
Appeal Decision

Inquiry Held on 13-16 September 2022

Site visit made on 15 September 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/W3520/W/22/3297920

Great Bricett Business Park, The Street, Great Bricett, IP7 7DZ

- 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 Mr Charles Birch against the decision of Mid Suffolk District.
 - The application Ref DC/20/05587, dated 8 January 2021, was refused by notice dated 10 February 2022.
 - The development proposed is change of use of the land for the siting of up to 69 mobile homes (following the demolition of existing buildings).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form included reference to the siting of up to 73 mobile homes. This was amended during the processing of the application for planning permission and so I have used the description of development in the banner heading taken from the appeal form.
3. I received a completed Unilateral Undertaking dated 21 September 2022. I make further reference to this later in this decision.
4. I received a 'Response' document from the Council in respect of the appellant's rebuttal statement on development appraisal in advance of the Inquiry opening. Following consultation with the appellant I accepted this as part of the Council's case. I also accepted other documents from both parties and 2 interested parties during the Inquiry. These are listed at the end of this decision.
5. Although the Inquiry was managed as a face to face event, evidence from Mr Bentley was heard by a Zoom call due to his personal circumstances which prevented him from attending.
6. During the Inquiry references were made to the emerging joint local plan (JLP) being prepared by the Council with Babergh District Council. However, neither party relies on the emerging policies as part of their case and accordingly I give this matter only limited weight.
7. Finally, although the application refers to mobile homes, reference was made by both parties during the Inquiry to 'park homes'. Accordingly, I have used this term in this decision.

Main Issues

8. The appeal raises two main issues as follows:

- whether or not the proposed development would make adequate provision for affordable housing, and
- whether the location of the proposed development would enable access to services by a range of transport modes.

Reasons

Affordable housing

9. There are two aspects to this main issue. The first relates to whether the provision of park homes, is itself a form of affordable housing as defined by the National Planning Policy Framework (the Framework). If they are not found to fall within this definition, the second aspect is whether the appellant's contribution of £200,000 is deemed sufficient as an off site contribution in line with Saved Policy H4 of the Mid Suffolk Local Plan which requires that 35% of all dwellings are affordable.

Whether park homes are affordable housing

10. The Glossary to the Framework is clear that affordable housing for either sale or rent is for those whose needs are not being met by the market and that it provides a subsidised route to home ownership. The definition of affordable housing is clarified under four paragraphs, of which d) relates to other affordable routes to home ownership. This wording has been consistent in previous adopted versions of the Framework since 2018 and broadly reflects the Council's definition included in supporting text to Policy H4.
11. In this respect, I do not accept that park homes can be defined as affordable housing. The definition includes reference to 'routes to ownership for those who could not achieve ownership through the market'. Park homes are a sub market which sits within the overall 'housing market'. Occupiers are owners.
12. I accept the appellant's evidence which demonstrates that median sales values of park homes are around 60-64% below that of the local market value of bricks and mortar homes¹. The appellant's case is that as park homes are over 20% below the market value they fall within paragraph d) included in the Glossary to the Framework².
13. An individual purchasing a park home buys the property and not the land upon which it sits; this is different from how homes are normally purchased. The Council's evidence³ identifies that prospective occupiers are not allowed mortgages but instead, where outright purchase is not possible, equity can be released through the sale of an existing property, or through its part exchange or use of an existing property to secure a loan or through specialist loan agreements offered by dedicated lenders working in the market. On purchase a commission is paid to the operator which effectively reduces the value of the

¹ PoE Mr Roberts

² Mr Laister Appx 40

³ PoE Mr Roberts

unit. These aspects of how the park homes market operates are supported by the appellant's evidence⁴.

