



Appeal Decision

Hearing Held on 10 January 2018

Site visit made on 10 January 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/J3530/W/17/3178416

Home Meadows Nursery, Top Street, Martlesham IP12 4RD

- 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 Mr Chris Wakefield (c/o Park Properties (Anglia) Ltd) against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/4654/OUT, dated 1 November 2016, was refused by notice dated 22 December 2016.
 - The development proposed is demolition of Home Meadows Nursery House and erection of 5 dwellings with associated garages/parking and alterations to access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal concerns an application for outline planning permission with all matters reserved for later consideration. The parties agree that the plans should be treated as 'Illustrative' and I have dealt with the appeal on this basis.
3. I have been referred to Policy MAR7 of the Martlesham Neighbourhood Plan ('MNP') which deals with local gaps between settlements where it is intended that development should maintain open character and not significantly reduce the gap. However, the MNP has reached submission stage but does not yet form part of the development plan and I give it little weight.
4. Two documents were submitted at the hearing, the relevant proposals map for the area and a written representation from Cllr C Blumdell. The parties agreed that the proposals map was useful to my consideration of the second main issue and the written representation was heard and the parties given the opportunity to comment. For the purposes of the appeal I am satisfied that this additional information did not cause material prejudice to any interested party and I have therefore had regard to them in my decision.

Main Issues

5. The main issues are:
 - Whether the proposed development would provide a suitable site for housing, having regard to settlement strategy and the proximity of services.

- The effect of the proposal on the character and appearance of the area.
- Whether the Council can demonstrate a 5 year housing land supply.

Reasons

Planning policy context

6. The development plan comprises the Suffolk Coastal Local Plan Core Strategy and Development Management Policies 2013 ('CS') and the saved policies of the Suffolk Coastal District-Wide Local Plan (incorporating First and Second Alterations) ('LP'). The Council state that Policy SP2 of the CS is out of date because of the late commencement of the Local Plan review¹. Consequently, the parties agreed at the hearing that regardless of my findings in terms of 5 year housing land supply that the tilted balance in the fourth bullet point of Paragraph 14 of the National Planning Policy Framework ('the Framework') therefore applies. I have determined the appeal on this basis.
7. Although the Council have referred me to Policy SP26 of the CS it refers to strategic development within the limits of Woodbridge. Consequently, I have not considered it further in my reasoning. I have also been referred to Policy SP27 of the CS but on my reading the organic growth referred to is to be included within physical limit boundaries when they are drawn or within 'adjacent clusters' identified in Policy DM4. The appeal scheme would not be subject to either scenario and I find it is not determinative to my consideration of the appeal.

Suitable site

8. The site lies outside of any settlement and is in the countryside for planning purposes. There is no dispute that it would conflict with Policy SP2 and Policy SP29 in terms of its location outside of any settlement boundary. The appellant refers to a need given the lack of a 5 year housing land supply and this is a matter to which I return to below.
9. Given the proximity of adjoining development I agree with the parties that the proposal would not be physically isolated. The appellant contends that the closest local facilities, including schooling, post office, public houses and shops within Martlesham and Woodbridge are within walking distance of the appeal site.
10. There was some disagreement regarding walking and cycling times to these services ranging from a 5 minute to a 30 minute walk. I share the findings of a previous Inspector² that the former may be the case for an active individual or cyclist, but 'young children and older people would find the journey more onerous and time consuming' and this would be to the edge of Martelsham. Furthermore, access to Martlesham would be along a narrow footpath along a busy and well trafficked route and towards Woodbridge, Top Street has no footway and is unlit. To my mind it is unlikely that pedestrians and cyclists would see this as an attractive route particularly in inclement weather or with young children.

¹ Email from Lisa Chandler on behalf of SCDC dated 21 December 2017.

² APP/J3530/W/16/3159464.

11. Public transport is limited to a regular hourly service in the morning but less frequent in the afternoon/evening, between Woodbridge and Ipswich with bus stops directly outside the appeal site³ although I also heard from a local resident that the services were not always reliable. Nonetheless, the ease of accessibility onto the surrounding road network would provide quick and easy access to the services and facilities within Martlesham and Woodbridge, in particular along the A12.
12. Consequently, I have no doubt that future occupiers would rely on private motor vehicles to access day to day facilities further afield. The parties agreed that vehicle movements would be in the range of 20-25 per day although I consider this to be a somewhat conservative estimate when visitors, servicing and deliveries are factored in. Although journeys would be short I find that there would be some harm from the reliance on private motor vehicles and increased greenhouse gas emissions.
13. I am mindful that the Framework advises that all aspects of sustainability should be considered in planning decisions, that local circumstances should be taken into account, and that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, the proposal would not promote a choice in alternative forms of transport and future occupiers would be reliant on private motor vehicles as opposed to more sustainable modes of transport. This would undermine the aims of national and local policies to promote sustainable transport.
14. For these reasons, the proposal would not be a suitable site for housing in terms of settlement strategy and proximity to services. It would conflict with Policies SP1, SP2, SP19 and SP29 of the CS insofar as they seek to ensure that new housing development is located in areas where there is access to local services and infrastructure to enable a reduction in the need to travel.

