
Appeal Decision

Site visit made on 5 December 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/X3540/W/23/3330089

Land off Ipswich Road, Brightwell, Ipswich IP10 0BJ

- 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 Mrs L Hilden against the decision of East Suffolk Council.
 - The application Ref DC/21/2391/FUL, dated 14 May 2021, was refused by notice dated 5 April 2023.
 - The development proposed is change of use of land for siting of 31 no. static units and 12 touring pitches and ancillary facilities - re-submission DC/20/5102/FUL.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal includes wording that is not a description of development. The description should therefore read 'change of use of land for siting of 31 no. static units and 12 touring pitches and ancillary facilities'. I have considered the proposal on this basis and have been provided with the planning history of the site.

Main Issues

3. The first main issue is whether there would be acceptable pedestrian connectivity to Brightwell Lakes. The second main issue is the effect of the proposal on nearby European Sites and the Newbourne Springs Site of Special Scientific Interest (SSSI). The third main issue is whether adequate foul water treatment and disposal would be provided to serve the development.

Reasons

Connectivity

4. The appeal site is set within the countryside to the south of Ipswich Road. The developed area of Martlesham Heath sits to the north-west, whilst the village of Waldringfield which is set on the banks of the River Deben is further east.
5. To the north is Brightwell Lakes. The evidence indicates that this is a significantly sized development which will eventually include 2000 homes alongside retail, recreation, and public transport facilities. Construction at Brightwell Lakes appeared to be in progress at the time of my site visit.
6. As that development progresses, if walking from the appeal site, Brightwell Lakes would appear to be a natural destination for those walking from the site

to access services and facilities with the above services likely to be useful for those utilising the site.

7. The Transport Technical Note¹ (TTN) forecasts the pedestrian trip generation of the site as being 44 trips a day (22 in/22 out) during the peak holiday season, which is not an insignificant number.
8. I do not have any concerns about pedestrian safety along the site access track where vehicle speeds are likely to be low. However, were pedestrians to access Brightwell Lakes via Public Right of Way 8, to the north-east of the site on the other side of Ipswich Road, pedestrians would have to walk both along the top of a grass roadside verge as well as within the carriageway itself given that there are no footways.
9. If pedestrians were to use the access track and then head back westwards towards the western access route into Brightwell Lakes, they would have to again walk along the verge and within the carriageway. Even if using the cut through which would appear to be available at the western end of the access track, pedestrians would have to take a rather secluded route on pathways through the shrubs. They would then have to pass through woodland that bounds either side of Ipswich Road as well as have to negotiate the sharp drop from the grass verges on Ipswich Road into and out of the carriageway.
10. Even were the speed limit on Ipswich Road to reduce to 40mph as the evidence indicates that it will do as part of arrangements associated with the Brightwell Lakes development, the pedestrian arrangements would be likely to cause substantial harm to pedestrian safety, particularly during the darker and colder months when light would be limited and the ground conditions more uncertain.
11. Whilst I note the lack of accidents in the area and recorded vehicle speeds, it cannot be taken as a given that visitors would be equipped with appropriate footwear and headtorches or that pedestrian trips would be carried out in groups or indeed that children would always be accompanied by an adult.
12. There are no firm details on how the arrangement could be improved upon. Any prospective improvements are not a matter that I could condition given that I cannot be sure that such a condition would be reasonable in all other respects having regard to matters which could include cost or ownership.
13. I conclude therefore that the proposal makes insufficient provision for pedestrian links to the Brightwell Lakes development. This restrains the sustainability of the proposal and would be likely to encourage travel to or from the site by private car due to the lack of a safe arrangement to foster pedestrian trips between the site and Brightwell Lakes.
14. The proposal would therefore conflict with Policy SCLP7.1 of the Suffolk Coastal Local Plan (2020) (SCLP). This policy relates to sustainable development and amongst other things states that proposals should be designed from the outset to incorporate measures that will encourage people to travel using non-car modes to access services and facilities. It requires amongst other things that all available opportunities to enable and support travel on foot and by public transport have been considered and taken.

¹ Transport Technical Note (TTN) 1 - Revision 01 September 2023, Proposed 43 Unit Caravan Park on Land at Ipswich Road, Brightwell: Appeal – Tetra Tech.

