
Appeal Decision

Hearing held on 1 February 2017

Site visit made on 1 February 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 22 February 2017

Appeal Ref: APP/J3530/W/16/3159464

Land fronting Top Street, Martlesham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by M C Wakefield, Park Properties (Anglia) Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/2206/OUT, dated 25 May 2016, was refused by notice dated 12 August 2016.
 - The development proposed is erection of 10 dwellings with associated parking. Formation of vehicular access to Top Street and provision of open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission with access only to be determined at this stage. With that in mind I have treated the site layout submitted as being illustrative only.
3. I visited the area around 1700 hrs on 31 January and familiarised myself with Martlesham and the local facilities. I also made an accompanied visit after the hearing in the presence of both main parties. During the hearing I invited the parties to suggest particular issues that I should observe on the site and these included the existing character of Top Street and how it differs from the wider valley, the nature of the road and traffic flow, and the distance from Sandy Lane.
4. I queried the relevance of Policy SP26 of the Local Plan¹ (LP) during the hearing. Although the Council maintains that this policy is of relevance to this appeal, it refers entirely to strategic development within the limits of Woodbridge. Consequently, I have not considered it further in my reasoning.

Main Issues

5. The main issues are:
 - whether the Council can demonstrate a 5 year housing land supply (HLS) as required by the National Planning Policy Framework (the Framework);

¹ Suffolk Coastal District Council, Local Plan, adopted July 2013

- the effect of the development on the character and appearance of the area; and,
- whether, with reference to relevant local and national policies, the development would be sustainable with regard to location.

Reasons

Housing supply

6. The appellant argues that the policies cited in the reasons for refusal are rendered out of date as the Council cannot demonstrate sufficient HLS. The supporting text to LP Policy SP2 outlines that the residual need for housing, based on modelling in the regional spatial strategy², concluded that at least 7,900 dwellings were needed between 2010 and 2027. However, this text also notes that a review undertaken in 2010³ concluded that the full, objectively assessed housing need (FOAN) as required by Paragraph 159 of the National Planning Policy Framework (the Framework), was 11,000 dwellings.
7. Notwithstanding that apparent shortfall, the examining Inspector concluded that as the Council had identified sufficient land for 7,900 dwellings, that was sufficient basis upon which to find the Core Strategy (CS) sound, subject to a commitment to an early review of potential sites for additional housing by 2015.
8. The recently adopted report on site allocations⁴ notes that Council is in the process of undertaking a local plan review which will roll forward policies and site allocations for the district up to 2036. However, the examining Inspector for the site allocations plan also notes that notwithstanding that current housing supply meets the requirements of the CS, the previously-identified FOAN will not be met. Although this report notes that the plans will provide for up to 8,620 dwellings, this is still significantly less than the FOAN of 11,000 dwellings.
9. The Council's updated statement of HLS⁵ concludes that there is 5.8 years housing supply with a 5% buffer, based on a requirement of 7,900 dwellings. As there is no evidence before me to indicate that an early review of FOAN has occurred, I consider it reasonable to conclude that this housing requirement figure is out of date. However, having reviewed the figures before me, with a FOAN of 11,000 and a 5% buffer, I conclude that the Council would be able to demonstrate approximately 4.5 years HLS, which is not a significant shortfall⁶.
10. The appellant referred to case law⁷ at the hearing in support of his argument that the Council's policies are out of date. A copy of the judgement was provided following the hearing. This outlines similar circumstances to the appeal before me, but the case was dismissed and as such this judgement does not support the appellant's case.

² East of England Plan

³ Oxford Economics

⁴ Report on the Examination of the Site Allocations and Area Specific Policies, issued 16 January 2017

⁵ Statement of 5 Year housing Land Supply 3 October 2016, Council Statement Appendix 3

⁶ The Council's statement notes that a 5% buffer is considered appropriate as there has been over-delivery of housing in the last year of monitoring. On the basis of the evidence before me I see no reason to disagree with this statement.

