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## Appeal Decision

Site visit made on 15 May 2020

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 June 2020**

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**Appeal Ref: APP/W3520/W/19/3234055**

**Land to the South of Bildeston Road, Offton, Needham Market, Suffolk, IP8 4RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr and Mrs Stephen Phillips against Mid Suffolk District Council.
  - The application Ref DC/18/05313, is dated 29 November 2018.
  - The development proposed is an outline planning application for access and siting, with all other matters reserved. The delivery of a new access to Bildeston Road, new access from Castle Road, 9 Local Need Homes, 2 Affordable Homes, 21 Open Market Homes, Detailed Landscape Scheme, Foul Water Treatment plant, New Structural Landscape buffer to West Boundary Community Grazing Paddocks, Community Orchard, Public Open Space, Wildflower Meadows, Public Reading Room, Parish Allotments and a Community Car Park.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was made in outline form with all matters reserved except for layout and access. Details of appearance, landscaping and scale are therefore not considered in this decision.
3. The appellants have submitted a signed and dated Unilateral Undertaking which provides for a number of obligations to come into effect in the event that planning permission is granted. I return to this later in my decision.
4. As the appeal was submitted before the Council could make a formal decision on the application a single putative reason for refusal relating to the site's location and affordable housing was agreed by the Council.

### Main Issues

5. The appeal raises 2 main issues which can be summarised as:
  - Whether the location of the proposed development would be acceptable having regard to local and national policies, and
  - Whether affordable housing in line with adopted policy has been included.

## Reasons

### *Planning Policy*

6. The development plan includes, the Mid Suffolk Local Plan 1998 (MSLP), with Alterations 2006, the Mid Suffolk Core Strategy (CS) 2008 and the Core Strategy Focussed Review (CSFR) 2012.
7. A joint plan with Babergh District Council is at Regulation 18 stage and although the Council includes reference to the proposed designation of Offton in its putative reason for refusal and both parties refer to the proposed clusters of settlements in their evidence no specific policy references are referred to. Accordingly given its stage of preparation I attach only limited weight to the emerging plan in the context of this appeal.
8. Although the appellant has drawn my attention to the Woolpit decision<sup>1</sup>, I am not bound by the Inspector's conclusions on the relative weight which should be applied to several of the policies which apply to both appeals. The appellant argues that the Council has inconsistently applied some of the aforementioned policies. I deal with this matter with reference to the specific circumstances of this appeal below.

### *Location of the appeal site*

9. The site comprises an arable field on the edge of Offton, a small settlement lying to the south west of Needham Market and north west of Ipswich. The village has no services apart from a village hall and a pub located about 1.5km from the appeal site. The settlement has 4 services on weekdays and Saturdays running between Ipswich and Hitcham.
10. The appellants identify the neighbouring villages to Offton which together include a range of services. For example, primary schools are located in the villages of Somersham, Whatfield and Ringshall Stocks, post offices in Elmsett and Bildeston with grocery stores located in Somersham, Elmsett and Ringshall Stocks. Some of these villages form part of the proposed settlement cluster, Needham Market, included in the emerging joint local plan.
11. From the list of services and facilities enjoyed by other villages, residents of the proposed scheme would have only a village hall and a public house which lies away from the village. This is fewer services than in other local settlements. Although many of the settlements may be linked by the same bus service I do not accept that the villages have very similar levels of sustainability. Residents of the proposed development would have to travel outside Offton to secure even the minimum level of services to sustain a normal life compared to other villages in the cluster. In this respect, Offton can be distinguished from other settlements such as Somersham, Elmsett and Bildeston identified by the appellants.
12. Although the site lies approximately 300m from the nearest bus stop this could only be accessed along narrow roads which in part do not include footways and street lighting. This would make them inconvenient for most residents to use. In these circumstances, it is highly likely that residents of the proposed scheme would have to use private transport, if they have access to it, to access basic services. This would result in additional vehicle movements to and from the

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<sup>1</sup> Appendix 6 to the Appellants Statement, APP/W5320/W/18/3194926

- site. Even accounting for the Connecting Communities Service, the availability of only limited bus services required to secure access to public services and facilities would only compound the challenges residents could face.
13. The appellant referred me to the recent decision of the Council to grant planning permission for 64 dwellings, of which 22 would be affordable, on a site on the edge of Old Newton, designated as a Primary Village in the settlement hierarchy of the adopted planning policies. By reason of its designation and the location of the application site, residents would be closer to a broader range of services in Old Newton than in Offton. On the basis of this issue alone the appeal site can be distinguished from that in Old Newton.
  14. Whilst I am unsure the specific circumstances of the appeal in Sutton Valance,<sup>2</sup> the decision predates the adopted Framework which places greater emphasis on the challenges posed by climate change and the need for choice in sustainable transport modes. The need to reduce dependency on private transport is an important consideration which should be addressed in meeting this challenge and in this respect allows me to distinguish between that appeal site and the appeal site before me.
  15. The proposals would lie on the edge of this small settlement with limited access to services. In this respect it can be distinguished from other settlements in the locality. Although the appellant advances an argument that the internet is now introducing new ways of living, for example, through ordering shopping on line, resulting in communities breaking from the 'proximity principle', it would not address the equally important desire of people to socialise and to access schools and other essential services. Furthermore, if I were to allow this appeal, there is no policy basis for me to insist on the residents of the proposed housing to have electric cars with a supply drawn from entirely sustainable sources as the appellant suggests.
  16. Underpinning the Framework is a presumption in favour of sustainable development which seeks amongst other matters to support strong, vibrant and healthy communities with accessible services. Policies CS1 and CS2 seek to direct growth to towns and key service centres with secondary villages appropriate for infill for local needs only.
  17. Whilst the Framework acknowledges that development in one village may support services in others, when read as a whole it also seeks to strike a balance ensuring that new development can be made sustainable through limiting the need to travel and offering genuine choice of transport modes even recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
  18. To conclude on this main issue, whilst policy H7 MSLP allows edge of settlement development, this policy is set within the strategic settlement policies of CS1 and CS2 of the CS 2008 and policy FC1 of the CSFR 2012 which directs growth to main centres. The appeal scheme is in conflict with these policies.