14. These market features do not include reference to the subsidised route to home ownership included in the Framework's definition of affordable housing.
15. The evidence of both parties demonstrates that park homes are for those whose needs can be met by the market. This is not to say that the older persons whom the park homes market is targeted⁵ at are not in need but that they have the financial means to access this part of the local housing market.
16. During the Inquiry I considered a large number of appeal decisions which dealt with this issue. Whilst I am not bound by the decisions of my Inspector colleagues the majority of these were clear that park homes do not fall within the Framework's definition of affordable housing. Only one decision was contrary to this prevailing view⁶.
17. I am satisfied that based on the evidence before me, park homes do not fall within the Framework's definition of affordable housing. Accordingly, Saved Policy H4 requires the inclusion of affordable housing as part of the appeal scheme.

Development appraisal

18. The appellant's commuted sum for affordable housing, included in the Unilateral Undertaking is £200,000. My understanding is that this was agreed by the parties during the negotiation of the application for planning permission⁷ which was refused resulting in this appeal. The actual basis of how this figure was arrived at could not be evidenced during the Inquiry by either party.
19. I acknowledge that whilst development appraisal is an inexact science being sensitive to its inputs, the difference between the parties in this appeal is significant. The Council identifies a surplus of £985,817 whereas the appellant identifies a deficit of around £469,167⁸.
20. The appellant's evidence was based on 2 development appraisals for 69 park homes; one which included a policy compliant contribution of 35% affordable housing (67/33 split between affordable rent and shared ownership) and the other for just market housing but with a £200,000 contribution towards affordable housing. Both these valuations identify the appeal scheme as non viable⁹. The appellant states, however, that their internal appraisal model demonstrates a sound scheme which can deliver profit¹⁰ during its life. This appraisal model was not part of their evidence.
21. The size of the scheme requires that 35% of all units are affordable in line with Saved Policy H4. However, because the Policy does not include reference to the off site provision of affordable housing including with an off site contribution calculator, I am determining the appeal on this main issue in respect of Paragraph 63a) of the Framework which requires off site contributions where housing cannot be provided on or off site. The issue between the parties is

⁴ Mr Bignall Rebuttal paragraph 6.17

⁵ Ibid

⁶ APP/C3810/C/19/3222033

⁷ Mr Laister's PoE Appendices 25-32

⁸ ID10

⁹ ID7 Turner Morum Summary

¹⁰ Mr Bignall xx

whether the appellants offer of £200,000 for affordable housing is appropriate and whether the scheme could afford it given its viability.

22. Planning Policy Guidance (PPG)¹¹ requires that at the decision making stage the burden of proof rests with the appellant. In the spirit of transparency required by the PPG, the Council's evidence enables the appellant's evidence to be thoroughly tested.
23. The main areas of disagreement between the parties include inputs to the Gross Development Value (GDV), total costs and benchmark land value which I consider in turn below. Comparable information on each of these areas was presented by the parties¹².

Gross Development Value

24. The difference in the estimates for GDV is £2,876,000. This difference is derived from the selection of comparables for each of the three unit types, 40x20sft, 44x20sft and 50x20sft.
25. The Council have evidenced the strength of the park home market¹³ which is not contested by the appellant. Furthermore, both parties recognise that Wixfield Park, the adjacent site, provides comparable sales information given that it is undergoing a phased renewal.
26. The Council's figures based on asking prices are towards the top end of sales values but were based on a series of comparables from several sites for each unit size included in the appeal scheme. In contrast the appellant's comparables, although based on sales values¹⁴, primarily based on Wixfield Park, contain repeat sales particulars, include a second hand unit and a smaller unit, The Hayden, measuring just 14 x20 ft¹⁵. These factors undermine the appellant's figures which conclude that the average value was £190,000¹⁶ for each of the 3 unit sizes included in the scheme¹⁷.
27. Although the appellant provided additional evidence of prices from their other site in Lincolnshire¹⁸ which were lower than those used by the Council for the same unit sizes the full details of this site are not before me.
28. I accept that the proximity of the appeal site with Wixfield Park means that there would be competition between the two, but in contrast the appeal scheme would be a completely new site with new infrastructure and with the added attraction of Air Source Heat Pumps (ASHP) and Electric Vehicle (EV) charging points. These features could merit higher sales values. This contrasts with the units coming on stream at Wixfield Park which are only part of a single phase to an existing site and which do not include a modern infrastructure.
29. Significantly Wixfield Park includes an age restriction for purchasers to be over 45 years old. Whilst the park homes market is targeted at this age group, I find that this type of restriction would limit potential market interest, as the Council