⁷ Grand Union Investments Ltd vs Dacorum Borough Council (2014) EWHC 1894 (Admin)

11. However, the appellant has also drawn attention to previous appeal decisions which have concluded that the Council does not have sufficient HLS. On the basis of the evidence before me, and as outlined above, I have reached the same conclusion.
12. Where there is insufficient HLS, Paragraph 49 of the Framework states that relevant policies for the supply of housing are to be considered out of date and in those cases housing applications should be considered in the context of a presumption of sustainable development as outlined in Paragraph 14 of the Framework. This states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole, unless material considerations indicate otherwise.
13. However, case law⁸ has indicated that where policies for the supply of housing are out of date, development plan policies cannot be judged to carry no weight or be disregarded as a result. The weight to be given to those policies remains a matter of planning judgement and is dependent upon the degree of shortfall and the prospect of development coming forward to meet that shortfall. Furthermore, in other case law⁹ the courts considered that the particular purpose of the out of date policy could influence the weight to be accorded to it, for example where there are restrictive housing supply policies aimed at protecting gaps between settlements.
14. In the light of the above, although I have concluded that the Council does not have sufficient HLS, the shortfall is not significant. Accordingly, although the relevant policies of the Local Plan for housing supply carry less weight as a consequence, they cannot be disregarded. I return to the planning balance later in my reasoning.

Character and appearance

15. The appeal site is a field fronting Top Street immediately to the south of a railway embankment. It is situated in a strip of fairly open land, approximately 1 km wide, which separates Martlesham and Woodbridge, and which is characterised by small clusters of dwellings and small businesses, as well as a linear development on one side of Sandy Lane, to the south-east of the appeal site. Notwithstanding this loose development pattern, when travelling towards Woodbridge from Martlesham there are periodic and distinct breaks in the development pattern, with views into fields and undeveloped land. The small scale and irregularity of development contributes to a semi-rural character. One of the breaks in the underlying development pattern includes the appeal site.
16. The western site boundary abuts a Special Landscape Area (SLA)¹⁰, and to the south, the site lies approximately 50 metres from the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB). The land between these two designations is categorised under LP Policy AP214 as an area of landscape enhancement.

⁸ Crane v Secretary of State DCLG (2015) EWHC 425 (Admin)

⁹ Suffolk Coastal District Council v Hopkins Homes Ltd (2016) EWCA Civ168

¹⁰ Designated under Local Plan Policy AP13

17. The development would comprise a line of ten dwellings fronting Top Street, with a single vehicular access point serving parking and turning areas to the rear.
18. It was confirmed during the hearing that there is no dispute between the parties that the appeal site lies outside the settlement boundaries of Woodbridge and Martlesham as defined on the proposals plan¹¹. As such the evidence before me indicates that for the purposes of the Council's policies, the site lies within the countryside.
19. LP Policy AP212 seeks to prevent coalescence of settlements and maintain the open character of the land which separates villages on the Ipswich Eastern Fringe from Woodbridge, including the land between Martlesham and Woodbridge. The appellant argues that the development of the appeal site would not be contrary to LP Policy AP212 as the appeal site is not an area of land that separates Martlesham from Woodbridge¹².
20. However, it is matter of fact that the site lies outside the settlement boundaries and is approximately midway between those boundaries. It is also a matter of fact that the site lies within one of the distinct breaks in the underlying development pattern between Martlesham and Woodbridge. I share the Council's concern that incremental infill, would if unchecked, lead to coalescence of the two settlements and a diminution of the open character of the land that provides separation.
21. The appellant presented evidence¹³ to support the argument that the appeal site does not sit within an area with open character. This categorises the land immediately adjacent to the settlement boundaries as having an open character, but excludes a central strip of land which includes the appeal site, the linear development of Sandy Lane and a small cluster of buildings to the immediate north of the railway bridge. However, this central strip also includes land designated as AONB and SLA, as well as the appeal site and the opposing field.
22. I appreciate that Sandy Lane and the residential cluster to its immediate south-west comprise a significant strip of development compared to the other clusters of development between Martlesham and Woodbridge. Nonetheless, it is limited in extent and its existence does not necessarily justify the development of adjacent sites, particularly in the context of policy imperatives to control further development and retain openness in the area. Furthermore, although there are incongruous elements such as bus stops and light columns in addition to the light industry on Sandy Lane, the overall open and semi-rural character of the area contrasts notably with the tighter development pattern evident within the settlement boundaries. As such I give this argument little weight.
23. I appreciate that the development in itself would not result in the coalescence of Martlesham and Woodbridge, but it would more or less link the Sandy Lane development and nearby dwellings, to a cluster of dwellings and businesses immediately north of the railway embankment. This would diminish the impact of the existing visual separation between these clusters and would represent

