



Appeal Decision

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/24/3355611

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/24/01057 sought approval of details pursuant to conditions No 2 of a planning permission Ref DC/20/02426, granted on 1 April 2021.
 - The application was refused by notice dated 31 May 2024.
 - The development proposed is described as an application for approval of all appearance/ design and layout matters in relation to outline consent DC/20/02426.
 - The details for which approval is sought are: Appearance, Landscaping and Layout.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to the refusal of Reserved Matters relating to appearance, landscaping and layout for the outline planning permission referenced in the heading above. A separate appeal has also been submitted in relation to the refusal to discharge a number of conditions on the same site which, in the interests of legibility, is subject to a separate decision¹.
3. The description of the proposal differs between the Council's decision notice and the original application form. For the purposes of my decision, I have taken the description from the application form.
4. A signed Unilateral Undertaking made under Section 106 of the Town and Country Planning Act (1990), as amended has been submitted along with the appeal. This would secure a contribution of £10,000 towards the making of a Traffic Regulation Order to extend the 40 miles per hour speed limit and an accompanying monitoring fee.
5. The appellant has submitted further revisions to the appeal under 'Scheme B' as part of this appeal. These include revised plans showing amendments to affordable housing materials, the layout of car parking for the affordable housing units and commercial units, the internal layout of dwellings, and revisions to the landscaping scheme. There is disagreement between the parties as to whether the amendments submitted in Scheme B would amount to substantial changes to the

¹ APP/W3520/W/24/3355606

submitted scheme. Whilst the appellant has subjected these revisions to consultation, cumulatively, in my judgement they would amount to substantial changes to the scheme. However, even if had not found they were substantially altering the scheme, the appeal process is not an opportunity to iterate the proposal. As a result, the amended plans are not accepted and I have determined the appeal on the basis of the scheme as originally submitted to the Council.

6. In addition, the Council has approved a variation to the originally approved site plan agreed as part of the outline planning permission (Local Authority Reference DC/23/05844). As such, drawing reference 'Illustrative Site Plan 22 200 – 100 Rev B' now forms the basis of the site layout for the site and I have had regard to this in my decision.

Main Issues

7. Having regard to the above, the main issues are:
 - The effect of the proposal on the character and appearance of the area having regard to the appearance of the proposed affordable housing units, and on the proposed landscaping scheme;
 - Whether the proposed residential dwellings would accord with adopted policies relating to accessibility and adaptability; and
 - Whether the proposal would provide an appropriate housing mix.

Reasons

Character and appearance

8. The appeal site is located in a rural area although there are a small number of nearby dwellings of a range of styles. On the opposite side of the road, there two-storey properties which are finished with brick, as well as a property with black weatherboarding which would characteristic of the area. Other properties in the area are finished with traditional red brick with pantiles and set in spacious plots. Overall, the character of the area is distinctly rural with a traditional palette of colours and materials.
9. The submitted plans set out the details of materials for the proposed development. Plots 1-7 would be detached properties with external materials of facing brick plinths with black weatherboarding. However, the proposed affordable housing units (plots 8-11) would be semi-detached properties which the plans indicate would be solely finished with facing brick. Due to the lack of weatherboarding, the affordable housing units would appear distinctly different from the rest of the development in terms of their use of materials.
10. The appellant has indicated that many developments would typically have a mix of styles and materials, and that the affordable units were not deliberately designed to be different to the remainder of the scheme. However, the proposed commercial element of the scheme to the frontage of the site would also have weatherboarding. This would result in the affordable housing units being the only element of the scheme which would not include weatherboarding. I therefore find the contrast between the affordable units and the rest of the scheme would appear out of character. They would therefore appear incongruous and fail to achieve satisfactory integration with the wider scheme.

11. The proposed landscaping strategy as submitted comprises both hard and soft works. There is disagreement between the parties as to whether the landscaping proposals submitted would be comprehensive as they do not include details in relation to the proposed and approved footpath. Whilst the absence of these details could affect the compliance of the overall scheme with condition 1, this does not preclude me from considering the appeal proposals before me. Notwithstanding this, there is no clear evidence as to how the footpath would be treated.
12. The proposed soft landscaping would include the retention of the existing mature trees to the northern boundary of the site. Additional individual trees would be planted to the rear of plots 4-7 and 8-11, and further native hedgerows would provide some soft boundaries within the site. However, there would be limited soft landscaping within the centre of the scheme, particularly in proximity to the proposed access road within the site. The proposed scheme would fail to provide effective softening of the appearance of the large area of hard landscaping.
13. The submitted plans show the area of hardstanding to the rear of the commercial units (units A-F) on the site frontage would be surfaced with concrete block paving and hydropave permeable paving. Although two types of paving would be provided which would provide some variation, this part of the site would be dominated by hard landscaping and car parking with minimal soft landscaping. This would result in a stark and uncharacteristic visual appearance.
14. Whilst the mixed-use nature of the overall scheme necessitates adequate parking provision, I find the lack of soft landscaping to the rear of the commercial units would give rise to an unacceptably urban appearance in what is a rural site. The extent of the hard landscaping would also result in an unnecessarily hard transition between the commercial units and residential plots 1 and 11 which would be uncharacteristic of the area where nearby properties have more verdant boundaries.
15. The soft landscaping proposals make provision for a wet wildflower mix within the attenuation basin. However, the attenuation basin is located to the rear of the site and would only be viewable from plots 4-7. Therefore, whilst the wildflower mix would have a positive effect on landscaping in this part of the site, it would not adequately address the limited soft landscaping in the centre of the site where the majority of the public realm would be located.
16. The proposed hedgerows contain a mix of species as indicated on pages 68-70 of the appellant's statement. Whilst the hedgerow mix differs from that recommended by the Council, overall I find that the mix of hedgerow species would not be harmful. Notwithstanding this, the plans show more a limited mix of other individual trees within the centre of the site. In combination with the small areas of planting beds, the overall landscaping scheme would be insufficient to minimise the urban appearance of the hard landscaping.
17. In light of the above, I conclude that the proposal would result in harm to the character and appearance of the area having regard to the appearance of the proposed affordable housing units, and on the proposed landscaping scheme. It would therefore conflict with Policies SP02, SP09, LP7 and LP24 of the Babergh District Council and Mid Suffolk District Council Joint Local Plan (2023) ('the JLP') which state that affordable housing must be integrated within the development