¹¹ Reference ID 10-007-20190409

¹² ID10

¹³ Sanderson Wetherall report

¹⁴ Mr Laister Appx 40

¹⁵ Mr Bignall PoE

¹⁶ Mr Bignall PoE para 2.7

¹⁷ Mr Bignall Rebuttal para 6.2

¹⁸ Mr Bignall Rebuttal Appx 6

suggests and marginally depress values compared to sites such as the appeal scheme which are not fettered in this way.

30. For these reasons, I accept the Council's figures for the units sized 40x20sft and 44x20sft.
31. For the larger unit (50x20sft) the Council has assumed a figure of £310,000 or £310/sft based on a value uplift of around 50% from the smaller units on the site. The Council also uses comparable evidence from units from a single site near Thetford Norfolk, although details of its location and amenities which could also affect sales values are not included in its evidence.
32. The appellant contrasts this with a lower uplift derived from manufacturer's asking prices for their site in Lincolnshire¹⁹. Furthermore, the appellant highlights the actual sales values per square foot for bricks and mortar housing at around £128/sft and £194/sft for detached freehold properties in Great Bricett and Ringshall²⁰ which indicate the relative values of park homes compared to bricks and mortar homes in the local area. These figures are also within the range identified in the Viability Study for the emerging JLP on average house prices in the area.
33. Whilst the Council's asking prices appear high when compared to housing in the local area included in the appellants' figures it is not unreasonable to expect that a large park home would compete for price with bricks and mortar properties in the same local housing market depending on their physical condition and location (a point reflected in the appellant's other evidence²¹). The appeal scheme would be new and completed with ASHPs and EV charging points.
34. I consider that the appellants figures appear low for the larger units as they reflect around a 12% increase in price for a 20% increase in floor area. Although the Council's values are markedly higher than those for the smaller units included in the scheme I consider that they reflect the market trend towards larger units as reflected in the appellants evidence²² resulting in a premium value and also the strength of the park homes market referred to above.
35. I find that the Council's evidence is more comprehensive in scope on sales values than that of the appellant. For this reason, I consider that the overall GDV of £17,115,091 is a more accurate reflection of the total sales value which could be achieved from this site.

Development Costs

36. The appellants choice of unit costs is uniform for each of the 3 sizes of unit (40x20sft, 44x20sft and 50x20sft) proposed for this scheme. This does not account for the 3 unit types. In contrast, the Council has based its evidence on the three units size based on evidence from a range of suppliers. Whilst the appellant could volume purchase homes at discount, there would still be variations in the prices for the different sized units. For this reason, I find that the Council's approach more accurately reflects actual costs. These would be

¹⁹ Mr Bignall Rebuttal para 6.14 and Appx 6

²⁰ Mr Bignall Rebuttal Appx 5

²¹ Mr Laister Appx 40

²² Mr Laister PoE

around £7,530,000 for the purchase of the units compared to the appellants figure of £4,802,952.

