



Appeal Decision

Hearing held on 25 and 26 June 2025

Site visits made on 26 and 27 June 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/R3515/W/25/3361655

Land North of Mitford Close, Mitford Close, Ipswich IP1 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Blakeney Estates Limited, The PE Cooke Settlement and R J Cooke Settlement Trusts against the decision of Ipswich Borough Council.
 - The application Ref is 23/00702/OUT.
 - The development proposed is outline planning application with all matters reserved for residential development of up to 80 dwellings (Use Class C3), including 30% affordable housing, ancillary landscaping, garden and leisure areas, car parking, circulation space and internal access ways.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Blakeney Estates Ltd against Ipswich Borough Council and by Ipswich Borough Council against Blakeney Estates Limited, The PE Cooke Settlement and R J Cooke Settlement Trusts. These applications are the subject of separate decisions.

Preliminary Matters

3. The appeal is made in outline with all matters reserved. Notwithstanding, access to the site would be taken from Mitford Close as this is the only point where the proposal connects with the vehicular highway.
4. The third, fourth and fifth reasons for refusal related to the failure to secure contributions towards the Suffolk Recreation Avoidance Mitigation Strategy, on and off-site infrastructure requirements needed to support the development, mitigate its impacts on the existing community facilities and environment, and affordable housing. The Statement of Common Ground (SoCG) confirmed that both main parties and Suffolk County Council (SCC) agreed that these matters could be addressed by a planning obligation. The completed obligation, dated 9 July 2025, was submitted following the hearing. I will return to this in due course, however it is not necessary for me to consider the third, fourth and fifth reasons for refusal as main issues.
5. In light of the comments submitted by interested parties, and the matters discussed at the hearing, I consider that whether suitable living conditions could be achieved for future occupiers of the proposed dwellings should also be considered as a main issue.

6. The Ipswich Local Cycling and Walking Infrastructure Plan was adopted on 16 July 2025. The main parties were given the opportunity to comment on this, and I have taken these comments into account in reaching my decision.
7. The Hearing was closed in writing.

Main Issues

8. The main issues in this appeal are the effect of the proposal on:
 - whether there would be suitable living conditions for future occupiers of the proposed development with regard to noise and light;
 - the character and appearance of the area; and
 - the living conditions of residents of Mitford Close with particular regard to noise and disturbance arising from vehicle movements.

Reasons

9. The appeal site is an open area of land in use as horse paddocks. It lies immediately adjacent to the built edge of Ipswich, with residential properties on Mitford Close, Epsom Drive and Goodwood Close along with a multi-use games area (MUGA) forming part of the boundary. Church Farm and its associated buildings lie immediately to the north of the site. The remainder of the boundary is formed by open space largely also in use as paddocks. There are trees and hedgerows around the boundary of the site, however these are not continuous.
10. The high point of the site is the boundary adjacent to the urban edge. It then slopes downward until its boundary with the farm. Land levels continue to drop into the Westerfield Brook valley and then rise again into the countryside beyond Ipswich. There are scattered properties or clusters of properties throughout the valley, along with a prominent double row of pylons.

Living Conditions of Future Occupiers

11. Paragraph 200 of the National Planning Policy Framework (the Framework) confirms that planning decisions should ensure new development can be integrated effectively with existing community facilities and that such facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It also sets out that where the operation of an existing community facility could have a significant adverse effect on new development, the agent of change should be required to provide suitable mitigation before the development has been completed.
12. The MUGA is capable of use all year round and is illuminated by floodlights. The hours of operation are controlled by condition which allows use until 10pm on weeknights, 9pm at other times and allows a 15 minute grace period for the floodlights to be turned off.
13. Noise evidence submitted with the proposal did demonstrate that it would be possible to site and build the proposed dwellings in such a way that internal noise levels would be acceptable. This may involve making alternative provision for ventilation other than opening windows, along with other design and construction measures. These are commonly used approaches to address noise issues and would be an appropriate solution which could be controlled by condition.

