



Appeal Decision

Inquiry Held on 23-25 and 29-31 July 2019

Site visit made on 31 July 2019

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMJ

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2019

Appeal Ref: APP/W3520/W/18/3214324 Poplar Hill, Stowmarket IP14 2EJ

- 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 Gladman Developments Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/18/02380, dated 25 May 2018, was refused by notice dated 26 September 2018.
 - The development proposed is the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Poplar Hill.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form with all matters reserved except for access. Details of appearance, landscaping, layout and scale are therefore not considered in this decision.

Main Issues

3. Following agreements between the Council and the appellant, issues relating to archaeology and effects on the Combs Wood SSSI have fallen away. The six main remaining issues are;
 - The effect of the proposal on the landscape character and appearance of the area
 - The effect of the proposal on the setting of St Mary's Church, Combs, a Grade 1 listed building
 - Whether harm would result from the failure to develop as open space the part of the site allocated for that purpose in the development plan
 - Whether the site is in a location which is, or can be made, sustainable
 - The effects of the proposal on the capacity of the highway network and road safety
 - The effect of the proposal on the supply of housing in the locality.

Reasons

Landscape character

4. The site is agricultural land on a valley side abutting the developed area of Combs Ford, a suburb of Stowmarket. It is outside the settlement boundary and so is not only countryside in fact but is also classed as such in planning terms. Its landscape character has been analysed in various scales of landscape character assessments.
5. The site forms part of national Character Area 86; South Suffolk and North Essex Clayland. Some 6.5% of the Character Area is urban. Specific reference is made to Stowmarket, and its recent significant expansion, in the description of the Character Area and so the development of the site would not necessarily be inimical in principle to the Character Area.
6. The site itself is too small to reflect all the key characteristics of the national Character Area but the development proposed would affect three of its key characteristics in particular. The first is the reference to ancient woodlands and wooded skylines. The proposal would not directly affect Combs Wood, an ancient woodland and Site of Special Scientific Interest (SSSI) which provides a wooded skyline on the opposite side of the valley but it would severely restrict views to it from Poplar Hill.
7. The second key characteristic affected is the agricultural landscape but the Character Area is very extensive and so even the transformational change of this site from undeveloped to developed land would have little effect on the Character Area overall. The third key characteristic is the reference to historical resources. Again, the proposal would have no direct effect on the impressive St Mary's Church, a grade 1 listed building standing on the opposite side of the valley but it would compromise views to it from Poplar Hill.
8. A regional landscape assessment called the East of England Typology is found on-line. It confirms that settled landscapes occur along the sides of the sinuous valley corridors that cut through the East Anglian clay plateau, reinforcing the conclusion drawn from the national assessment that development on this valley side is not, of itself, inimical to landscape character. It also notes the significance of ancient woodland on upper valley slopes and the presence of late medieval churches.
9. The Suffolk Historic Landscape Characterisation of 2008 appears to be more an agricultural land use classification than a landscape classification. It describes the area within which the site is located as a Post-1950 agricultural landscape. This is reported to be the fifth most common type identified by this study, comprising 6.02% of the County's area. This does not suggest that the existing character of the site itself has any rarity value.
10. The County-wide Suffolk Landscape Character Assessment, published in 2010, records that Rolling Valley Claylands are found in the upper reaches of most of the east Suffolk rivers, ten of which are listed, which also does not imply a particularly rare landscape type. It specifically mentions western tributaries of the Gipping from Stowmarket upstream to Combs amongst others, which clearly includes the site. It lists seven key characteristics, four of which can be recognised in relation to the site, a score which does not suggest an outstandingly exemplary landscape.

11. One is the fact of the slope of the valley side, a fact which would not change, even if the site were developed. A second is that valley sides are foci for development, which both reinforces the earlier conclusion that valley-side settlement is not, of itself, inimical to local landscape character and also highlights the potential existence of historic assets such as manorial halls and associated churches. Three examples are mentioned but not that of St Mary's, Combs, an omission which does not emphasise its significance.
12. A third characteristic is fields smaller than on surrounding plateaux. That characteristic would become less appreciable on this site were it to be developed but there is no suggestion that the development of this one field would compromise the existence or significance of such a characteristic within the Rolling Valley Claylands as a whole. The fourth characteristic is that of ancient woodlands on the upper fringes of the valley sides which, as noted previously, would be affected by the development of the site not directly but in views from Poplar Hill.
13. Beyond its analysis, the Suffolk Landscape Character Assessment goes on to advise on development management. Although recognising that valley sides have historically been a focus for development, it suggests that large scale expansion should be confined to the adjacent plateau where impacts can be more easily mitigated with effective landscaping and design. However it then goes on to give detailed advice on how settlement extension in a valley side landscape should be conducted, so I am not convinced that it presents a strong or forceful warning against the principle of such development. At best, it is ambiguous.
14. In 2015, Babergh and Mid-Suffolk District Councils prepared the Joint Babergh and Mid-Suffolk District Council Landscape Guidance. Its main purpose is to guide new development. It also outlines the main elements of existing character, noting the considerable visual impact of woodland cover such as Combs Wood but emphasises that it is not a definitive guide or list of all features that are important. For that, it defers to the County-wide character assessment, which it largely summarises.
15. None of the above studies suggest that the site itself has any particular significance in landscape terms. It is not designated as a Special Landscape Area nor as Visually Important Open Space in adopted development plans. If it has any significance at all it is because it allows views over it towards features which are of significance.
16. More pertinent as a local level assessment is the Stowmarket Environmental Assessment of February 2008, prepared as part of the evidence base for the Stowmarket Area Action Plan. It uses the six Landscape Character Types of the Suffolk Landscape Character Assessment, adding Pylons, dead-end lanes leading to isolated farmsteads and church towers to the previously identified characteristic of skyline woodland for the landscape type including the site. It identifies Combs Wood and Combs Church as landmarks. It identifies the site as; having an abrupt urban edge; forming part of an area of high scenic quality; of open countryside visible from within the urban area and adjoining landscape and forming an important landscape setting to Stowmarket and; as part of an area of open countryside separating settlements.