Other costs

37. Much Inquiry time was spent on the other costs associated with the appeal scheme. These include the installation of ASHP and charging points for EVs²³. The appellant was clear on the assumptions underpinning costs²⁴ (ID9) for the ASHP which includes unit cost and installation fees. I could not identify double counting of costs for gas connections to each home and boilers as the Council suggested²⁵. On this basis, I am inclined to accept the appellants figures of around £629,636 for the ASHP installation.
38. Costs would be incurred through the demolition of the existing buildings, the construction of infrastructure and for the purchase of the individual units. The appellants figures on cashflow altered during the Inquiry reflecting revised assumptions on programming, infrastructure costs and how these would be offset by sales income. During the Inquiry both parties agreed that around 16 units per annum would be sold during the site's development programme but differ on the timing of the capital costs involved in their purchase and sale; the time difference also affects liability for interest payments.
39. Both parties acknowledge that the park homes market allows site operators to link unit purchase closely to their sale thereby reducing interest costs. The appellant's estimated interest payments for the market units would be around £334,117 more than those estimated by the Council. This is largely caused through time differences between purchase and sale.
40. Park homes can be developed with units purchased on plan²⁶ by prospective occupiers thereby allowing an easier cashflow. There would be little need for a pause in the sales programme as the appellant suggests²⁷. For this reason, I find that the appellants figures are too high. On the evidence available I am inclined to accept the Council's evidence and for this reason costs are more likely to be in the region of £525,643.

Benchmark Land Value

41. The existing site comprises two distinct elements, eleven storage buildings designed as large Nissan huts built around the 1940s and a green field of around 3.28 acres lying at the front of the site adjacent to Pound Hill.
42. The appeal site can only be accessed by a series of narrow country roads away from the major road network. Within the site the buildings are accessed by a long narrow drive that leads to a large area of hardstanding onto which loading bays face. Each unit is around 4-5m at their highest point.

Greenfield

43. The parties differ in the values they each ascribe to this land and the multiplier applied to 'encourage' its sale. The application of a multiplier in this way is

²³ Mr Bignall Rebuttal Appx 7

²⁴ Mr Bentley's XX

²⁵ Mr Cooke's PoE Appx H

²⁶ Mr Cooke PoE Para 7.7.3-4

²⁷ Mr Bignall Rebuttal para 8.2

recognised by the PPG²⁸ as an incentive to encourage a landowner to release land for development.

44. Both parties draw on evidence from the Aspinall Verdi report commissioned by the Council for the emerging JLP. In addition, the Council's evidence is also supported by national and regional average prices as evidenced from Savills²⁹ and a figure of £8,700 per acre (pa) is suggested. The appellant's evidence of around £10,000pa is taken from the range of values included in the Aspinall Verdi report³⁰.
45. Whilst both parties' figures reflect the range of greenfield land values included in the Aspinall Verdi report the additional evidence in support of the Council demonstrates that the lower figures is more appropriate for this site.
46. The parties differ on the multiplier which should be ascribed to these values. The appellant applies a multiplier of x 10 based on the viability work³¹ for the emerging JLP for allocated sites. It is clear that this is based on the assumption that the principle of residential development on this site was not in question³². I understand that a x10 multiplier reflects the Council's imperative to encourage the release of housing sites to achieve to secure the allocations required in its emerging JLP.
47. However, since the withdrawal of the reserved matters for the outline scheme and the removal of the site's allocation from the emerging JLP³³, the application of the x10 multiplier as the incentive required for its release is not appropriate. In contrast the Council suggests a multiplier of x4 which I consider would allow sufficient incentive for its release for development in line with PPG³⁴.
48. Accordingly, I accept that the application of the x4 multiplier as this reflects an acceptable incentive for the site's release.

Warehousing

49. The parties differ on the rental values which could be achieved for the warehousing. Whilst both parties acknowledge that rental levels are increasing in the east of England they each recognise that there is a marked difference depending on location and design.
50. The site is located around 6 miles from Junction 51 of the A14 road³⁵ and can be only accessed by country roads. The buildings' roof profile and overall height would not allow for the installation of system racking and would not enable ease of transfer of goods for collection and delivery. Hard standing space required for employee parking would compete with the servicing areas for the units. The narrow access from Pound Hill would not allow delivery vehicles to pass easily. The Design and Access statement which accompanied the application also acknowledges the limited market appeal of these units³⁶.