14. The Planning Practice Guidance (PPG)¹ confirms that ‘where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended’. Gardens would be an intrinsic part of a residential development and so would also need to be considered. As it is the outline that grants planning permission, it is necessary for me to be satisfied this can be achieved.
15. The noise survey report indicated a highest maximum noise level of 76dB. These spikes would likely arise from whistles and shouts associated with the use. While this would be entirely typical of the noise to be expected from such a use, it could nonetheless be intrusive and disturbing to future occupiers of the site even during the hours of daylight, particularly given such spikes would be unpredictable and variable in the type of noise they would be. There is no substantive evidence before me to demonstrate how this noise could be mitigated and any effect this would have on where dwellings could be positioned within the site.
16. The PPG² confirms that artificial lighting needs to be considered when a development may be sensitive to prevailing levels of artificial lighting. It also advises that ‘development proposed in the vicinity of existing activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme’.
17. The evidence before me with respect to light is very limited. A light survey was not submitted, nor was one requested. I have been provided with photographs showing light spill from the MUGA. However given the limited information, I am unable to draw any definitive conclusions from this. Notwithstanding, given the height of the floodlights serving the MUGA and its proximity to the appeal site, there is the potential for there to be adverse effects on the living conditions of future occupiers arising from the operation of the floodlights.
18. The proposal before me is in outline, and it is possible that concerns with regard to noise and light could be addressed through the layout of the site, the appearance of the proposed dwellings and other mitigation measures. However, I cannot be sure as to any effect this may have on where dwellings could be positioned. Taken alongside the other factors that would inform the final design of any scheme, I could not be certain that the 80 dwellings could be satisfactorily accommodated within the appeal site.
19. I acknowledge that this did not form one of the Council’s reasons for refusal and that the environmental health officer did not object to the proposal. I also note that the submitted noise assessment was in accordance with the pre-application advice. However, the Framework and the PPG are clear noise and light are issues which should be addressed where necessary. Paragraph 200 of the Framework confirms that the onus is on the agent of change to ensure adverse effects are addressed, irrespective of the fact that future occupiers of any dwellings would likely be aware of the MUGA.
20. I therefore cannot be satisfied that the proposal would provide suitable living conditions for future occupiers of the proposal with respect to noise and light. This would be contrary to Core Strategy and Policy Development Plan Document Review (March 2022) (CS) Policies DM18 require development to not result in an

¹ Noise Paragraph: 006 Reference ID: 30-006-20190722 Revision date: 22 07 2019

² Light Pollution Paragraph: 001 Reference ID: 31-001-20191101 Revision date: 01 11 2019

unacceptable loss of amenity and confirms that new development that would adversely affect the continued operation of established uses will not be permitted.

Character and Appearance

21. The site straddles the Landscape Type 4: Ancient Rolling Farmland and Landscape Type 15: Rolling Estate Farmlands as identified in the Suffolk Landscape Character Assessment. It also lies within Land North of Ipswich IP1 as identified in the Settlement Sensitivity Assessment. Notwithstanding these different assessments, the site is typical of the surrounding landscape character in that it is an open site in a semi-rural use marking the transition between the urban area of Ipswich and the surrounding rural landscape. On the basis of the evidence before me, including the views of the parties at the Hearing and my observations at my site visit, I consider the site is not a valued landscape as set out in the Framework, given its lack of formal designation and the ordinary landscape qualities it exhibits. Nonetheless, the site contributes positively to the area by virtue of its semi-rural character and appearance.
22. In short and medium views of the site, Ipswich is generally visually contained due to the landform and planting in the area, with the dwellings on Goodwood Close and the floodlights serving the MUGA being exceptions. However, in longer views from the opposite side of Westerfield Brook valley, the intrusion of built form becomes more apparent, with the prominent structure of the school in particular and other developments becoming more visible. The pylons are also a prominent feature. Notwithstanding, the distinction between the built form and surrounding countryside remains quite strongly demarcated.
23. The appeal site sits on the valley side and slopes downwards towards the valley floor. While all matters are reserved, the proposal would alter the visibility of the site somewhat through land raising works and would permanently change its character to an urbanised site. Given the high degree of containment of Ipswich provided by the topography, it is inevitable that any development of the site would be perceived as an incursion into the surrounding countryside by bringing development clearly over the brow of the valley and onto the valley side. This would be mitigated to a degree by the existing development that is visible, particularly in the longer views. Further mitigation could be achieved at the reserved matters stage through the provision of appropriate landscaping. However, the proposal would result in some harm to the landscape character of the area which I find to be moderate given the degree of protrusion into the valley and the permanent nature of the effect.
24. Visual effects would be felt predominantly by surrounding occupiers of residential properties and to users of the public rights of way in the area. There would be considerable change for surrounding occupiers given the position of the site in relation to the existing properties. However, these dwellings are sited in an urban area, with views in other directions being of built form. A suitably designed scheme at the reserved matters stage would ensure that the adverse effects would be negligible in the long term.
25. There would also be a high degree of change for users of the adjacent public right of way which would effectively be enclosed by residential development. However

given the proximity of the right of way to the existing built up area and its short length, the effect would be low. While it would also be visible to users of the more distant public rights of way, given the expansive scale of the surrounding landscape and presence of other built development and pylons, the effect would also be low, particularly once landscaping secured through the reserved matters had established.