17. All parties agree that development of the appeal site would cause some harm to the landscape character of the area and to its visual character. They differ in the degree of that harm.
18. Both from the above analyses and from my site visit, I draw the conclusion that the principal value of the site in the landscape consists of its undeveloped nature. In that state, it offers no obstruction to the views which are obtained from Poplar Hill over the site towards Combs Wood and St Mary's Church. By contrast, land at Edgecomb Park (which is also identified in the Stowmarket Environmental Assessment as located in an area of high scenic quality, of open countryside visible from within the urban area and adjoining landscape and forming an important landscape setting to Stowmarket and as part of an area of open countryside separating settlements yet which has permission for development) does not figure in any such view.
19. The Stowmarket Environmental Assessment notes that land around Combs Wood and Church is visually significant when looking towards Stowmarket from the southwest (eg Combs). I concur. Although the specific view shown on the Visual Analysis and Landscape Setting drawing of that Assessment is from the junction of Park Road with Poplar Hill in Combs village, in which the site is to one side, very similar views in which the site is central are obtained from the length of Poplar Hill passing the site. As paragraph 4.3.9 of the Stowmarket Environmental Appraisal notes, these are memorable open and rural views. Notwithstanding the presence of electricity pylons in the views, I also concur with that observation.
20. My site visit established that these views would be lost from the majority of the site frontage along Poplar Hill. Some views would remain from the lower part of Poplar Hill but the views with the most impact, from the summit of the road, would disappear behind housing in the foreground.
21. There are also views in the opposite direction. Although valued by local people and to walkers on the various published recreational walks which pass St Mary's Church, these have less significance in that they do not focus on a landmark or feature cited in any landscape assessment. The views of the site would remain but would be views of developed, rather than undeveloped, land. That is a factor to be taken into account but does not, by itself, determine the conclusion I reach.
22. The value of the site in forming a separation between Stowmarket and Combs is also a factor to be taken into account. Separation would be reduced and would depend on two fields on the west side of Poplar Hill and one on the east side remaining undeveloped but, in my view, that would suffice. Any likely detailed layout of the appeal site would in any event be likely to leave undeveloped the southernmost part of the site because of the presence of electricity pylons there. That would add to the retained sense of separation.
23. Taking all the above matters into account, I conclude that although the site is not recognised in published documents as an exemplary or outstanding component of the Suffolk landscape and its development would in some ways be consistent with characteristic patterns of development along valley sides, the appeal proposal would compromise the appreciation of sufficiently impressive examples of other characteristic features of the landscape as to cause an unacceptable effect on the landscape character and appearance of the area. It would be contrary to Policies CS1, CS2 and CS5 of the Mid Suffolk

Core Strategy (adopted September 2008). These restrict development in the countryside to types not including that proposed in this appeal and seek to protect and conserve landscape qualities. It would also contravene policy FC1.1 of the Core Strategy Focused Review (adopted December 2012) which requires development to conserve and enhance the local character of the different parts of the district and policy 6.22(1) of the Stowmarket Area Action Plan adopted February 2013 which states the need for any future development on this site to address the need to protect the landscape and maintain the separation between Stowmarket and Combs.