²⁸ NPPF paragraph 57 and PPG paragraph 13

²⁹ Savills Research, accessed July 2022

³⁰ Mr Bignall PoE Appx 6

³¹ Mr Cooke Appendix

³² Mr Bignall XX

³³ ID8

³⁴ ID10-13-20190509

³⁵ Mr Bignalls PoE Appx 5

³⁶ Mr Laisters PoE Appx 4

51. I acknowledge that some of the units benefit from insulation³⁷, are dry and well lit but the suggested works³⁸ included in the appellants evidence demonstrate that further investment is necessary to bring them up to the industry standard including a possible requirement for an Energy Performance Certificate (EPC) to level C by 2027. These matters were included as caveats in the views of a local agent³⁹ who advised that rental levels could be around £4/sft.
52. Both parties base their evidence on comparables but the appellant's evidence is limited and relies heavily on the local surveyor⁴⁰, who whilst knowing of the site had not visited it recently. His advice concluded that marketing of the site could be directed towards car body repair workshops. This comment is instructive on the actual attractiveness of these units for warehousing.
53. Although the appellant reduced the suggested rental figure from £4-£3psf, I am more inclined to accept the Council's rental figure of around £2.50psf given its comparable evidence on the quality of the units, their location and their design.
54. The Council further discounts the annual rental for the units through the application of 80% to reflect that they would carry some void periods. No evidence was presented to substantiate this point. I do not accept this figure as it may double count the limitations of both the site's location and the design of units which is already reflected in the rental level.
55. In respect of the benchmark land value the Council has come to a figure of £866,666 compared to that of the appellant at £1,736,000. The Council's figure is close to the actual price paid by the appellant for the whole site at £862,500⁴¹. Given the closeness of this figure with that actually realised, I do not consider that the Council's figure reflects a distressed seller. In contrast the difference between the appellant's figure and the actual sales figure is too great to be realistic.
56. The small difference in the Council's figure with the actual sales value provides confidence in the strength of its evidence on the benchmark value.

Conclusions

57. Finally, on balance I find that the Councils residual valuation reflects robust considerations based on a broad spread of evidence. This is more extensive than that used by the appellants. I accept the higher costs attributed to ASHPs included in the appellant's evidence and do not accept the Council's evidence on the level of occupancy. However, I find that the Council's benchmark value is robust and overall I find that the scheme would generate a significant value over the benchmark land value of around £500,000.
58. The appellant's offer of £200,000 is not justified by evidence. In this respect it cannot be reconciled with the requirements of the CIL Regulations and Paragraph 57 of the Framework which requires that planning obligations are necessary, directly related and fairly and reasonable in scale and kind to the development.

³⁷ Mr Bignall XX

³⁸ Mr Bignalls PoE Appx 5

³⁹ Mr Bignall's PoE Appx xxx

⁴⁰ Ibid

⁴¹ ID6

59. Saved Policy H4 does not allow for an off site contribution. However, I find that the appellant's suggested figure £200,000 is not supported by evidence and in the light of the development appraisal reflects an inappropriate contribution for affordable housing contrary to Paragraph 63a) of the Framework.