Character and appearance

15. The majority of the appeal site is an open parcel of land to the front of Home Meadows Nursery, a complex of single storey timber and greenhouse structures sited to the rear of a 2 storey residential dwelling. It includes the existing dwelling which is set back from the road behind a roughly rectangular and open area of grassland. Access is from Brock Lane leading from Top Street immediately to the north and there are a small number of residential properties sited opposite the nursery.
16. The land that separates the site from the A12 to the north and west is generally open, save for these properties and a temporary access and energy facility⁴. It is located in land that separates Martlesham and Woodbridge but adjacent to a cluster of dwellings and small businesses set out on both sides of Top Street to the immediate north of the East Coast Railway Line. It is identified as a prominent and essential component of the Fynn Valley under Policy AP214 of the LP where the Council encourage landscape enhancement measures and seek to resist development as it would spoil the landscape further.

³ The 64 and 65 services.

⁴ East Anglia Offshore Wind Cable Route Corridor.

17. Although part of the frontage section of the site may once have been developed⁵ the appellant does not contend that it is 'Previously Developed Land' in Framework terms. Given it 'currently supports the horticultural nursery dwelling and a small part of the nursery'⁶ and on the submissions before me, I have no reasons to conclude otherwise.
18. Notwithstanding the presence of such development, there are periodic and distinct breaks in the development pattern, with views into fields and across undeveloped land. In combination with the small scale and irregularity of development these gaps and spaces, of which the appeal site is one, provide a sense of openness and spaciousness that positively contributes to the semi-rural character and appearance of the area.
19. The proposal would undeniably erode an element of the functioning space between Martlesham and Woodbridge. In doing so it would increase the size of this small settlement and extend the edge further along this less developed side of Top Street. However, this would not be beyond the extent of built form opposite and the appeal site does not itself adjoin the settlement boundary of either settlement. As such they would continue to exist and the settlement identities would remain clear and distinguishable from one another.
20. Closer to the appeal site and in visual terms the illustrative plan demonstrates that properties exhibiting a vernacular design could be accommodated and I am mindful that all matters are reserved for later consideration. There was some discussion at the hearing regarding future layout options but given the size and nature of the site there are a limited number of ways in which it could be developed for 5 dwellings of the size and type indicated⁷. It is therefore highly likely that any future layout would have a linear form fronting directly onto Top Street with the dwellings sited in proximity to the carriageway. This is consistent with the submitted Design and Access Statement.
21. I found that this side of Top Street has a different character and appearance, with less built form and views of open countryside beyond. This is in marked contrast to the much denser linear form of development opposite and the industrial and commercial buildings that spread out to their rear. The combination of the topography of Top Street, which slopes down from the north and the likely size, scale, height and siting of the dwellings would result in an overly dominant and unduly prominent development. In such a context the proposal would represent an unacceptable suburbanisation of the appeal site that would fundamentally and harmfully alter the character and appearance of the appeal site and area.
22. I have considered whether landscaping could mitigate this but it would take a substantial amount of time to mature and be dependent on a number of factors to be successful. Moreover, I am not persuaded that it would fully mitigate the visual effects. Elsewhere, there would be no significant landscape effects, or visual effects from long range viewpoints. I am satisfied that the effects would be predominately localised and there would be no harm to the Suffolk Coastal Heaths Area of Outstanding Natural Beauty or the Fynn Valley Special Landscape Area.

⁵ Historical photographs appear to show a terrace of 2 storey cottages that were demolished in 1938.

⁶ Paragraph 2.1 of appellant's statement. The definition of such land excludes land occupied by agricultural buildings, which includes horticulture in accordance with Section 336 of the Town and Country Planning Act 1990 (As amended).

⁷ The drawings indicate 4 x 3 bedroom houses, including a chalet bungalow and a single 2 bedroom house.

23. The level of harm in terms of coalescence would not be significant but I share the Council's concern that the proposal would represent incremental infilling that would diminish the existing open character. The proposal would cause harm to the character and appearance of the area and would conflict with Policy SP15 of the CS and Policies AP212 and AP28 of the LP. When taken as a whole and amongst other things these seek to maintain the open character of the land which separates Martlesham from Woodbridge, the character and appearance of such areas, sites and gaps and seek to enhance local character areas particularly where gaps and open spaces make an important contribution to a particular location in their undeveloped form.