Setting of Listed Building

24. There are other listed buildings in the local neighbourhood but both parties agree, and I concur, that the listed building of concern in this appeal is St Mary's Church Combs which is listed Grade 1, recognising its exceptional interest. The NPPF and Guidance advise that in the planning context, heritage interest may be archaeological, architectural, artistic or historic. Historic England's best practice document *Conservation Principles, Policies and Guidance (2008)* puts it slightly differently, proposing the use of four key heritage values – evidential, historical, aesthetic and communal. Both parties concur in their evidence, and I agree, that St Mary's significance derives from all four values.
25. The appeal proposal would have no direct effect on the church but the significance of a heritage asset derives not only from an asset's physical presence but also from its setting. The setting of a heritage asset is the surroundings in which it is experienced.
26. The various landscape assessments already quoted tell us that in this landscape there is a repeated pattern of former manorial halls and associated churches on the sides of their river valleys, some of which have grown into hamlets or villages, some of which have not. St Mary's is an example of the latter, having lost both Combs Hall (the former existence of which there is certain evidence) and any associated hamlet or village (the former existence of which is conjectural). For several centuries now it has stood separated from the settlements (Combs, Combs Ford, Moats Tye and Little London) which it serves. That physical isolation is part of its significance.
27. Its isolation is appreciated from the various directions in which the church is approached. The several footpaths from Combs Ford cross watermeadows (now a local nature reserve) before reaching the drive up to the church. Those same watermeadows help to transform Church Road from a suburban street at its junction with Poplar Hill to a country lane bordered by hedgerows, fields and a cemetery as it rises up the hill from crossing the stream in the valley bottom. The separation of the church from Combs Ford is also appreciated from the footpath from Combs itself (now diverted onto a more circuitous route adjacent to the realigned stream than that shown on Ordnance Survey maps dating from 1976/7 or earlier) and in impressive views; distantly from Park Road in Combs village and from a bench at the beginning of the footpath thence to the church and; impressively in a closer view from Poplar Hill across the site of this appeal proposal.
28. Physically, the development of the site would not encroach any closer to the church than development which already exists in Church Road, Combs Wood Drive and Naughton Gardens. The experience when approaching on foot from

Combs Ford would be largely unchanged as would the view in the opposite direction, back towards Stowmarket, which is noted as a key view in the Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District Councils published in March 2018. When approaching down Church Road there would be a greater extent of urban character from the developed site fronting the road before reaching the bridge over the stream at the bottom of the hill, beyond which the separation of the church would continue to be appreciated.

29. When descending Church Road in the opposite direction, from Holyoak Farm or when standing in the upper parts of the cemetery, looking across the valley to the site, the extent of built form on the opposite valley slope would be much greater and there would be a loss of openness and a sense that the church would be enfolded by development but its immediate surroundings would remain open.
30. In the distant views along Park Road from within Combs village itself, the site does not figure. From the bench at the start of the footpath to the church from Combs, the separation between Combs and the existing development of Combs Ford would remain visible and unchanged. To the left of the view the development of the site would bring the suburbs of Stowmarket much closer to the viewer and so make the viewpoint feel less isolated in the countryside but the extent of visible separation between Combs Ford and the church would actually not alter.
31. What would be changed are the succession of views across the site from Poplar Hill as it rises from the bottom of a side valley to its summit outside the church hall where the built development of Combs Ford commences. In most of these, the church's clear separation from development is made apparent. As already noted, these views would be lost from the majority of the site frontage along Poplar Hill. Some views would remain from the lower part of Poplar Hill and there may be the potential for creating a view of the church itself along an avenue through the development but the views with the most impact, from the summit of the road, would be lost.
32. Although these views are not the only way in which the surroundings of the church would be experienced, they constitute the most immediate views in which both the church and its undeveloped surroundings can be seen together (others more distant are available from the footpath which runs along the ridge, between the church hall and Combs village). They are therefore valuable to an understanding of the significance of the church and so their loss would be harmful to its setting.
33. Obviously, their loss would not lead to a total loss of the surroundings of the church, let alone have any direct impact on its fabric, so the harm is very much less than substantial. Nevertheless, it is government policy that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. St Mary's church is an important asset. It is one of only 2.5% of all listed buildings which are given grade 1 status.
34. I therefore conclude that there would be less than substantial harm to the setting of St Mary's church which should be given disproportionately greater weight than the simple facts of the matter would suggest. This harm should be

weighed against the public benefits of the proposal, which I do in a later section of this decision letter. The proposal would be contrary to policy HB1 of the Mid Suffolk Local Plan 1998 which places a high priority in protecting the character and appearance of all buildings of architectural or historic interest with particular attention paid to protecting their settings.

Open space

35. A northern wedge of the site (its southern boundary following a straight line between the end of development on the south-western side of Church Road and the southern boundary of four isolated dwellings at 172-178 Poplar Hill facing the site) is allocated within the Stowmarket Area Action Plan (SAAP) adopted in February 2013 for the development of public open space. The allocation is part of a larger allocation of land, the remainder of which, on the western side of Poplar Hill, is allocated for residential development and a sheltered housing scheme, now known as Edgecomb Park.
36. The residential development now has planning permission in full. Phase 1 of the development is nearly complete. The Council's committee report on the application for that scheme records that development of the land within the current appeal site was omitted. The proposal was nevertheless approved, the committee report explaining that "the proposed development offers a lot of open space, despite the removal of the open space area (Phase 3) opposite the main housing site across Poplar Hill."
37. The Council's landscape expert deduced from this that the Edgecombe Park development contained sufficient open space to serve its own needs without the land to the east of Poplar Hill. In response to a specific question, the Council's expert planning witness confirmed that there was no need for the allocation on the appeal site to be developed as open space in order to supply any unmet need from any existing development in other parts of Combs Ford.
38. I therefore conclude that the failure to develop as open space the part of the site allocated for that purpose in the development plan is of no consequence. Although the proposal, if developed in the way indicated on the illustrative Development Framework submitted with the application, would contravene SAAP policy 6.20, that policy is, in effect, obsolete.