Location of development

60. Great Bricett is a hamlet and not included within the Council's settlement hierarchy identified in Policy CS1. The hierarchy is predicated on the principles of sustainable development in seeking to direct development to towns such as Stowmarket, Eye and Needham Market and key service centres. The effect of this policy and Policy CS2 is to place the appeal site in the countryside.
61. Great Bricett only includes a church and hall and a vehicle garage/workshop. Wattisham RAF base which lies close to the site, however, does allow local people to use its community centre. The appellant acknowledges the site is located in a rural area with limitations on sustainable travel options⁴².
62. The local primary school is located in Ringshall within 2km of the appeal site. Whilst this can be reached by a pedestrian footpath, this extends for only part of the way and the final part of the route would be reached on an unlit lane leading through Ringshall which does not have footways for some of its length. In winter this route is likely to prove unpassable given that it runs along field boundaries and is unsafe for children.
63. Other essential services such as doctors, shops, public houses, leisure facilities, secondary schools or employment areas are located in centres such as Stowmarket and Needham Market around 6.5 miles and 5 miles respectively from the appeal site. The inclusion within the Undertaking of a new shop serving both the site and the wider area would, given its anticipated floorspace, be of an insufficient size to cater for all shopping needs.
64. The road network across the wider area is characterised by unlit narrow lanes without pedestrian footways and are subject to the national speed limit. In these circumstances access by foot is unlikely, given the distances involved to neighbouring settlements and pedestrian safety. Whilst the Undertaking includes measures to develop a short length of pedestrian footway from the entrance to the appeal site towards the Wixfield caravan site this would not address my concerns on this issue.
65. Cycling would be unlikely for major shopping trips and evidence from the Council identifies the risks that cyclists would face⁴³ on the local roads. Cyclists' fear of traffic is well documented⁴⁴ and the combination of narrow lanes subject to the national speed limit would act as a significant deterrent to cycle use.
66. Great Bricett is located on 4 bus routes and there is a stop within 200 metres of the appeal site entrance for the No.111 services, Hitcham to Ipswich. Other services are Nos. 405, 461 and 462. The 405 serves schools.
67. The lack of frequency of each of these services represents major constraints on their use. Whilst the appellant contests the utility of service 111 in supporting commuting trips, I find that it would not readily be used by commuters being

⁴² Mr Laister Summary PoE

⁴³ PoE Mr Stroud Appx I

⁴⁴ PoE Mr Stroud Appx H

constrained by its limited frequency. Services 461 and 462 are also limited in their frequency to Hadleigh and Stowmarket. These services do not run on Wednesdays or at weekends. Their value as an alternative for shopping trips compared to the opportunities afforded by the car is extremely limited.

68. Although the Undertaking includes provision for a new bus shelter and stop within 100metres of the entrance to the appeal site this measure alone cannot alter my view that travel by bus from the site would not represent a genuine choice of transport.
69. During the Inquiry the appellant submitted details of several planning decisions where development has been permitted within Great Bricett including the phased development of the Wixfield caravan park⁴⁵ and Pound Hill cottage⁴⁶. Given the age of these and the fact that they are for limited development I do not regard these as demonstrating that the appeal site's location offers a genuine choice of transport modes which contrast with its position for this appeal.
70. Reference was made by both main parties to the expired outline permission for 51 dwellings⁴⁷. I do not however, accept the appellant's position⁴⁸ that this represents a 'fall back' position and is material to my determination of this appeal given its expiration following withdrawal of the reserved matters application.
71. Furthermore, whilst the appellant raised concerns in how the officer's recommendations changed in successive drafts of the Committee report in respect of the application which has led to this appeal it is not my role to question the processes which led to this situation.
72. The appeal scheme before me is major development and falls within Paragraph 105 of the Framework which requires that significant development should be focussed on locations which are or can be made sustainable. Even allowing for the acknowledgement that transport solutions will invariably differ between urban and rural locations the measures included in the Undertaking would not significantly alter the current situation.
73. In line with Policy CS1, provision for local housing can be made outside the main settlements where it serves local needs. The evidence from the Council⁴⁹ indicates that local housing needs are extremely small and that the Council's rate of delivery is close to achieving that required to meeting demand for affordable housing. A major development of a scale anticipated by the appeal scheme is unnecessary to address local needs.
74. Outside settlements within the hierarchy Policy CS2 restricts the categories of development. Policy H7 is consistent with these policies and would prevent housing development unrelated to the needs of the countryside. These policies are supported by FC1 and FC1.1 of the Core Strategy Focussed Review.
75. Genuine transport choice requires a qualitative assessment of issues such as journey times, convenience, reliability and frequency for each mode of transport. The appeal site's location would not allow genuine modal choice

⁴⁵ ID11

⁴⁶ ID2

⁴⁷ Reference DC/21/06987

⁴⁸ Mr Laister PoE

⁴⁹ Mr Roberts PoE

other than by private transport. It is for this reason that I conclude that the location of the appeal scheme conflicts with Policies CS1, CS2, FC1, FC1.1 and H7 of the Development Plan.

