



Appeal Decision

Inquiry Held on 15 – 18 and 24 - 25 March 2022

Site visit made on 15 March 2022

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/X3540/W/21/3280740

Land off Yarmouth Road, Melton, Woodbridge IP12 1QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Christchurch Land & Estates (Melton) Limited against the decision of East Suffolk Council.
 - The application Ref DC/20/1521/FUL, dated 17 April 2020, was refused by notice dated 1 April 2021.
 - The development proposed is a care village comprising an 80 bedroom care home, together with 72 assisted care bungalows, café/club house, bowling green, car parking, open space provision with associated infrastructure and access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The decision notice originally included 8 reasons for refusal however prior to the Inquiry reasons 4, 6 and 7 were resolved. Reason 4 relates to the provision of affordable housing, Reason 6 is for mitigation for the protected habitat sites and Reason 7 relates to the need for a legal agreement, which have now been addressed through the submission of a Section 106 Legal Agreement.
3. Reason for Refusal 8 relates to the level of information provided to ensure that the drainage measures for the proposed development would be appropriate. This is still disputed, and I have been provided with written evidence in relation to this matter which I will return to later in this decision.
4. The Appellant put forward an alternative mix of accommodation to provide a mix of 1-bed and 2-bed properties instead of the originally proposed 72 2-bed properties. I will return to this in the housing mix section of this decision.
5. A signed Section 106 Legal Agreement¹ has been provided, dated 28 March 2022. I will return to this later on.
6. On 3 May 2022 the Council adopted their Affordable Housing Supplementary Planning Document. The Council consider that this complements their existing

¹ Agreement under Section 106 of the Town and Country Planning Act 1990 relating to the development of land off Yarmouth Road, Melton, between East Suffolk Council and Peter William Warburg

position on affordable housing provision and the Appellant was given opportunity to comment on this.

Main Issues

7. The main issues are:

- whether the proposed development would be in a suitable location, having regard to the countryside and access to services and facilities;
- what is the need for specialist accommodation and whether this is adequately addressed by the Local Plan;
- the effect of the development on the character and appearance of the area; and
- whether the development would provide suitable accommodation, having regard to the affordable housing requirements of Policy SCLP 5.10 and the types and sizes of accommodation proposed.

Reasons

Location and Access to Services and Facilities

8. The appeal site is located off Yarmouth Road, to the north of the settlement of Melton and currently comprises part of an agricultural field. Policy SCLP3.2 of the Suffolk Coastal Local Plan (2020) (Local Plan) identifies Melton as a Large Village, however, it is agreed between the parties that the appeal site falls outside of the settlement boundary for Melton and is therefore classed as Countryside for the purposes of the Local Plan, and specifically Policy SCLP3.3. Policy SCLP3.3 states that new residential, employment and town centre development will not be permitted in the Countryside except where specific policies in the local plan or neighbourhood plan indicate otherwise. It also goes on to say that proposals for new residential development outside of the Settlement Boundaries and outside of land which is allocated for development will be carefully managed in accordance with national planning policy guidance and strategy for the Countryside.
9. Policy MEL1 of the Melton Neighbourhood Plan 2016 - 2030 (2018) (MNP) seeks to direct development to within the physical limits boundaries and states that development proposals outside the physical limits boundary will not be permitted unless they are in accordance with the Local Plan policies on appropriate uses in the countryside or they relate to necessary utilities infrastructure and where no reasonable alternative location is available.
10. The Appellants accept that there is conflict with Policies SCLP3.3 and MEL1 and therefore the Development Plan as a whole. However, they are of the view that the conflict is technical in nature as they consider the development results in no physical adverse impacts and is outweighed by material considerations.
11. The Planning Practice Guidance (PPG) highlights the need to provide older people with a better choice of accommodation to help them feel more connected to their communities². It also states that the location of housing is a key consideration for older people who may be considering whether to move