¹¹ Additional evidence item 5

¹² Statement of Case, 3.25

¹³ Plan showing physical limits of Woodbridge and Martlesham, with hatching denoting areas of open character adjacent to the physical limit boundaries and an unhatched area, including the appeal site, denoting an area between the two that does not have open character. Additional evidence item 4.

ribbon development. As it is unlikely that any single planning application would develop the land between Martlesham and Woodbridge in its entirety, I consider it reasonable to presume that LP Policy AP212 seeks to restrict incremental development between these two settlements.

24. The appellant also argues that the appeal site is not identified on the Proposals Map as an area to be protected from development¹⁴. Nonetheless, it sits within an area of landscape enhancement, referred to in LP Policy AP214, which states this area forms a significant open space barrier between Woodbridge and Martlesham and which is considered to be a prominent and essential component of the Fynn Valley.
25. LP Policy AP214 also states that more development in this area of landscape enhancement would not be appropriate as it would spoil the landscape further. This reinforces the Council's policy aims of preventing coalescence between Woodbridge and Martlesham. Notwithstanding that the development could introduce additional planting, were the appeal to be allowed, the building of ten dwellings along Top Street would diminish that openness.
26. Although the Council does not have a specific landscape enhancement strategy, the cable route from the new wind farm (East Anglia 1) is to be taken underground through this area. Given that this is only undertaken in exceptional circumstances, I conclude that this reflects the proximity of the SLA and AONB and suggests that this area does have sensitivity in respect of new development.
27. The Council does not dispute the findings of the LVIA¹⁵ and it was confirmed during the hearing that their concern in respect of landscape issues is the loss of openness between Martlesham and Woodbridge. On the basis of my observations I concur that the appeal site is reasonably contained by vegetation and landform and I was not aware from driving around the area that the site was particularly prominent within wider views to the extent that the development would detract significantly from either the SLA or AONB, other than through loss of openness, and in that respect I agree with the conclusions of the LVIA.
28. There is a short stretch of terraced cottages fronting Top Street to the north of the railway bridge, and the development would reflect that building pattern¹⁶. However, as I have noted above, the appeal site forms part of a strip of open land that provides a gap between Sandy Lane and those terraced cottages. I can appreciate that development on the appeal site between these two localised development clusters would appear logical, but it would also represent infill development along the road frontage which is specifically what LP Policy AP212 seeks to prevent.
29. The appellant argues that the development could be considered to comprise organic development where opportunities within defined physical limits are severely limited, as outlined in LP Policy SP27, as it is located within a cluster of dwellings on either side of the railway line. Whilst I concur that this policy allows development in the countryside, and that there may be instances where the Council would consider development acceptable outside defined limits, it

¹⁴ Statement of Case, 3.27

¹⁵ Landscape and Visual Impact Assessment, The Landscape Partnership, May 2016 Rev A

¹⁶ LVIA, 9.2.7

remains that the Council also has policies specifically restricting development in this area to avoid coalescence. Furthermore, my observations led me to conclude that the clusters of dwellings north and south of the railway line are discrete entities and that in this context the appeal site represents a distinct break in development.

