



Appeal Decisions

Site visit made on 8 April 2025

by **Philip Mileham BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/W3520/W/24/3355606

Willisham Hall, Willisham Hall Road, Willisham IPSWICH, Suffolk, IP8 4SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Herin Property Investments LLP against the decision of Mid Suffolk District Council.
 - The application Ref DC/24/01221 sought approval of details pursuant to conditions Nos 3, 5, 13, 18 and 22 of a planning permission Ref DC/20/02426 granted on 01 April 2021.
 - The application was refused by notice dated 3 June 2024.
 - The development proposed is the erection of 11 no dwellings, commercial B1 (office) space, A1/A3 farm shop/cafe, new vehicular access, new footpath, play area and associated parking, landscaping and attenuation basin.
 - The details for which approval is sought are Condition 3 (Phasing of Development Plan), Condition 5 (External Materials), Condition 13 (Surface Water Management Scheme), Condition 18 (Landscaping Scheme) and Condition 22 (Parking and Turning Areas).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to the discharge of a number of conditions imposed by the Council on the original outline planning permission referred to in the banner heading above. The appeal has been made on the grounds that the appellant's application for the discharge of conditions 3, 5, 13, 18 and 22 was partially refused. The Council issued a split decision which refused the discharge of conditions 3, 5, 13, and 18. The discharge of condition 22 relating to details of the parking and turning areas was approved. As a result, my decision only relates to the four conditions which remain in dispute.
3. An appeal has also been made against the Council's refusal to approve the remaining Reserved Matters of the same outline planning permission. However, in the interests of legibility, this has been considered in a separate decision¹.
4. The appellant has submitted revisions to the scheme since the appeal was lodged. These revisions include amendments to affordable housing materials, the layout of car parking for the affordable units and commercial units, the internal layout of dwellings, and revisions to the landscaping scheme and are referred to in the evidence as 'Scheme B'. Whilst I note the appellant has subjected the revisions in Scheme B to consultation, I nonetheless consider that they would cumulatively

¹ APP/W3520/W/24/3355611

result in more substantive changes to the scheme. As a result, these are not accepted, and I have determined this appeal on the basis of the plans which were before the Council at the time of determination.

5. Along with the revised Scheme B, the appellant has also submitted other accompanying documents, including a revised phasing statement (referred to as Phasing Statement Rev. A). Although not included within the phasing statement Rev. A, a phasing plan to accompany it has been included within the Construction Surface Water Management Plan Second Issue dated October 2024. However, as these documents relate to Scheme B, which I have not accepted, I have therefore not taken these into account in my decision.
6. Representations from the Lead Local Flood Authority indicate that the concerns previously raised regarding compliance with condition 13 could be addressed through the amendments put forward on 23 December 2024. However, as set out above, the revised scheme is not accepted and my decision is based on the scheme determined by the Council.
7. The Council has approved a variation to the originally approved site plans agreed as part of the outline planning permission (ref DC/23/05844) in January 2024. As such, plans referenced 'Illustrative Site Plan 22 200-100 Rev B, and Illustrative Large Scale Site Plan 22 200-100 Rev B' form the basis of the approved site layout.
8. The Council has also drawn my attention to a recently approved non-material amendment to the scheme (Local Authority reference DC/24/05555) granted on 16 January 2025 which resolves an error in the approved drawings, but also amends the trigger for when the discharge of conditions 5, 13, and 22 could be made. The Council refused to amend the triggers for conditions 18 and 22 in respect of landscaping and parking and turning areas. Notwithstanding this, I have determined the appeal before me based on original refusal to discharge conditions. Whilst other parties may consider certain matters can best be dealt with prior to the commencement of the development, this is not a matter for my decision.

Main Issues

9. The main issues are:
 - The effect of the proposed phasing scheme on the orderly construction of the approved development;
 - The effect of the proposed materials on the appearance of the approved development;
 - Whether the proposed surface water management scheme would accord with the requirements of the approved development; and
 - the effect of the proposed landscaping scheme on the character and appearance of the approved development.