Sustainable location

39. Paragraph 103 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 122 advises that planning decisions should support development that makes efficient use of land, taking into account (amongst other matters), the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use. Paragraph 108 advises that in assessing specific applications for development, it should be ensured that (amongst other matters) appropriate opportunities to promote sustainable transport modes can be or have been taken up. None of these matters were the subject of dispute between the appellant and the local planning authority but were challenged, with substantive evidence, by third parties.

40. The developer's submitted Transport Assessment makes reference to a document *Providing for Journeys on Foot (2000)* published by the Chartered Institute of Highways and Transportation (CIHT). This is a commonly used professional reference. It includes a matrix showing desirable, acceptable and preferred maximum walking distances for journeys to town centres, for commuting, school journeys or sightseeing and elsewhere or for local services. The government's Manual for Streets (MfS) describes walkable neighbourhoods as typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. It also notes that walking offers the greatest potential to replace short car trips, particularly those under 2km.
41. The appellant's inventory of local facilities (table 5.2 of the Transport Assessment) was not challenged. It shows only the church, Stowmarket Community Centre, a play area off Combs Wood Drive and a Nursery School within 800m of the centre of the site. The list is not comprehensive; to it could be added at least the church hall on Poplar Hill (opposite the site) and the Combs Scout hut at the end of Combs Wood Drive. I also observed a hairdressing service advertised at 172-8 Poplar Hill. But the data is unlikely to be unjust to the appellant.
42. It does show that the site would be well-favoured with community facilities, facilities for children's play and for their early education all within an acceptable walking distance. But primary school children would find their nearest school some fifteen to twenty minutes' walk away, within the "preferred maximum" walking distance but beyond the "acceptable" figure for school journeys. Secondary School children would have to travel further but a school bus does pass the site.
43. For people's employment needs, there would be some jobs available at Combs Ford, a little over the "acceptable" figure for walking to work but within the "preferred maximum". Needham Road Industrial Estate and Stowmarket Town Centre are also just on the cusp of the 2km figure which is reckoned to be the "preferred maximum" to walk to work. All of Stowmarket and its industrial estates would be within cycling distance. An hourly bus service to Ipswich can be found at Lindsey Way, about eleven minutes' walk from the site and although the Stowmarket railway station is about a half hour's walk from the site, services to Ipswich are relatively frequent and take about 12-15 minutes, making a commute by public transport a feasible proposition.
44. For shopping, Combs Ford provides a Cooperative supermarket, a Poundstretcher store, a pharmacy, a charity shop, a doctor's surgery, two public houses, two hairdressers, a small corner store (and a second one not currently in use), a mobile phone and computer shop, an upholsterer's, a pet care shop, a petrol filling station and a vehicle repair garage, all within about 1200m of the site. That would be considerably more than the "preferred maximum" walk of 800m to a town centre but just within the "preferred maximum" for local services and elsewhere.
45. All in all, the distances for walking would not place the site within a "walkable" neighbourhood in the terms used by MfS, nor within distances which would promote walking as a sustainable travel mode. But it would be far from being an unsustainable location, completely devoid of facilities within a preferred maximum walking distance. Much was made of the fact that the site is at the

summit of Poplar Hill whereas facilities are down in the valley but in truth the gradient on Poplar Hill is reasonable and within the capabilities expected of a wheelchair user. Other, slightly longer routes to the site are more level. Access times by bicycle are good, though specific facilities to promote their use are few. Public transport close to the site is very limited, only offering one or two journeys per day but a service with hourly frequencies typical of a rural area is about 11 minutes' walk away.

46. I conclude that although the site would not be in a particularly sustainable location, neither would it be in an unsustainable location. The submitted travel plan would promote the use of the sustainable travel modes available. If it were not for the fact that it is defined as countryside, outside settlement boundaries, then it would otherwise comply with those parts of Core Strategy policy CS1 which requires the majority of new development to be directed towards towns and key service centres and of Local Plan policy H7 which requires new housing normally to form part of existing settlements.