30. Policy MAR7 of the Martlesham Neighbourhood Plan (NP) was submitted as evidence during the hearing¹⁷. This has completed its pre-submission consultation¹⁸ and states that development proposals between Martlesham and any other neighbouring settlement are expected to maintain the open character of the land and do not significantly reduce the gap individually or cumulatively. Having reviewed the item the appellant concluded that there was nothing in it to preclude development on the appeal site and that in any case the development would not significantly reduce the gap. I disagree with the appellant on this point as I consider this policy reflects an intention to maintain the current openness between Martlesham and Woodbridge. By joining two clusters of dwellings, that existing gap in development would be reduced. It was also raised at the hearing that local consultation in advance of the NP concluded that the site was poorly related to the existing settlement pattern. In addition, notwithstanding that it carries limited weight as it is not yet adopted, NP Policy MAR7 reflects and reinforces LP Policy AP212, which is outlined above.
31. In the light of the above I conclude that the development would contribute significantly to the incremental coalescence of Martlesham and Woodbridge, which would be detrimental to the open character of the land which separates those two settlements. This would be contrary to LP Policy AP212, which seeks to retain the open character of land between settlements, and LP Policies SP15 and AP28 which taken together, seek to enhance local character areas particularly where gaps and open spaces make an important contribution to a particular location in their undeveloped form.
32. It would also be contrary to the provisions of LP Policies SP2, SP19, SP27 and SP29 which taken together give a framework for the distribution of new development and outline the exceptions for development outside settlement boundaries. Although I have concluded that I can give little weight to NP Policy MAR7, it nonetheless reinforces that view. LP Policy SP1A reflects the Framework's presumption in favour of sustainable development, which is considered later in my reasoning.

Location

33. The appellant argues that the development would be well-positioned for access to local facilities, including a primary school, post office, public houses and shops and has provided indicative times for walking or cycling to those facilities. Whilst I do not necessarily disagree with those times for an active individual, I concur with local councillors that young children and older people would find the journeys more onerous and time consuming. I also noted on my visit that although there is a footway along Top Street between the appeal site and Martlesham, it is rather narrow for most of its length. There is also a significant hill to negotiate when travelling to Martlesham from the site and although there is a cycle lane, it is on the uphill side only.

¹⁷ Additional evidence item 2

¹⁸ 31 January 2017

34. Consequently, I conclude that modes of sustainable transport would not be particularly attractive to future occupiers of the development given the distance to day to day facilities such as the school and shops, and the limitations of the current highway infrastructure. Whilst I note the appellant's argument that the location relative to facilities would be better than for many other people in the district, this does not necessarily justify new development in a location that is not considered sustainable in relation to access to facilities and alternative modes of transport.
35. However, there are other dwellings on either side of the railway line and between the appeal site and Martlesham, and there is a regular bus service along Top Street. A development of ten dwellings would not be so significant as to add substantially to the use of private vehicles to access local services.
36. As such, I conclude there would be some minor harm in relation to the sustainability of the location and connectivity, and some limited conflict with the provisions of LP Policies SP1, SP2, SP19 and SP27 which taken together ensure that new housing development is located in areas where there is access to local services and infrastructure to enable a reduction in the need to travel. However, I would not consider this conflict sufficient to warrant dismissal of the appeal in the absence of other concerns. As such, I give this harm minor weight. LP Policies SP1A and SP29 are more general policies related to sustainable development and the location of new development in the countryside and they are of lesser relevance in this regard, than those I have listed above.

Other matters

37. Concerns in respect of highway safety and congestion were also raised and I noted on site that highway visibility is limited to the immediate south of the appeal site. However, if the appeal was allowed a condition could be imposed requiring the provision of appropriate visibility splays.
38. With regard to congestion, having visited the area during peak hours, I concur that there is existing congestion associated with the junction of Top Street and the A12, and heavier traffic along Top Street during those hours. However, I do not consider, on the basis of site visits, that the existing volume of traffic is so heavy as to warrant dismissal of the appeal. In any case, the highway authority has not raised an objection to the development and on balance I see no reason to disagree with their assessment.
39. Interested parties have also raised a concern in respect of flooding. The appellant has provided a Flood Risk Assessment (FRA) and there is nothing in the evidence before me to indicate that the Environment Agency (EA) has concerns in respect of the development. I note that the site lies outside Flood Risk areas 2 and 3 and also that the surface water drainage would be disposed of using SUDs¹⁹ principles. Notwithstanding that occupiers of dwellings near the appeal site have had warnings to evacuate at times of tidal surge, my understanding is that tidal surges can affect much of the east coast of Britain. As such, in the absence of objection from the EA I give this argument little weight.