26. The proposal would have an adverse effect on the character and appearance of the area. It would therefore be contrary to Core Strategy and Policy Development Plan Document Review (March 2022) (CS) Policies DM11 and DM12 which insofar as they relate to this main issue, require development to respect the character of the countryside and the local distinctiveness of Ipswich.

Living Conditions of Existing Occupiers

27. CS Policy DM18 is concerned with ensuring that development proposals provide an appropriate standard of amenity and provides examples of the types of consideration this can include. Noise is included within this list. However, the policy does not limit the sources of any disamenity. There is no reason that traffic noise could not be considered as a source of noise that could have adverse effects on amenity and so fall within the ambit of CS Policy DM18.
28. Mitford Close is a cul-de-sac comprised of bungalows set in large plots along a relatively wide road. Although access is a reserved matter, the only point of connection to the public highway shown is to Mitford Close. I have assessed the proposal on the basis of the Transport Assessment submitted July 2023³ which shows 38 vehicle movements would be generated in both peak hours. SCC as local highway authority is satisfied that Mitford Close could accommodate the proposed levels of traffic without an adverse effect on the safe operation of the highway and the Council does not dispute this. While Mitford Close may not have been designed with further development in mind, this does not mean that it would not be capable of safely accommodating the associated vehicle movements. I have no reason to consider the proposal would have an adverse effect on highway safety.
29. Given the low levels of vehicle movements on Mitford Close, it makes sense to consider the actual number of vehicle movements that would arise. While this would be a notable increase against the very low baseline, it would not represent a level of activity that would be beyond that which could be reasonably anticipated in a residential area. There is no substantive evidence before me that the levels of vehicular traffic would generate levels of noise that would have an adverse effect on the living conditions of the existing occupiers. Given it is a level of traffic movement commonly experienced by occupiers in built up areas, I have no reason to consider the effect would be unduly adverse.
30. Even at its furthest point, the site is located in good proximity to the existing bus routes along Defoe Road. The proposal also includes provision for off-site footway/cycleway improvements to Defoe Road, bus stop improvements and a travel plan. While the site is not in close proximity to any of the identified routes in the Ipswich Local Cycling and Walking Infrastructure Plan, Route 1 could be

³ 2110-040/TA 01 RevA

reasonably accessed from Defoe Road. I am therefore satisfied that the site would provide future occupiers with a range of travel options beyond the private car.

31. There may be the potential for vehicle headlights to shine into the windows of the dwellings facing onto what is likely to be the access. However, this is the case at present for any vehicle movements using this part of the road. This would be likely to include any vehicles turning in Mitford Close. Given there would only be a limited number of vehicle movements in the hours of darkness when headlights would be on, this would not result in an undue level of disturbance.
32. All dwellings should be designed to allow enjoyment of their private garden spaces. The parking arrangements and landscaping choices of the existing occupiers would not alter my assessment of the effect of the proposed development on the living conditions of existing occupiers.
33. Mitford Close may have a clear appeal for older and retired residents given the single storey nature of the properties. Nonetheless, the properties are open market dwellings and could be occupied by anyone. While sensitive receptors for the purposes of the LVIA, this is on the basis that they are residential occupiers and is not on the basis of any particular characteristics those residents may have.
34. The proposal therefore would not cause unacceptable harm to the living conditions of residents of Mitford Close with particular regard to noise and disturbance arising from vehicle movements. It would be in accordance with CS Policies DM18 and DM21 which, insofar as they relate to this reason for refusal, require development to not result in an unacceptable loss of amenity or have a severe impact on the highway network.

Other Matters

35. The site is located within the Zone of Influence for the Habitats Sites within the Suffolk Coast Recreational Avoidance and Mitigation Strategy area, which are subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the Habitats Sites and whether the mitigation measures secured through the planning obligation would be appropriate. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on the integrity of the Habitats Sites, with or without any mitigation, would be at best a neutral matter.
36. A completed planning obligation was submitted after the close of the Hearing. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) and paragraph 58 of the Framework set out three tests that planning obligations must meet.
37. The planning obligation would secure the delivery of 30% affordable housing. This is clearly well above the at least 15% as required by CS Policy CS12. It would also provide for financial contributions towards early years, secondary, sixth form and SEND education, library improvements, the NHS, waste, off-site public open space and its maintenance and evaluation and support for the travel plan. These requirements would be in accordance with the requirements of CS Policy CS17.