Reasons

Phasing

10. The development was approved subject to condition 3 which requires a phasing scheme for the development. The reason stated on the Council's decision for the condition being imposed was to ensure an orderly and well-designed development ensuring minimal detriment to residential amenity, the environment and highway safety.
11. The appellant's submitted phasing statement dated February 2024 sets out four proposed phases for the development. The phasing statement identifies the phasing of the residential and commercial units. However, the statement does not set out when the play area and footpath to connect to the existing settlement would be provided. Whilst the appellant considers the phasing condition only applies to the residential and commercial elements of scheme, the footpaths are a clear part of the scheme as set out in the description of development. The footpath along with other matters such as the drainage attenuation basin which are not clearly identified in the phasing statement are necessary to address how all aspects of the scheme would come forward for development. As such, their absence does not provide sufficient demonstration that the development would take place in an orderly manner.
12. The appellant considers that a condition could be imposed on the Reserved Matters to secure the timing of delivery of the access point and footway. However, these matters fall outside of the remaining Reserved Matters which are also the subject of a separate appeal. As these matters have been addressed by the outline permission it would not be appropriate for them to be resolved by the imposition of a further condition.
13. The submitted phasing statement shows the proposed office and farm shop/ café would fall within the final phase of the scheme. Concerns have been raised that the commercial element would not be delivered first. However, there is nothing in the wording of Condition 3 which requires the commercial units to come forward first, only that a phasing scheme is required and the percentage of occupation of residential dwellings before further phases can be commenced. As a result, I find that the proposed phasing of the commercial units in phase 4 would not conflict with the condition.
14. The absence of a phasing plan provided alongside the phasing statement would also result in ambiguity as to which dwellings or other elements of the scheme would be completed in each of the described four phases. This provides insufficient specificity to future occupiers as what will come forward on the site and by when. As a result, there would not be sufficient clarity to ensure there would not be detriment to the living conditions of future occupiers.
15. The phasing statement also fails to show when the drainage basin or play area would be provided. In the absence of a phasing plan, adverse effects could arise to the living conditions of future occupiers if the development were to be fully occupied without these being provided in a timely manner. I find that the proposed phasing statement would not provide sufficient certainty to guide the orderly development of the site. Consequently, it would fail to accord with the requirements of condition 3 as set out above.

16. In light of the above, I conclude that the proposed phasing scheme would not ensure the orderly construction of the approved development. It would therefore fail to accord with paragraph 96(b) of the Framework which requires planning decisions to achieve healthy, inclusive and safe places which are accessible.

Materials

17. Condition 5 requires the submission of details in relation to the proposed materials for the approved scheme. The appeal site is located in a rural area and from my site visit, I observed some examples of nearby dwellings with differing external finishes including red brick as well as brick plinths with black weatherboarding above. These external finishes provide a distinctive appearance which makes a strong positive contribution to the rural character of the area.
18. The brick type proposed to be used in the scheme is described on the submitted plans as Hampton Rural Blend which would have a red multi-coloured finish. However, the architectural style of the residential dwellings and commercial buildings reflect the abovementioned local character, utilising brick plinth and weatherboarding. The multi-coloured finish of the Hampton Rural Blend would introduce an unacceptable tonal variation to the facing brick. As a result, it would fail to accord with the prevailing more muted red-brick tones of other buildings in the area.
19. The proposed boarding for residential plots 1-7, and commercial units A-F are referred to on the plans as 'black boarding'. However, no precise details have been supplied as to the type of boarding to be used. Concerns have been raised that the lack of specificity may result in an inappropriate form of cladding being used such as 'hardi plank' which could have a shinier appearance. This could result in a more uniform appearance than the traditional rural buildings found in the area which utilise timber weatherboarding. As the black cladding is such a significant part of the facing material for the whole development, I find that there is insufficient certainty that the proposed cladding material would not result in harm to the appearance of the approved scheme.
20. In light of the above, I conclude that the proposed materials would result in harm to the appearance of the approved development. They would fail to accord with Policy LP24 of the JLP which states that development proposals shall, amongst other things, be compatible with its location and appropriate in terms of materials in relation to the surrounding area.
21. The proposal would fail to accord with paragraphs 135 and 140 of the Framework which state, amongst other things, that developments will function well and add to the overall quality of the area, and that relevant planning conditions are clear about the approved use of materials.

Surface water management scheme

22. Condition 13 requires a surface water drainage scheme to be submitted concurrently with the first reserved matters application for the permission. A construction surface water management scheme (CSWMS) has been submitted with the appeal.
23. Criteria c) and d) of condition 13 require details of infiltration including hydraulic calculations to demonstrate runoff will be restricted to Qbar or 2 litres per second

per hectare (2l/s/ha) and modelling to show how the features will contain the 1 in 100 year flood event. Concerns had been raised that the Cv value has not been confirmed nor whether an appropriate allowance has been made for urban creep. However, the appellant has confirmed that the Cv value of 1.0 and 10% urban creep has been adopted which is set out in Appendix A of the CSWMS. As such, there is no conflict in this regard.

