



Appeal Decision

Site visit made on 10 January 2024

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2024

Appeal Ref: APP/W3520/W/23/3325966

Land at Haggars Mead, Earl Stonham, Suffolk IP14 5JA

- 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 Orwell Housing & Porch Builders against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/04859 was refused by notice dated 22 May 2023.
 - The development proposed is the erection of 10 dwellings including 6 affordable homes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline with details of access provided. All other matters are reserved for future approval. I have dealt with the appeal on this basis and have treated the submitted indicative layout plan as illustrative.
3. The Babergh and Mid Suffolk Joint Local Plan (JLP), Part 1 was adopted in November 2023. All policies within the Mid Suffolk Core Strategy Focused Review (2012), the Mid Suffolk Core Strategy (2008) and the Mid Suffolk Local Plan (1998), as referred to in the Council's decision, have been superseded by the JLP. Both the main parties had an opportunity to comment on this change in circumstance during the appeal.
4. As part of the adopted JLP, Policies SP09 and LP16 have been introduced and these policies seek contributions to increase Biodiversity Net Gain. The Council has advised that these requirements can be satisfied via condition, which the appellant has confirmed they are agreeable to.
5. A S106 planning obligation (dated 14 April 2022) has been agreed in relation to the delivery of affordable housing. However, whilst the Council advises that a legal agreement was being advanced in relation to infrastructure (school transport), no completed S106 agreement has been provided in relation to such matter. Therefore, this is a disputed matter for consideration as part of this appeal.
6. A revised National Planning Policy Framework (the Framework) was published in December 2023 and I have had regard to this in reaching my decision. The main parties were given opportunity to comment on the updated Framework.

Main Issues

7. The main issues are:

- the suitability of the site for the proposed residential development, having regard to development plan policies and the principles of sustainable development; and,
- whether a financial contribution towards school transport would be necessary to make the development acceptable.

Reasons

Site suitability

8. The appeal site comprises a field that lies outside any settlement boundary, and so is in the countryside for policy purposes. Additionally, the adjoining village, Forward Green, is regarded as a countryside village. Whilst there is existing housing adjacent to one side of the appeal site in Haggars Mead and Weylands Close, the site is bounded mainly by open fields to the north, east and north-west.
9. Part 1 of the JLP has recently been adopted after being found sound at examination, and therefore it follows that the most important policies within the development plan are consistent with national policy contained in the Framework. The appellant does not challenge that the Council's statement that, as of December 2022, it was able to demonstrate a 10.88 year supply of deliverable housing sites. Therefore, the presumption in favour of sustainable development in paragraph 11 (d) of the Framework is not engaged.
10. Policy SP03 of the JLP sets out that development will normally only be permitted where the site is allocated for development; or, in accordance with a made Neighbourhood Plan; or, in accordance with one of the policies listed in table 5; or, in accordance with paragraph 80 of the Framework.
11. Policy LP01 of the JLP is listed on table 5 and allows windfall infill housing development outside settlement boundaries, where there is a cluster of at least 10 well related dwellings, subject to compliance with certain criteria. Infill housing is defined in the footnote of Policy LP01 as a small undeveloped plot in an otherwise built-up highway frontage.
12. Whilst the appeal site is adjacent to housing of more than 10 units, the proposed development would not infill a gap between housing, in an otherwise built-up highway frontage. Rather, it would extend housing out into an open field beyond existing neighbouring house boundaries. Additionally, criterion c) of Policy LP01 refers to infill development as usually only one or two dwellings. Ten new dwellings would not be a small scale housing development and is more significant than one or two dwellings. Therefore, having regard to the scale of the proposed development and the appeal site context, the proposal would not constitute windfall infill housing.
13. The appeal site was previously indicated to be allocated in the emerging JLP however, site allocations were excluded from the adopted Part 1 of the JLP, with consideration of such deferred to Part 2 of the JLP. Therefore, the appeal site is not currently allocated for housing. Furthermore, whilst Forward Green

had a settlement boundary in the previous Mid Suffolk Local Plan, this plan has been superseded and the village no longer has a settlement boundary. In any case, from the evidence provided, the appeal site was outside the previous settlement boundary.