38. I am satisfied that the contributions secured through the planning obligation would be reasonable and necessary to make the development acceptable. They would be directly related to the development and would be fairly and reasonably related in scale and kind. The planning obligation therefore complies with the statutory tests.
39. CS Policy DM11 provides a wider context for allowing development in the countryside. Major housing development, such as the appeal proposal, is supported, subject to compliance with other criteria. The proposal would maintain separation between Ipswich and surrounding settlements and would not result in isolated dwellings. While layout is a reserved matter, there is no reason that a scheme could not be designed which would integrate with any surrounding networks for walking, cycling or wildlife corridors. However, as I have found that the proposal would not respect the character of the countryside due to its effect on landscape character, the proposal would fail to comply with CS Policy DM11 when read as a whole.
40. The site is immediately adjacent to the built up area of Ipswich. There would be ready access to the existing bus routes and to the services and facilities it offers. The site therefore would be a sustainable location. Although they fall to be considered at the reserved matters stage, there is no reason that a well designed scheme with an appropriate housing mix, public open space and appropriate landscaping could not be designed.
41. There would be economic benefits arising from the proposed development during both the construction and occupation stages. There would be the social benefits from the delivery of housing, particularly affordable housing well above the minimum level sought by policy.

Planning Balance

42. It is not in dispute that the Council cannot display a five year deliverable supply of housing land. The parties were in agreement it was not necessary to establish the extent of the shortfall and were not able to confirm the shortfall. As the CS was adopted in 2022, the Council's housing target is unaffected by the changes to the Framework in 2024. Irrespective, paragraph 11d)ii of the Framework is engaged. This sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having regard to key policies. Notwithstanding, and while the policies of the development plan are deemed to be out of date in such circumstances, the parties are in agreement that the most important policies in this case, namely DM11, DM12, DM18 and DM21 are consistent with the policies in the Framework.
43. The appeal site is immediately adjacent to the built up area of Ipswich and would allow for ready access to the services and facilities within the settlement including public transport. The off-site public transport, footpath and cycle way improvements would benefit existing occupiers in the area in addition to meeting the needs of the development. There would be economic benefits arising from the scheme during the construction stage from direct and indirect employment, and at the occupation stage from household expenditure. Biodiversity net gains could be secured by condition. I attach limited weight to these benefits.

44. The delivery of additional housing would be an undoubted benefit of the proposal to which I attach moderate weight given the Council cannot demonstrate the requisite supply of housing land and the number of dwellings the site could potentially deliver. The proposal would provide 30% affordable housing, well above the minimum sought by the CS and I attach significant weight to this as a benefit of the proposal.
45. The site does lie within the countryside. However, CS Policy CS11 accepts, subject to criteria, major housing development in the countryside. Harm to the landscape character of the area would be an adverse effect of the proposal. However, given the visibility of surrounding development in views of the site along with the localised nature of the harm, I attach only limited weight to it.
46. There would be an acceptable effect on the living conditions of existing occupiers insofar as this can be assessed at the outline stage. I have no reason to think that an appropriate scheme could not be submitted at the reserved matters stage. There would not be an adverse effect on highway safety. The planning obligation would ensure that the demands the development would place on social infrastructure would be addressed. Issues such as contamination and drainage could be addressed by condition. These are to be expected of any well designed development and so would be neutral in my assessment.
47. However, there is uncertainty as to the effects of noise and light from the MUGA on the living conditions of future occupiers. Paragraph 131 of the Framework sets out that the creation of high quality places is fundamental to what the planning and development process should achieve. Paragraph 135 is equally clear that decisions should ensure that developments will function well and create places with a high standard of amenity for existing and future users. While not a key policy to which I am to have particular regard, I am also mindful of the advice at paragraph 200 of the Framework regarding the agent of change principal, and the more detailed advice set out in the PPG. I attach very substantial weight to this harm.
48. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

49. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Steven Kosky

Charlotte Bailey

Isabel Jones

Julian Clarke

Ollie Doyle

Jamie Doyle

FOR THE LOCAL PLANNING AUTHORITY

Steven Stroud

Jamie Martin-Edwards

Jackqueline Bakker

Michael Taylor

INTERESTED PARTIES:

Benjamin Elvin

Chris Corrish

James Blake

Councillor Gary Forester

Councillor Carole Jones

Sue Crook

Shaun Lumsden

Mr Last

Mr Palmer

Mrs Palmer

Ray Leonard

DOCUMENTS

Document 1: Suggested Noise and External Lighting Conditions

Document 2: Decision Notice IP/07/00261/FPC

Document 3: Layout IP/07/00261/FPC

Document 4: Decision Notice IP/18/01019/FUL

Document 5: Layout IP/18/01019/FUL

Document 6: Appellant's Opening Submission

Document 7: Suggested Highway Survey Condition

Document 8: Suggested Conditions and Areas of Disagreement regarding Estate Roads and Footpaths, Details of Internal Acoustic Insulation, Details of External Acoustic Insulation and Details of Light Source Mitigation.

PLANS

Plan 1: Walking Route 1

Plan 2: Walking Route 2