Impact on European Sites & SSSI

15. The site is located within the protection zone of European Sites which include a range of SPA, SAC and Ramsar's. Those sites support a range of habitats which in turn support a range of species.
16. The proposal would involve new accommodation within proximity to the sites and could therefore result in impacts on the designated sites arising from increased recreational disturbance. An impact pathway is therefore present.
17. Therefore, adopting the precautionary principle, and in the absence of any evidence to the contrary, I consider that as a result of the proposal, likely significant effects on the protected habitats sites cannot be ruled out.
18. I am therefore required to carry out an appropriate assessment. Increases in recreational pressure would be likely to have a detrimental impact on wildlife populations present as a result of disturbance to habitat. As such, the favourable conservation status of the species present would not be likely to be maintained. The development would be likely to have a detrimental impact on the delivery of the sites objectives, adversely affecting their integrity.
19. However, there is a Recreational Disturbance Avoidance and Mitigation Strategy in place under which appellants pay into a mitigation scheme relating to such potential impacts.
20. However, regardless of the apparent lack of consensus over the exact payment due, no payment appears to have been made. It is also the case that neither a unilateral undertaking nor a S106 agreement which are possible mechanisms for securing such a payment as outlined within the SPD² are before me. No alternative mitigation in this respect is suggested. I cannot therefore conclude that the proposal would not have an adverse effect on the integrity of the European Sites.
21. The appellants HRA³ identified that shorter circular walking routes from the appeal site, such as one taking in Newbourne Springs SSSI, are most likely to come under increased pressure from the proposed development.
22. They note that the current condition of interlinking paths through the SSSI are poor and mitigation measures currently being undertaken, such as the roping off of eroded sections of path demonstrates that current visitor numbers to the site have the potential to cause damage to the site, albeit with a strong seasonal bias. The report advises that mitigation to reduce visitor numbers to a minimum is recommended, while improvements to existing pathways within Newbourne Springs SSSI would be desirable.
23. Various on site mitigation measures are recommended to help mitigate potential recreational impacts. Whilst many of those measures appear to be achievable, such as improving paths, there appears to be no mechanism before me to control matters such as keeping dogs on leads and nothing to clearly detail whether services have or would be increased on site to keep residents on site for longer. Given that this is the case, the proposal could therefore result in substantial harm to the SSSI.

² Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document Para 32.

³ Habitats Regulations Assessment (HRA) at Foxburrow Farm, Brightwell, Suffolk, IP10 0BJ – Abrehart Ecology February 2021.

24. The proposal would therefore conflict with policies SCLP10.1 and SCLP10.2 of the SCLP which amongst other things state that any proposal that adversely affects a European Site or causes significant harm to a Site of Special Scientific Interest, will not normally be granted permission.

Drainage

25. The foul water drainage arrangements would entail foul water from the units be discharging to a septic tank. This would then be collected and removed off-site via a company who appear to have expertise in undertaking such a job via tankers to be transferred to a licensed waste facility. This situation appears to have been arrived at as a connection to foul water sewers cannot be practically and cost effectively achieved at the site.
26. Surface and foul water would be in separate systems and an overflow tank would be provided to reduce the risk of spillage. Regardless of the levels of flow, both cesspools would be fitted with alarms and these matters could be secured via condition were I minded to allow the appeal. There is nothing to indicate that the tanker trips would be so costly and unsustainable that they could not provide a solution to the issue.
27. There would therefore be no conflict with policies SCLP9.7, SCLP3.5 or SCLP 10.3 which require amongst other things that development is served with adequate infrastructure, that development proposals will be expected to protect the quality of the environment and to minimise and, where possible, reduce all forms of pollution and contamination. There is a requirement that adequate foul water treatment can be provided in time to serve the development. Development proposals will be expected to protect the quality of the environment.

Other Matters

28. There is nothing within the evidence which enables me to conclude that the additional visitor numbers to Brightwell Lakes associated with this proposal would have any significant adverse impact on the SANG to be provided within that development which would then cause users of that SANG to seek alternative locations for recreation elsewhere within the area.
29. My attention has been drawn to two nearby planning approvals at Waldringfield (Ref DC/22/1117/FUL) and Newbourne (Ref C/13/1075). The location of the site at Waldringfield is different, the site to which that application relates being located directly adjacent to the village. Regardless of the position with footways, pedestrians would be expected within the body of such a village where the evidence indicates a 30mph speed limit. The scale of the site at Newbourne is not clear, meaning that it is difficult for me to draw comparisons to the scheme before me. I therefore afford these matters limited weight.
30. I note that the highways authority has not objected to the proposal but have had to consider the evidence before me and informed by a site visit to explore the routes detailed within the TTN.
31. The proposal would add to the local tourism offering and would benefit the local economy and provide enjoyment to visitors. I afford this matter significant weight.

Planning Balance and Conclusion

32. There would be benefits to the scheme including the provision of tourist accommodation which would benefit the local economy. The benefits would not however outweigh the harm identified with regard to the connectivity and therefore sustainability of the proposal or adverse impacts on the European Sites and the SSSI. I afford these matters substantial weight.
33. There are no other material considerations including the Framework⁴ to indicate that the decision should be made otherwise than in accordance with the development plan with which the proposal would conflict. I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR

⁴ National Planning Policy Framework 2024.