Planning balance and conclusions

76. The policies of the Development Plan are included in 3 planning documents, the 'Saved' policies of the Mid Suffolk Local Plan 1998, the Core Strategy 2008 and the Core Strategy Focussed Review 2012.
77. Both parties agree that for the purposes of this appeal the most important policies are saved policies H4 and H7, policies CS1, CS2, FC1 and FC1.1⁵⁰.
78. However, the parties differ on the weight which they suggest I should afford them given their degree of consistency with the Framework. Whilst the Council has a policy compliant amount of housing land, the appellant deems the policies out of date due to their inconsistency with those policies in the Framework and draws on a range of appeal decisions from my Inspector colleagues to support this view. For these reasons, they consider only limited weight should be attached to them.
79. I acknowledge that Paragraph 219 of the Framework requires that due weight is given to policies despite their age and their adoption before the Framework.
80. Policies CS1 and CS2 are clear in their presumption that development should be directed towards the settlement hierarchy. Justification for the hierarchy is consistent with the principles which underpin the Framework. However, the effect of CS1 is to place all settlements not included in the hierarchy as falling in the countryside. This is acknowledged in supporting text to Policy CS2, which requires the protection of the countryside for its own sake. Policy H7 is consistent with these policies and seeks to resist housing outside settlement boundaries.
81. The requirement to resist housing in the countryside for its own sake runs counter to the essential thrust of Paragraph 174 of the Framework. Whilst the Council indicates that the word 'protection' is consistent with Paragraph 174b) which seeks recognition of the countryside's intrinsic beauty, I consider that this represents an over reading of the policy. For this reason, I regard these policies as out of date.
82. In contrast Policies FC1 and FC1.1 restate the principles of the Framework in respect of the location of development. The appellant does not regard these policies as out of date⁵¹. These policies are set within the Framework's (2012) core principles which have remained consistent in successive drafts. They do not specify locations where development cannot be located but express requirements that development should be sustainably located consistent with the Framework. I accord significant weight to the conflict between them and the appeal scheme.
83. Paragraphs 78 and 79 of the Framework encourage rural development which supports the sustainability of local communities. However, it is unclear how the appeal scheme could support local communities. Whilst the proposed shop may encourage visits from local communities and in turn the scheme's residents

⁵⁰ Statement of Common Ground Section 3

⁵¹ Mr Laister xx

may visit other settlements to access services, the site's location determines that journeys would only be realistically achieved by car.