Highway capacity and road safety

47. NPPF paragraph 108 advises that in assessing specific applications for development, it should be ensured that (amongst other matters) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. NPPF paragraph 109 goes on to advise that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
48. The appellant's analysis of the proposal's impact on highway capacity produces more favourable forecasts than that of the developer of Edgecomb Park produced a few years' earlier. The reason given is that the standard tool for forecasting traffic growth without development (TEMpro) and its associated data sets were updated between the two assessments. Differences between residents' assessments of traffic flows on Poplar Hill and data used by the appellant are explained by the different locations used for data collection.
49. The submitted Transport Assessment appears to show that some junctions on the road network would be loaded to more than 85% of their designed capacity, at which point capacity problems may begin to occur. Some apparently dramatic increases in congestion at certain road junctions are shown; an approximately 43% increase in morning peak queue lengths at the junction of Needham Road with the A1308; a near doubling of queue lengths at the junction of Ipswich Road and Needham Road and at the junction of Ipswich Road and Poplar Hill.
50. These increases in congestion are from a very low base; equivalent to 4 or 5 cars on one arm only of a multi-arm junction which consequently gives very high increases when measured as percentages. In reality, congestion and increases in congestion caused by the development proposed would be minimal, hardly noticeable against the daily or seasonal fluctuation in traffic. The appellant's transport expert was asked how he would judge whether impact would be severe. His advice was that severe impact would occur if congestion at one junction tailed back so as to interfere with the operation of another junction. I agree that that criterion represents a useful yardstick by

which to judge a severe impact on the road network. The effects from this development would be far from that.

51. The accident records do not suggest that the network in the vicinity of the site has any design defects which would be so exacerbated by the increased volume of traffic resulting from the development as to become disproportionately or unacceptably unsafe. The access to the site itself has been designed in accordance with current standards for visibility and capacity for the volume of traffic it would be expected to carry and has been accepted as such by the competent highway authority. Absolute highway safety can never be guaranteed so long as any road is in use by a single car, pedestrian or cyclist but there is no evidence before me which would lead me to a conclusion that this appeal proposal should be dismissed on highway safety grounds.
52. I conclude that this proposal would have an acceptable effect on highway capacity and road safety. It would comply with Local Plan policy T10 which requires regard to be had to those matters.

Housing supply

53. Even as reviewed, Mid Suffolk's strategic policies are more than five years' old. Paragraph 73 of the NPPF sets out government policy that in such cases local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need calculated using the standard method set out in national planning guidance. The supply should in addition include a buffer, which in Mid-Suffolk's case is one of 20%, in order to improve the prospect of achieving the planned supply.
54. National planning guidance describes a three-step procedure for calculating local housing need. The first step is to set the baseline by using the government's 2014-based household projections to calculate the projected average annual household growth over a ten-year period with the current year being used as the starting point. The current year is 2019. An argument was put forward that this year's figure should be disregarded in favour of that for 2018 being used as the starting point on the basis that housing supply data with which the local housing need would be compared was not available for the year 2019 but there is no basis in guidance for making such an adjustment to the calculation of local housing need which is made independently of the calculation of supply.
55. The second step in calculating local housing need is to adjust the resulting average annual projected household growth figure to take account of affordability using the most recent median workplace-based affordability ratios published by the Office for National Statistics. The most recent figures are the 2018 dataset, published in March 2019. Again, an argument is made for using the 2017 dataset on the basis that those were the most recent figures at the time that housing supply data was assembled but there is no basis in guidance for making such an adjustment to the calculation of local housing need which is made independently of the calculation of supply.
56. The third step in calculating local housing need is to cap the level of any increase. Both main parties are agreed that for Mid Suffolk, this part of the calculation results in there being no need for a cap to be applied. Consequently, the local housing need (LHN) for Mid Suffolk, calculated in

accordance with national guidance is currently 556 dwellings per annum or 2,780 dwellings within five years. Adding a twenty percent buffer to improve the prospect of achieving the planned supply gives a figure of 3336 which needs to be demonstrated as deliverable in the Council's identified housing land supply.

57. The Council provided an analysis of housing land supply as at 1st April 2018 in its 2017/18 Annual Monitoring Report published in July 2018 but criticisms of its methods made in an appeal decision of September 2018 (Appeal reference APP/W3520/W/18/3194926) which led to a finding that the Council could not demonstrate a five-year supply of deliverable housing sites, together with revisions to NPPF published in July 2018 caused it to revisit the matter. A new Housing Land Supply Position Statement (HLPS) was issued in March 2019, following consultation from January 2019, setting out a housing land supply of 3,493 dwellings for the period 1st October 2018 to 30th September 2023 which the Council thought it could demonstrate would be deliverable.
58. This HLPS has been criticised in the current appeal largely on three grounds; firstly that it relates to a position some ten months ago whereas the local housing need has been updated by more recent information; secondly, that the data has been post-rationalised through the inclusion of data not available on 1st October 2018 and thirdly that the lead-in times and delivery rates presumed in the assessment cannot be justified.
59. Whilst the first criticism is factually correct, it is an inevitable consequence of the process of trying to pin down both local housing need and local housing supply to an annual calculation when, in reality, both are constantly changing on an almost daily basis but the ability to record them happens at less frequent intervals which do not coincide. National guidance is quite clear that local housing need should be calculated with the current year as the starting point, not some previous year, and applying the most recent figures for affordability, not those of some previous year and that housing supply need only be calculated annually.
60. In the past, prior to the changes introduced with the revisions to the NPPF published in July 2018, participants in a local inquiry would have spent many hours of resources in seeking to establish, in the words of the then footnote 11, whether sites were available and offered a suitable location for development "now", ie at the time of the Inquiry; a nugatory exercise because dwellings are completed on a constant basis (and so should be removed from the pipeline) whilst new sites would be brought forward at any time (and so added to the pipeline), an exercise of chasing a will-o'-the-wisp repeated successively for each appeal within a local authority's area. Now, the exercise need not be conducted more than once a year but will inevitably be out of kilter with the most recent calculation of local housing need.
61. The second criticism is answered by the comment made in paragraph 14.48 of appeal decision APP/P4605/W/18/3192918; in accordance with the "Woolpit" decision (APP/W3520/W/18/3194926) "a site granted permission after [the cut-off date for the calculation of the housing land supply] should not, therefore, be included in the sites with permission categories within the 5YHLS. However, this does not mean that all information gathered after the cut-off date is irrelevant where, for example, this serves to confirm that assumptions made when deciding what should be in the supply were well founded."