Housing land supply

24. There is disagreement between the main parties concerning whether the Council can demonstrate a 5 year housing land supply. However, at the hearing there was no dispute that a recently Recovered planning appeal at Candleton Road, Felixstowe, Suffolk⁸ was a material consideration to which I should give significant weight. In that appeal, the secretary of state agreed with the Inspector, following a Public Inquiry in September 2016 that the Council could only demonstrate a 3-3.5 year supply.
25. I accept that the Council may disagree with the conclusions and that I am not bound by them, having to determine the appeal on its own merits and on the basis of the evidence as put to me by the parties. However, at the hearing Mrs Chandler confirmed that there were no new material considerations or evidence in terms of this matter and since that decision was made, that the Council wanted to bring to my attention. Furthermore, that the evidence relied on in support of the Council's case was the same as that already considered by the secretary of state in reaching that conclusion.
26. The Council have referred to the Government's recently published document "*Planning for the right homes in the right places*" which proposes a standard method for calculating housing need. However, little weight can be given to this as the document is in the early stages of consultation. In this particular case and in the absence of any additional evidence or submissions by the Council, I give significant weight to the conclusion that the Council cannot demonstrate a 5 year supply of housing land. Moreover, that the supply of housing is in the region of 3-3.5 years.

Other Matters

27. I have had regard to the representations made by interested parties concerning highway safety but I note that the highway authority do not object to the proposal. There is no evidence before me of any particular highway safety issues associated with on-street parking in this locality. From my observations, albeit during the afternoon, some spaces were available and based on the evidence before me, there is no evidence to demonstrate that any modest increase in potential on-street parking that could occur as a result of the proposal would cause any harm to highway safety.

⁸ APP/J3530/W/15/3138710, SoS decision dated 31 August 2017.

28. The appeal decision cited by the Council⁹ has not been determinative given it was for a much larger scheme and located south of the railway line. In any event I have determined the appeal on its own merits, as I am required to do. My attention has also been drawn to the River Deben Special Protection Area. Noting the Council did not object on such grounds, if the circumstances leading to a grant of permission had been present, I would have given further consideration to the impact upon these in accordance with the Habitats Regulations. However, as I am dismissing the appeal on the main issues above I have not found it necessary to consider this matter any further.
29. I have taken into account all the other matters raised in the representations, including the draft conditions which could have been appropriate had a grant of planning permission been appropriate, but do not find that they alter or are necessary to my conclusions on the main issues in this case.

Planning balance and conclusion

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
31. The proposal would conflict with Policies SP1, SP2, SP15, SP19 and SP29 of the CS and Policies AP212 and AP28 of the LP. The conflict is such that the proposal should be regarded as being in conflict with the development plan as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict. Turning to Paragraph 14 of the Framework, it is important to note that I have not identified any conflict with the policies of the Framework in relation to protected landscapes. This is not a case where there are specific policies in the Framework which indicate that development should be restricted.
32. Turning to the first limb of the fourth bullet point of Paragraph 14, the adverse impacts are the environmental harm because of its location and proximity to services and harm to the character and appearance of the area both in visual terms and through loss of openness and coalescence. Policy SP2 is out of date however and Policies SP19 and SP29 are also relevant policies for the supply of housing. Nevertheless, there is some consistency with the Framework which seeks to recognise the intrinsic character and beauty of the countryside, the different roles and character of different areas as a core planning principle and that development should be directed to the districts most sustainable locations.
33. Overall, I afford the conflict with the policies moderate weight with the exception of Policy SP2. I give the conflict with this policy little weight because it is based on the unrealistic retention of a low housing requirement. Mindful of the site's location in an area of landscape enhancement and the specific policies that seek to preserve open character and prevent coalescence, I attach moderate weight to the conflicts with Policies AP212 and AP28 of the LP and SP15 of the CS, which the parties agreed are not out of date.
34. Four additional dwellings would make a small contribution to the supply of housing in an area where, on the evidence before me such a supply cannot be demonstrated. Given the supply is 3-3.5 years this weighs moderately in favour

⁹ APP/J3530/W/16/3159464.

of the proposal. The proposal would also result in a minimal contribution to the maintenance of the vitality of rural communities. I give minimal weight to the short term economic benefits during construction and in the longer term, from future occupants spending in the local economy. There would also be a small financial benefit from the New Homes Bonus and some additional funding for the parish. Overall, it would fulfil the social and economic dimensions of sustainable development as set out in Paragraph 7 of the Framework but not the environmental dimension.

35. Drawing my conclusions together, the adverse impacts of granting permission are such that they would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be the sustainable development for which local¹⁰ and national planning policy indicates a presumption in favour.
36. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with it. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

¹⁰ Policy SP1A – Presumption in Favour of Sustainable Development.

APPEARANCES

FOR THE APPELLANT:

Mr Martin Price	East Coast Planning Services
Mr Chris Wakefield	Appellant
Mr Ben Redsell	Planning Direct

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Lisa Chandler	Suffolk Coastal District Council
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INTERESTED PARTIES:

Cllr Chris Blumdell	Suffolk Coastal District Council
Cllr J M Kelso	Suffolk Coastal District Council
Mr Leo Brome	Martlesham Parish Council
Mr Geoff Holdcroft	Local resident
Mrs Jill Painter	Local resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

1. Suffolk Coastal District Council Saved Policies Map C – Martlesham.
2. Written representation of Mr C Blumdell.