.(or for dwellings) The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.
- 27) Prior to any development above slab level, details of the areas to be provided for the means of manoeuvring and parking of vehicles has been provided and approved in writing by the Local Planning Authority. Thereafter those area(s) shall be retained and used for no other purposes.
- 28) Before the access is first used visibility splays shall be provided as shown on Drawing No. 2011-506-001A and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 29) No part of the development shall be commenced until details of the proposed off-site highway improvements to the local bus stops to encourage sustainable transport modes inline with NPPF, upgrade the nearby unmarked stops. This could take the form of raising kerbs to DDA, and providing posts for a bus stop flags, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.
- 30) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

-END-

Richborough



Costs Decision

Site visit made on 24 April 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Costs application in relation to Appeal Ref: APP/X3540/W/25/3359404

Land at Street Farm, Witnesham, Suffolk, IP6 9HG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by South East Developments Ltd for a full award of costs against East Suffolk Council.
 - The appeal was against the refusal of planning permission for Residential Development for 20 no. Dwellings.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. It states examples of unreasonable behaviour include (i) preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; (ii) failure to produce evidence to substantiate each reason for refusal on appeal and (iii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The Council do not consider that they have behaved unreasonably and point out that the Planning Committee is entitled to come to an alternative view to the officers' recommendation. It is submitted that the Committee acted reasonably in weighing up the various aspects of the case.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. Therefore, a key issue is whether the Council have provided sufficient evidence to substantiate their reason for refusal at appeal. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Suffolk Coastal Local Plan that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement.

7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that in exercising their planning judgement the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

G Pannell

INSPECTOR

Richborough