62. The third criticism is focused on five sites with outline planning permission but which did not have reserved matters approved on the 1st October 2018. Even if all the sites in dispute were deleted from the Council's claimed supply the result would still be a supply which, at 2796 dwellings, would meet the Council's Local Housing Need requirement of 2780 but without any buffer.
63. Subsequent events (noted in Mr Roberts's Proof of Evidence and in the draft Housing Land Supply Position Statement issued in July during the Inquiry) appear to have confirmed that the Council's assumptions made when deciding what should be in the supply were well founded in four of those cases and that the appellant's suspicions were well founded in one (land at Turkeyhall Lane), which amounts to 51 dwellings. Deletion of this site from the analysis would not invalidate the Council's claim that it can demonstrate a five-year Housing Land Supply with a 20% buffer in relation to its currently identified local housing need. I am confirmed in this view by the observation made in appeal decision APP/W3520/W/18/3209219 that the appellant in that case pointed to the fragility of the situation but accepted the Council's position that it had a 5.24-year Housing Land Supply.
64. As has been mentioned, the Council issued a draft of a new Housing Land Supply Position Statement during the Inquiry. This appears to have taken on board some of the criticisms of its previous methods by increasing the presumed lead-in time to 3.3 years, but aggravating others by increasing the annual delivery rate. Both changes are supported with evidence. It claims a housing supply of specific, deliverable sites sufficient to provide 3746 dwellings which equates to a supply of 5.61 years including a 20% buffer. But, it is only a draft issued for consultation and so may well contain errors. Neither party was willing to discuss it in detail during the Inquiry. I therefore place no more reliance on it than to observe that it does not lead me towards reaching a different conclusion to that stated in my preceding paragraph.
65. What is not in contention in this appeal is the contribution which would be made to the supply of affordable housing. The Council has a Local Plan policy (H4) of requiring a percentage of new dwellings to be delivered as affordable housing. The supporting text to this policy takes 15% as a starting point. The affordable need identified in the latest SHMA is much higher. In fact, although the Council has delivered 21% over the past eleven years, its current position was described in the recent Bacton appeal decision APP/W3520/W/18/3209219 as bleak. The current appeal proposal offers 35% affordable housing. Despite the scepticism of local residents, the appellant affirmed that it had a good record of sites which it had brought to market delivering the quantities of affordable housing promised. This claim was not challenged.
66. I therefore conclude that the effects of the proposal on the supply of housing in the locality would be beneficial in light of the government's policy to boost the supply of housing but not disproportionately so in light of the Council's ability to demonstrate a five-year housing land supply. Although the housing target in policy CS8 is obsolete, the general thrust of the policy, to allocate greenfield sites for housing is still relevant today and this proposal would be consistent with that. It would represent the equivalent of about half a year's supply, albeit probably spread over a longer period. In terms of affordable housing, the benefits should be regarded as more substantial, in view of the Council's disappointing achievements to date.

Other matters

67. The appeal is accompanied by a planning obligation in the form of a signed and dated Unilateral Undertaking. This provides for affordable housing, a sum of £10,000 to the Council to pay for measures to mitigate the effects of increased recreational use of the Combs Wood Site of Special Scientific Interest, an introductory travel pack for each household, a Travel Plan and coordinator, funded for five years, the layout of open space and a play area and a Management Company to take on the management of the open space and sustainable drainage system proposed. Because I am dismissing the appeal in any event, I do not need to consider the compliance of the Unilateral Obligation with the CIL Regulations but I note that a CIL compliance statement is provided by the Council.
68. There are other benefits which would also flow from the development. In addition to the benefits to the supply of housing and affordable housing, the construction work would produce economic benefits in the form of 140 full time equivalent (FTE) jobs over the construction period and an additional 152 FTE jobs in associated industries. Once complete the development would house approximately 186 economically active residents with a £4.8 million per annum household spend in the local economy and a New Homes Bonus payment to the Council.
69. Some elements of the scheme which are provided as mitigation would also provide benefits to the wider existing population of the area. This includes the public open space and play area which would be provided on site, two bus stops on Poplar Hill and the enhancements to the Combs Wood SSSI. The landscaping of the scheme could provide screening to the urban edge of Stowmarket sought by SAAP policy 6.22 and a net enhancement to biodiversity.