¹⁹ Sustainable Drainage Systems

40. Concerns were also raised in relation to the likely increased traffic on the railway line as well as industrial processes being carried out at businesses on Sandy Lane and at Bridge Farm as these would create noise and disturbance for occupiers of the development. However, no supporting evidence was provided and dwellings in proximity to railway lines and small businesses are common occurrences throughout the country. In any case, a Noise Risk Assessment was provided with the application and I see no reason to disagree with its conclusion that the development is not likely to have an adverse effect on the living conditions of future occupiers of the development.
41. Concerns were raised by parish councillors that Martlesham has had significant housing development recently and there is more proposed at application stage. However, housing supply relates to the entire council district and the distribution of dwellings is not determinative in this appeal.

Planning balance

42. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. LP Policies SP19, SP27, SP29 and AP28 are restrictive policies which seek to limit housing development in the countryside outside of settlement boundaries, and LP Policy AP212 is specifically concerned with the limitation of development on land currently separating Martlesham and Woodbridge. As such, they have the effect of constraining the supply of housing land and so, for the purposes of this appeal, should be regarded as relevant policies for the supply of housing.
43. However, although the aforementioned policies are out of date, this does not mean that they no longer apply. Because there is approximately 4.5 years HLS, and as the Framework recognises the intrinsic beauty and character of the countryside, and the different roles and character of different areas as a core planning principle, I conclude that these policies should be given moderate weight. However, they clearly carry less weight than if there were sufficient HLS.
44. Balanced against the harm I have identified above, the development would contribute to the supply of housing, and it would also support local services and the building industry and provide new family homes, in a location that I consider does not significantly conflict with the Council's policies with respect to sustainable and alternative modes of transport. I give these benefits moderate weight.
45. However, in considering the adverse effects of the development on the open character of the land separating Martlesham from Woodbridge I am also mindful of the sensitivity of the site's location between the AONB, and the SLA, as well as the designation of the area as an area of landscape enhancement and the policies specifically seeking to prevent coalescence. Furthermore, although the appellant argues that the failure of the Council's policies has resulted in the necessity of development in the countryside, no evidence has been submitted to indicate that there is an absence of housing sites within settlement boundaries. Consequently, I have concluded that the shortfall in the HLS is not significant enough to warrant such development.

46. On balance, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

Conclusion

47. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Martin Price
Chris Wakefield
Simon Neesam

East Coast Planning Services
Park Properties Ltd
The Landscape Partnership

FOR THE LOCAL PLANNING AUTHORITY

Chris Blundell
Lisa Chandler
Hilary Hanslip
Nicholas Newton
John Kelso

Suffolk Coastal District Council (Councillor)
Suffolk Coastal District Council
Suffolk Coastal District Council
Suffolk Coastal District Council
Suffolk Coastal District Council (Councillor)

INTERESTED PARTIES

Jan Evans
Clare Richardson
Malcolm Rittman
Margaret Rittman
Anthony Taylor

ANNEX 1

Documents submitted at the Hearing (by agreement)

1. Report on the Examination of the Site Allocations and Area Specific Policies Development Plan Document and Felixstowe Peninsula Area Action (Extract)
2. Extract from Martlesham Neighbourhood Plan (Policy MAR 7)
3. Saved Policy AP 28 of the Local Plan
4. Base plan of settlement boundaries with hand drawn hatched areas indicating areas the appellant considers to be open countryside between Woodbridge and Martlesham.
5. Proposals Map 1:7500 with settlement boundaries and landscape designations.
6. Martlesham Parish Council, June 2016