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<sup>2</sup> Appendix 7, AAP/U2235/A/14/2228989

### *Affordable housing*

19. The proposed scheme is designed to provide affordable housing to meet local needs. The Statement of Common Ground identifies that the Council has been looking for a site in Offton and Willisham and that they have investigated 11 Rural Exception Sites (RES) with the Parish Council. The scheme would provide for 9 affordable homes dedicated to 'local people first' addressing the local Parish Council's requirement for local housing needs. Two other affordable units would be available for housing need in the District.
20. The differences between the parties on this main issue relates to the proposed tenure arrangements and the scheme's proposed location. The proposed tenure arrangements are unacceptable to the local housing officer given their preference for shared ownership as opposed to shared equity. These concerns are based on the 'affordability' of shared equity schemes which can start from around 25% of open market value of houses compared to figures of 75-80% for shared ownership. Being regarded as unaffordable they would not satisfy local housing need. However, the completed Unilateral Undertaking includes a commitment that the proposed non market housing would be defined as 'affordable' within the meaning of the Glossary to the adopted Framework.
21. To conclude on this main issue the percentage of dwellings and the proposed tenure included in the scheme is compliant with policy H4 of the Alterations to the MSLP. However, set against this it is unclear how the number of affordable dwellings would meet local needs and furthermore the location of the appeal site is not well placed for access to local services. For these reasons, I consider that the scheme does not comply with policy H4.

### **Other Matters**

22. In addition to the matter of affordable housing, the UU includes contributions towards school transportation, community facilities including a public reading room, parish allotments, community car park, and a local nature reserve and a contribution towards a future maintenance fund. The Council has provided a compliance statement submitted under Regulation 122 of the Community Infrastructure Regulations 2010, as amended. Generally, the statement indicates that the planning obligations are broadly compliant notwithstanding the Council's reservations regarding the nature of the affordable housing.
23. I regard the terms of the Undertaking as meeting the tests of paragraph 56 of the Framework in being 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.
24. Due to the site's location within a zone of protection of the Stour and Orwell Estuaries Protection Area, which forms part of a RAMSAR site the UU includes a contribution to fund mitigation measures. If I were allowing this appeal an appropriate assessment would be required although no mechanism to address mitigation has been submitted with the application. However, as I am dismissing this appeal, I do not have to complete this exercise.

### **Planning Balance**

25. The appellant argues that a number of the most important policies in the determination of the appeal are out of date because they are inconsistent with the Framework.

26. I have considered the policies referred to in the Statement of Common Ground and the additional policy references referred to me by the appellant. For the purposes of this appeal the most important policies include policy CS1, FC1 and H4 as these inform the putative reason for refusal. Given that the appellants do not claim that this site is a Rural Exception Site (RES) I do not regard policy H5 as most important. In contrast following the appellants' representations I consider that policy H7 is a most important policy given that it seeks to ensure that new housing development in the countryside should form part of existing settlements. Policy CS2 is most important as it seeks to protect the countryside from new development beyond certain defined categories of development.
27. Policies CS1, CS2, and FC1 seek to support patterns of sustainable development. CS1 is inconsistent with the Framework because its final section classifies those settlements which are not main centres as forming the countryside where housing development would be resisted. Policy CS2 seeks to protect the countryside from development apart from a closed list of exceptions which do not include housing. The policy is more restrictive than the Framework which does not seek to protect the countryside for its own sake and from housing development.
28. Although FC1 was predicated on the 2012 adopted Framework, it is a broad policy reflecting the Framework's presumption in favour of sustainable development and remains consistent with current national policy.
29. Policy H7 resists development in the countryside but requires that where new housing is proposed it should form part of existing settlements. This policy sits within the strategic framework established by policy FC1. To my mind, its purpose is not to allow large scale developments akin to the appeal proposal on the edge of settlements but only limited amounts of housing. This policy is in broad alignment with the Framework.
30. Policy H4 requires the inclusion of 35% affordable housing. It requires that the affordable housing provision takes account of local needs, viability and the location of services. Its essential thrust is broadly compatible with the Framework.
31. Whilst I acknowledge the importance of the provision of an additional 32 new dwellings, this is not critical in this instance given the Council's recent housing delivery test which is indicative of a development plan that is working to support the government's objective to significantly boost the supply of homes.
32. I acknowledge that there would be benefits which would flow from the scheme. In addition to those which would arise from the supply of additional housing including affordable housing, the construction work would generate employment opportunities and there would be increased spend for the local economy derived from 32 additional households. Some elements of the scheme would benefit local residents including the proposed parish allotments. However, the proposed public reading room and the amount of land set aside for both community grazing and an orchard would seem to have only a limited value for residents beyond the proposed development given the rural nature of the wider area.
33. The proposal would result in additional dwellings in a location with poor access to services and would not enable modal choice in accessing these, which could be available in other settlements. I give substantial weight to the proposal's

conflict with policies H7 of the MSLP, H4 of the Alterations to the MSLP and FC1 of the CSFR. Whilst I accord the provision of 32 new dwellings which include 11 affordable dwellings significant weight this is not in my opinion, sufficient to outweigh the harm which would result from the site's location. Consequently, there is no reason to take a decision, other than in accordance with the development plan.

### **Conclusion**

34. For these reasons, I therefore dismiss this appeal.

*Stephen Wilkinson*

INSPECTOR