24. Condition 13(h) sets out a number of further details required to be addressed by the CSWMS including how surface and storm water will be managed on site during construction, along with details of temporary drainage systems, measures for managing pollution/water quality as well as details of maintenance, measures for managing any offsite flood risk associated with construction and the management of the surface water drainage scheme. There is no clear evidence that these details have been provided as part of the appeal scheme. As a result, I find that these requirements of the condition have not been met.
25. In addition to the above, table 5.1 of the CSWMS does not contain any actions or responsible persons or organisations against each of the flood alert levels. No explanation has been provided in the submitted evidence to indicate whether this is necessary to be completed and if not, why it is not.
26. The CSWMS sets out a range of measures in section 5.3 relating to good site practice, which provides details of construction management. However, there is no specific detail to address maintenance or remediation within the submitted scheme as required by Condition 13(j). Whilst a phasing plan has been submitted, there is no clear evidence in the CSWMS that any required consents have been identified, emergency control measures identified. As a result, the requirements of the condition have not been met in this regard.
27. In conclusion, I find that the proposed surface water management scheme would not accord with the requirements of the approved development.

Landscaping

28. Condition 18 requires the approval of a scheme for hard and soft landscaping and boundary treatment for the site to be submitted concurrently with the Reserved Matters. I address the landscaping Reserved Matter in a separate decision².
29. Concerns have been raised that a more diverse specification of trees is required. The submitted soft works plan shows a range of trees would be provided, including a selection of selected standard trees and fruit trees. Whilst the proposal includes a range of trees, there would be a predominance of fruit trees, particularly along the boundaries of the dwellings which would be located in the southern extent of the site. As a result, the proposed soft landscaping would appear overly regular in its approach to tree species and thereby fail to provide an acceptable level of variation across the site.
30. In addition to the above, condition 18 also requires the identification of all existing trees, shrubs and hedgerows on site together with measures for their protection. The condition also requires details of tree pits for the different planting environments. There is no clear evidence before me that the submitted scheme

² Appeal decision reference APP/W3520/W/24/3355611

has included such details. As a result, the proposal would fail to accord with condition 18 in this regard.

31. The proposed landscaping would have a predominance of hard landscaping particularly in the part of the site to the rear of the commercial units. This would result in a stark appearance with very little planting or other features to break up the uniformity of the surfacing.
32. The landscaping scheme provides details of treatments between private gardens and the public realm within the scheme. Plot 11 would have a close board fence with a native hedge along its boundary with commercial unit F. Concerns have been raised that the boundaries of plots 1 and 11 should include a solid wall. However, the proposed close board fencing along the boundary of plot 11 would provide sufficient privacy whilst the native hedge would take time to establish.
33. The submitted plans show that residential plot 1 would have a small planting bed adjacent the post and rail fence which separates it from the parking area of commercial units A-C. Plot 1 would also have a post and rail fence along its front boundary, which, combined with the minimal proposed soft landscaping would offer limited privacy to the front area of plot 1. The scale of the proposed planting bed would also provide limited visual interest in a part of the site where there would be a predominance of paving to the rear of the commercial units.
34. In light of the above, the proposed landscaping scheme would result in harm to the character and appearance of the approved development. It would therefore fail to accord with Policies SP09 and LP17 of the Babergh and Mid Suffolk Joint Local Plan (the JLP) which require development to contribute to networks of green infrastructure including landscape and integrate with the existing landscape character of the area and reinforce local distinctiveness and the identity of individual settlements.
35. The proposal would also fail to accord with paragraphs 136 and 187 of the Framework which respectively seek to ensure that new streets are tree lined and that opportunities are taken to incorporate trees elsewhere in developments, and contribute to and enhance the natural and local environment.

Other Matters

36. Suffolk County Council has indicated that conditions are required in respect of highway access matters. However, as access is not one of the Reserved Matters, these were considered as part of the outline planning permission. Furthermore, as I am dismissing this appeal for other reasons, it is not necessary for me to address these points further in my decision.

Conclusion

37. The Council has not set out any relevant policies of the Development Plan in its decision to refuse the Discharge of Conditions, albeit policies SP09, LP17 and LP24 of the JLP have been referred to in their appeal statement.
38. I find that the proposals in respect of conditions 3, 5, 13 and 18 would fail to accord with these policies for the reasons set out above. They would therefore fail to accord with the Development Plan when read as a whole.

39. In light of my findings above in respect of the Development Plan and the conflict with the Framework, there are no other considerations that would outweigh this conflict. As a result, I conclude that conditions 3, 5, 13 and 18 should not be discharged.

40. Therefore, the appeal is dismissed.

Philip Mileham

INSPECTOR