14. Also, from the evidence provided, the proposal is not for community-led housing, nor for rural exception site housing. The proposal is not supported by a viability assessment which convincingly demonstrates that the open market housing is the minimum necessary to cross-subsidise the affordable housing and it would include more than the maximum permissible 35% open market housing in any event. Therefore, the proposal does not satisfy the criteria of Policy LP07 of the JLP in this regard.
15. Forward Green has little in the way of services. There are no notable services within walking and cycling distance and, although there is a bus stop within walking distance, there are a limited number of bus services each day. As such, the site is not well served by a frequent bus service into larger towns, where there are services and facilities. Whilst acknowledging that the proposal is not a significant development, and that Mid Suffolk as a whole, is poorly served by public transport, the proposed housing would be in an inappropriate location within the countryside. It is likely residents of the proposed development would be reliant on private modes of transport, due to limited public transport options nearby.
16. In view of the above, the proposed residential development would not be in a suitable location, having regard to the policies contained in the JLP and the principles of sustainable development. Therefore, the proposal would conflict with Policies LP01 and SP03 of the JLP, insofar as Policy SP03 promotes housing in sustainable locations and the proposal would not be windfall infill housing, as defined in the footnote of Policy LP01.

Adequate infrastructure

17. There is no school within Forward Green, therefore, it is likely that school transport would be required for any children living within the proposed development, to avoid over-reliance on private modes of transport.
18. Whilst education provision is identified by Suffolk County Council as being included within Community Infrastructure Levy, contributions for school transport would need to be secured via a S106 agreement. I acknowledge the figures and request made by Suffolk County Council in this regard, although I have not been provided with any substantive evidence in relation to the requirement or amounts for a school transport contribution, including whether there are any policies within the adopted JLP that relate to such. Therefore, it has not been demonstrated that a contribution is necessary to make the development acceptable.
19. Consequently, in view of the above, a planning obligation seeking a school transport contribution would not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and, fails the tests for planning obligations set out in paragraph 57 of the Framework. Therefore, I find that a financial contribution towards school transport would not be necessary to make the development acceptable.

Other Considerations

20. Policy SP03 of the JLP notes that settlement boundaries will be reviewed, and if necessary revised, as part of the preparation of the Part 2 Plan. Whilst the appeal site was to be included in the emerging JLP, I have no substantive evidence to suggest the site will be included within a proposed settlement going forward or, that Part 2 of the Plan is at an advanced stage at this time. Therefore, I afford limited weight to this matter.
21. The proposal would provide work for local trades people during the construction of the development, although this would only be a short-term economic benefit. Also, whilst future residents of the development would likely use local facilities, I do not have any substantive evidence to show that this would help improve or sustain any local services within the village or in nearby villages. Therefore, I afford only moderate weight to these benefits.
22. The delivery of additional housing would be a positive benefit of the proposed scheme. Also, whilst the Council can demonstrate an undisputed housing land supply of 10.88 years, it is appreciated that this is not a ceiling figure. Furthermore, 6 affordable homes, equating to 60% of the proposed dwellings would be of social benefit. That said, I do not have any substantive evidence to demonstrate that there is a particular need for affordable housing within the district. Therefore, I afford only moderate weight to these benefits.
23. The proposed development would not be in an isolated location in the countryside, as it would be located adjacent to an existing housing. However, this would not overcome the conflict I have found with the development plan, as the proposal would not be infill housing nor meet other relevant criteria. Furthermore, whilst public transport is limited in the village, I appreciate that Policies SP03 and LP01 do not require that new housing development have access to sustainable modes of transport. I therefore afford limited weight to this matter.

Planning Balance and Conclusion

24. Whilst I have found that a contribution towards school transport is not necessary, the site would not be in a suitable location for housing development. The benefits of the proposal, including housing delivery and the provision of affordable housing, would not outweigh the harm I have identified. I conclude that the proposed development would conflict with the development plan taken as a whole. Material considerations, including the National Planning Policy Framework, do not indicate that the appeal should be determined other than in accordance with the development plan.
25. For the reasons given above, the appeal should be dismissed.

C Billings
INSPECTOR