Conclusions

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. In paragraph 11 (c) it advises that decisions should apply a presumption in favour of sustainable development and that this means approving development proposals that accord with an up-to-date development plan without delay.
71. Footnote 7 of the NPPF defines policies most important for determining the application as out of date as including situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with a buffer) or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. Neither contingency applies in this case so footnote 7 does not lead to a declaration that the development plan is out of date.
72. Some development plan policies have clearly outlived their purpose and are out of date through obsolescence. Policy 6.20 of the SAAP has already been noted. The concept of settlement boundaries as a development management tool may not be outmoded but given the degree to which the Council has permitted developments outside current settlement boundaries, those currently defined by Local Plan policy Prop1 are clearly obsolete. Similarly, the particular

housing target of policy CS8 may be obsolete but the thrust of the policy, allocating greenfield sites to meet housing need is not.

73. Although the development plan is old, that does not necessarily mean that it is outdated. Due weight should be given to older policies according to their consistency with the NPPF. My attention was drawn to a number of appeal decisions in which various development plan policies were said to be out of date because of their inconsistency with the NPPF. Policies CS1 and CS2 are said to be out of date in appeal decision APP/W3520/W/18/3194926 because they perpetuate the theme of protection of the open countryside for its own sake, as the justification to policy CS1 (paragraph 2.37 of the Core Strategy) makes clear. The same could be said for Local Plan policy H7, the justification for which (paragraph 2.3.55) also makes it clear that its purpose is to protect the countryside for its own sake.
74. In contrast, the more nuanced approach of the part of policy CS5 which seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole, protecting the District's most important components and encouraging development consistent with conserving its overall character, appears to be fully consistent with the nuanced approach of the NPPF.
75. Although NPPF paragraph 170 does not endorse the theme of protection of the countryside for its own sake, it does call for the protection and enhancement of valued landscapes and for recognition of the intrinsic character and beauty of the countryside. Policies CS1, CS2 and H7 of the adopted development plan go too far and to that extent are therefore out of date but to the extent that they recognise the intrinsic character and beauty of the countryside, they are entirely consistent with the NPPF and so should be given weight to that degree. For much the same reason I take a similar view towards policy FC1 of the Core Strategy Focused Review; the particular test it contains may be derived from an outdated version of the NPPF but its general presumption in favour of sustainable development remains valid.
76. A similar approach is taken towards the heritage elements of policy CS5 in appeal decision APP/W3520/W/18/3200941. That policy is seen as going further than the statutory duty to have regard to the desirability of preserving or enhancing heritage assets and to advice in the NPPF but it is not thereby ruled out of date. Instead it is given reduced weight. But the advice of NPPF paragraph 184 is that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. That itself goes beyond the statutory requirement simply to have regard to that desirability and so my view is that the heritage element of policy CS5 is fully consistent with that provision of the NPPF and so is not out of date. The same can be said for Local Plan policy HB1.
77. From the above discussion it should be clear that I take the view that although some of the most important policies for determining the application (CS1, CS2 and H7) are out of date to a degree, others (CS5 and HB1) are not. There is a development plan which is at least partly up to date and the proposal does not accord with it, so the advice contained in paragraph 11(c) of the NPPF does not apply in this case.
78. For similar reasons, the advice contained in NPPF paragraph 11(d) which applies where policies which are most important for determining the application

are out of date does not apply in this case because although some of the most important policies are out of date to a degree, others are not. In any event, NPPF paragraph 11(d)(i) disapplies the advice because NPPF paragraphs 184, 193 and 196 provide a clear reason for refusing the development proposed (subject to the balancing exercise required by NPPF paragraph 196 which I carry out below).

79. For the above reasons, neither paragraph 11(c) nor 11(d) of the NPPF provide the basis for reaching a decision in this case and so, the "tilted balance" does not apply. I therefore fall back on the requirements of the law, that applications for planning permission must be determined in accordance with the development plan unless material considerations (which include the balancing exercise required by paragraph 196 of the NPPF as well as policies in the NPPF other than paragraph 11 which I have already considered) indicate otherwise.
80. In summary; the development proposed would not be in a particularly sustainable location but neither would it be in an unsustainable location. It would have an acceptable effect on highway capacity and road safety. These factors weigh neutrally in the balance.
81. Although the site is not recognised in published documents as an exemplary or outstanding component of the Suffolk landscape and its development would in some ways be consistent with characteristic patterns of development along valley sides, the appeal proposal would compromise the appreciation of sufficiently impressive examples of other characteristic features of the landscape as to cause an unacceptable effect on the landscape character and appearance of the area. These characteristic features are Combs Wood and St Mary's Church both of which have statutory status and so would qualify the landscape to be regarded as valued, to be protected and enhanced in terms of NPPF paragraph 170(a).
82. There would be less than substantial harm to the setting of St Mary's church which should be given disproportionately greater weight than the simple facts of the matter would suggest. This harm should be weighed against the public benefits of the proposal. These are a contribution of about half a year's supply towards the satisfaction of local housing needs, the economic benefits which would flow from that, a highly beneficial contribution towards the provision of affordable housing and some incidental public benefits which would flow from mitigation of some of the scheme's impacts.
83. Bearing in mind the statutory duty to have special regard to the desirability of preserving the setting of a listed building, the grading of that building in this case and the Barnwell judgments ([2013] EWHC 473 (Admin) and [2014] EWCA Civ 137) and supported by consideration of the need to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside, my conclusion is that material considerations do not indicate that this appeal should be determined otherwise than in accordance with the development plan.
84. Although there is compliance with some development plan policies such as H4 and T10 and those parts of Core Strategy policy CS1 which require the majority of new development to be directed towards towns and key service centres and of Local Plan policy H7 which require new housing normally to form part of existing settlements, there would be conflict with other parts of policies CS1