where other types of housing are to be delivered, requires development to contribute to networks of green infrastructure including landscape.

18. It would also fail to accord with the adopted Housing Supplementary Planning Document (2024) (SPD) which states at paragraph 5.2.2 that equivalent size dwellings of different tenure types will be expected to appear the same within a design typology.
19. The proposal would also fail to accord with paragraph 135(b) of the National Planning Policy Framework ('the Framework') which seeks to ensure that developments are visually attractive, as a result of amongst other things, effective landscaping.

Accessibility and adaptability

20. Policy LP24(2)(l) of the JLP requires that 50% of all new dwellings in the area are built to the requirements of Part M4(2) of the Building Regulations regarding the accessibility and adaptability of new housing. The plans on which the Council determined the scheme or the submitted evidence do not include any demonstration that 50% of the proposed dwellings would meet the requirements of Part M4(2) of the Building Regulations. As a result, the proposal would not accord with Policy LP24 of the JLP.
21. The appellant considers at paragraph 6.2 of their statement that compliance with policy could be addressed without making material changes to the planning permission. However, there is no clear evidence before me to demonstrate how this might be achieved. As a result, there is insufficient certainty that this matter could be satisfactorily addressed through the imposition of a planning condition as there is no clear evidence this could be complied with.
22. In light of the above, I conclude that the proposed residential dwellings would not accord with adopted policies relating to accessibility and adaptability. It would therefore conflict with Policy LP24 of the JLP for the reasons set out above.
23. It would also fail to accord with paragraph 135(f) of the Framework which seeks to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Housing mix

24. The proposal would include three 2-bedroom, three 3-bedroom, two 4-bedroom and three 5-bedroom residential properties. The layout of the proposal has been set by the approved illustrative layout plans and the subsequent non-material amendment approval (Local Authority reference DC/23/05844).
25. There is disagreement between the parties whether housing mix can be controlled through reserved matters as scale and layout have not been approved by the amendment to the outline planning permission. However, the scale of the proposed dwellings has a relationship to the number of bedrooms which might be expected within each. Therefore, despite the absence of a specific condition on the outline permission requiring the mix to be agreed, it is nonetheless a matter which is capable of being addressed through the consideration of scale and layout.
26. The appeal proposal would provide a mix of differing housing sizes, although there would be limited variation in the proposed market housing with only 3,4 or 5-

bedroom properties shown. The Council's evidence taken from the Strategic Housing Market Assessment (SHMA) indicates the appeal scheme would result in a shortfall of one 1-bedroom dwelling, one 2-bedroom dwelling and an over-provision of two 4-bedroom and above properties. No clear evidence has been submitted by the appellant to indicate that the housing mix sought by the SHMA would not be appropriate. As a result, it would fail to provide an acceptable mix of properties to meet the identified need for housing as expressed in the SHMA.

27. I therefore conclude that the proposal would not provide an appropriate housing mix. It would thereby fail to accord with Policies SP01 and LP24 of the JLP which state that the mix of new housing should be informed by the relevant District needs assessment, or local housing needs surveys, and where development fails to where possible, improve the quality and character of an area will not be supported.

28. Other Matters

29. Suffolk County Council has suggested a number of conditions in respect of the proposal relating to highway matters including suggesting the need for the imposition of further conditions. The submitted Unilateral Undertaking also seeks to address highway matters. However, although these do not relate to the Reserved Matters before me, as the appeal is to be dismissed for other reasons, it is not necessary for me to address these points further.

Conclusion

30. The appeal proposal would result in harm to the character and appearance of the area, fail to demonstrate adaptable and accessible homes and fail to provide an appropriate mix of housing as required by evidence. As a result, the proposal would fail to accord with the Development Plan when read as a whole.
31. The proposal would also fail to accord with Framework for the reasons set out above. Overall, I conclude that there are no other considerations of sufficient weight which would outweigh the conflict with the Development Plan and the appeal should be determined in accordance with it.
32. Therefore, in light of the above, the appeal is dismissed.

Philip Mileham

INSPECTOR