84. Policy H4 requires the inclusion of up to 35% affordable housing within development schemes but is silent on the need for off site contributions. I consider that the requirement for affordable housing is broadly consistent with Paragraph 63 of the Framework despite the omission of references to off site contributions. For these reasons, I accord moderate weight to the conflict between the appeal scheme and this policy.
85. Both parties have referred me to a recent court case⁵² regarding the weight required to be applied to the Wavendon⁵³ basket of policies. I find that a rounded judgement is required balancing the appeal scheme against the essential thrust and intent of policies. For these reasons, whilst I accept that Policies CS1, CS2 and H7 are out of date I find that Policies FC1 and FC1.1 and H4 are consistent with it and for this reason I place considerable weight on the appeal's schemes conflict with them. Their purpose, to resist major development in locations away from existing settlements required to avoid an over reliance on private transport is consistent with the Framework's underlying principles.
86. I have considered the appeal decisions⁵⁴ of my Inspector colleagues referred to by the appellant in respect of the most important policies in this appeal. Whilst I am not bound by their findings and do not have the full details of each case before me their conclusions on the policies relevant to this decision provide a mixed picture.
87. Whilst the decision in the appeal at Harleston recognises that Policies CS1, CS2 and H7 are out of date, the Inspector dismissed the appeal on the basis of conflict with Policies FC1 and FC1.1. In the Yaxley appeal the Inspector, whilst recognising that the same policies were out of date, concluded that they reflect the approach at Paragraph 170b) regarding the protection of the intrinsic character and beauty of the countryside. A similar approach was taken in the Poplar Hill decision where the tilted balance was not applied.
88. In the case of the appeal at Stradbroke, the basket of policies would appear to have included just the Policies, CS1, CS2 and H7 which were considered as out of date. This also reflects the conclusion of the Inspector in the appeal at Stonham Aspal.
89. These decisions reflect the balanced approach to decision making against the basket of policies included in the Development Plan. In my assessment in relation to the basket of the most important policies I am satisfied that overall they are consistent with the Framework's strategic intent included in paragraphs 7 and 8.
90. I recognise the benefits of the appeal scheme in that 69 dwellings will be created in line with the Governments drive to increase the housing supply. In turn this could release pressure on the existing stock. However, these measures do not outweigh the issues arising from the appeal scheme given its location which does not offer a genuine choice of transport modes and an

⁵² R(Evans) v Mid Suffolk [2021] EWHC 511

⁵³ *Wavendon Properties Ltd v SSHCLG and Milton Keynes Council* [2019] EWHC 1524 (Admin)

⁵⁴ Mr Laister PoE Appx 32

unjustified contribution for affordable housing which is not supported by evidence.

91. I find that the appellants suggested figure £200,000 is not supported by evidence and in the light of the development appraisal reflects an inappropriate contribution for affordable housing contrary to Paragraph 63a) of the Framework. However, even if I were persuaded by the appellant's evidence on this main issue, this would not outweigh the harm which would arise from the location of the proposed development.
92. Overall, I conclude that the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development does not benefit from the Framework's presumption in favour of sustainable development.
93. Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ground KC

He called

Mr S. Cook RICS

Mr A. Roberts Assoc

MRTPI, MIED

Mr S. Stroud MRTPI

Ms C Flittner LLB

Director Urba

Director Lambert Smith Hampton

Strategic Projects and Delivery Manager

Solicitor to the Council

FOR THE APPELLANT:

Mr Harwood KC

He called

Mr N. Bignall RICS

Mr D. Bentley RICS

Mr N. Laister MRTPI

Associate Turner Morum

Director of Cost Management at RPS

Managing Director of Laister Planning Ltd

INTERESTED PERSONS:

Mr C Payne

Ms J Shawe-Taylor

Cllr Dan Pratt

Chairman of Ringshall Parish Council

Resident

Ward Member

List of documents presented during the Inquiry

ID1	Appellant's openings
ID2	Officer's delegated report - planning application DC/21/02820
ID3	Extract from the emerging Joint Local Plan
ID4	Statement of Mr Christopher Payne, Chairman Ringshall Parish Council
ID5	Statement of Ms Julia Shawe-Taylor, Resident
ID6	HM Land Registry extract confirming sale
ID7	Addendum to App2 of Mr Bignall's Evidence revised
ID8	Correspondence between PINS and the Council on the Joint Emerging Local Plan
ID9	Note of Ground source heat pump
ID10	Revised table of finance comparing the parties figures
ID11	Permissions at Wixfield Residential caravan park
ID12	Site visit itinerary and map
ID13	Final draft of Unilateral Undertaking, 22 September 2022
ID14	Mid Suffolk DC CIL Compliance Statement
ID15	Council's closing
ID16	Appellants closings