and H7 which seek protection for the countryside and with CS2, CS5 and HB1. Taking the development plan as a whole and recognising that parts of it are out of date to a degree, determination of this appeal in accordance with the development plan requires its dismissal.

P. W. Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|------------------------------------|--|
| Martin Carter | Of counsel, instructed by Stuart Carvel MTCP (Hons) MRTPI Planning Manager, Gladman Developments Limited |
| He called | |
| Gary Holliday BA(Hons) MPhil CMLI | Director, FPCR Environment and Design Limited |
| Gail Stoten BA(Hons) MCIFA FSA | Heritage Director, Pegasus Planning Group |
| David Stoddart BA(Hons) CMILT MIHT | Associate Director, Prime Transport Planning |
| Jonathan Dixon BA(Hons) MA MRTPI | Director, Savills (UK) Limited |
| Stuart Carvel MTCP(Hons) MRTPI | Planning Manager, Gladman Developments Limited |

FOR THE APPELLANT:

| | |
|---|---|
| Anjoli Foster | Of counsel, instructed by the solicitor to Mid Suffolk District Council |
| She called | |
| Michelle Bolger BA DipLA PGCE CMLI | Director, Michelle Bolger Expert Landscape Consultancy |
| Laurie Handcock MA MSc | Director of Heritage Team, Icen Projects |
| Alex Roberts BSc (Joint Hons) AssocRTPI | Director, DLP Planning Ltd |
| Graham Robinson BSc MA MRTPI | Associate Director DLP Planning Ltd |

Steven Stroud, Strategic Projects Manager, Mid Suffolk District Council took part in the round table discussion on conditions

INTERESTED PERSONS:

| | |
|----------------------|--|
| Sara Waterer | Save Mill Mount Field Network and Local Resident |
| Ian Clark | Save Mill Mount Field Network and Local Resident |
| Bill Baldry | Local Resident |
| Cllr Gerard Brewster | Local Councillor |
| Sue Borges | Local Resident |
| George Bethell | Local Resident |
| Desiree Shelley | Save Mill Mount Field Network and Local Resident |
| Tom Oates | Save Mill Mount Field Network and Local Resident |
| Vivienne Smith | Local Resident |
| Alan Winchester | Local Resident |
| John Garbutt | Local Resident |
| Julia Stephens-Row | Local Resident |

| | |
|------------------|--|
| Dave Clayton | Local Resident |
| Georgina Marston | Local Resident |
| Robert Paton | Save Mill Mount Field Network and Local Resident |
| John Smith | Local Resident |
| Julia Swanson | Local Resident |
| Dilys Lloyd | Local Resident |
| Diane Oates | Local Resident |

Additional DOCUMENTS submitted at Inquiry

- 1 Detailed planning layout of Edgecombe Park
- 2 (a) Appeal decision APP/Z1510/W/17/3172575
- 2 (b) Appeal decision APP/R3650/W/16/3165974
- 3 Mid Suffolk District Council Housing Land Supply Position Statement 2019/20-2023/24
- 4 FPCR drawing figure 6 with MB viewpoints and FPCR photomontages added
- 5 (a) Policy H16
- 5 (b) Policy HB1
- 6 Photograph of St Mary's church by Bill Baldry
- 7 Statement by Bill Baldry
- 8 Statement by Cllr Brewster
- 9 Written submission from Moira Walshe
- 10 Information about Mill Mount Field Network
- 11 Amended statement from Tom Oates
- 12 Photograph from Tom Oates
- 13 Mr Paton's questions
- 14 Appeal decision APP/P4605/W/18/3192918
- 15 Bundle of photographs from Georgina Marston
- 16 Statement by Diane Oates
- 17 [2015] EWHC 488 (Admin)
- 18 [2019] EWHC 127 (Admin)
- 19 [2019] EWHC 1993 (Admin)
- 20 Appeal Decision APP/W3520/W/18/3209219
- 21 Extracts from Guidelines for Landscape and Visual Impact Assessment (GLVIA3)

Additional DOCUMENT submitted (by agreement) following Inquiry

- 1 Certified copy of Unilateral Undertaking dated 1 August 2019