² Planning Practice Guidance Paragraph: 001 Reference ID: 63-001-20190626

- and factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres³.
12. Manual for Streets⁴ encourages a reduction in the need to travel by car and refers to having a range of facilities within 10 minutes walking distance, or up to about 800m. It acknowledges that this is not an upper limit however⁵ and it makes reference to the previous Planning Policy Statement 13 which highlighted that walking offered the greatest potential to replace short car trips, particularly those under 2km.
 13. Within Melton there are a number of shops and services to meet the day to day needs of the residents including convenience store, takeaway as well as the railway station which provides access to Ipswich and Lowestoft. Approximate walking distances from the site entrance to local facilities and amenities have been agreed between the parties⁶. There are footpaths from the site to Melton however these are not continuous on both sides of the road and would require pedestrians to cross the road several times to reach the services. Furthermore, parts of the footpaths are in varied condition and there are narrow points closer to Melton village, with a narrow pinch point close to the junction with The Street. These may make it difficult in parts for users of mobility scooters or walking aids or those who are unsteady to walk into Melton.
 14. However, the proposed development would include improvements to parts of the footpath, including from opposite the site to the bus stop on Yarmouth Road, near St Audrys Road and in addition, a minibus service would be provided. In addition, there are existing bus stops near the appeal site and new stops would be provided. This would ensure that those who cannot comfortably walk to Melton would have alternative options to access the facilities.
 15. I have been provided with a copy of the Sustrans report which was carried out in 2018 to assess the walking and cycling routes as well as photographs of parts of the route from the appeal site into Melton⁷. I note this was carried out for a different application and a number of years ago. The Council acknowledge that there have been some changes on the ground since this document was prepared however, they consider it still provides a useful summary of the route. Manual for Streets also highlights that the propensity to walk is influenced not only by distance but also by the quality of the walking experience⁸. The route from the appeal site into Melton for pedestrians currently involves using footpaths in various states of repair, of varying widths and would involve crossing the road on a number of occasions. I also note that there were some cars parked on the road which may impact on visibility when trying to cross.
 16. I accept that not all future residents would be able to walk or cycle into Melton town centre to access facilities. Nevertheless, for those who are able, the site is within an acceptable walking distance and the improvements to the pavement would ensure that the route was largely suitable. I note the pinch points and the need to cross the road at certain points however I consider that this would not severely preclude residents from accessing the facilities by foot or even

³ Planning Practice Guidance Paragraph: 013 Reference ID: 63-013-20190626

⁴ CD 9.5 (2007)

⁵ Paragraph 4.4.1

⁶ Transport Statement of Common Ground paragraph 2.1.1

⁷ Rachel Smith Proof of Evidence Appendix 1 - 5

⁸ Paragraph 6.3.1

cycle. For those residents who do not wish to walk, although I note the Council's view that the existing bus services can be patchy, the site is nevertheless sited on a bus route and there will be the provision of new bus stops outside the site. In addition, the provision of an additional minibus service from the development would help to mitigate this and encourage other residents to access local facilities.

17. In addition to the physical connections to the nearby settlements, there is also the matter of social and community connections which should be considered. Although the proposed development would be detached from Melton, for the above reasons I find that the village would not be inaccessible and there would be sufficient options for those residents who wish to travel to and from the village. Furthermore, I have had regard to the type and nature of the development proposed and that it would be a community in itself with residents likely to form a community group with the proposed facilities, such as the bowling green, giving the opportunity to socialise with other residents. As such, I consider that the development would allow successful integration or social interactions for the future residents.
18. As such, I find that in terms of the access to local services and facilities, the proposed development would be acceptable. However, I find that as a result of the sites location outside the main settlement, there would be a breach of Policy SCLP3.3 of the Local Plan and Policy MEL1 of the MLP. I note the Appellant's view that this is a 'technical breach' nevertheless it is still conflict with the development plan which needs to be given weight in the planning balance. I do find that the proposal would however comply with the provisions of Policy SCLP7.1 insofar as it requires development to incorporate measures that will encourage people to travel using non-car modes including considering and taking all available opportunities to enable and support travel on foot, cycle and public transport, being located close to and providing safe pedestrian and cycle access and not reducing road safety. The proposal would also comply with paragraphs 110 and 112a) of the National Planning Policy Framework (the Framework).

The Need for Specialist Accommodation

19. The proposed development would provide an 80-bed care home and 72 assisted living bungalows. The PPG states that the need to provide housing for older people is critical⁹. It is common ground between the parties that there is a substantial need for specialist elderly housing in the Suffolk Coastal Local Plan area¹⁰. The scheme would fall within Class C2 and form a facility for the frail elderly with a minimum age of 75 years. There would be a requirement for all residents to take a minimum care package of 4 hours per week.
20. The Ipswich Housing Market Area Strategic Housing Market Assessment Part 2 Partial Update¹¹ (SHMA Update) was carried out in 2019 and provided an update to the 2017 Part 2 SHMA. In addition, a note on specialist and older persons housing¹² was prepared during the local plan examination and calculated the net need for specialist accommodation using the Strategic Housing for Older People (SHOP) tool¹³.

⁹ Planning Practice Guidance Paragraph: 001 Reference ID: 63-001-20190626

¹⁰ Statement of Common Ground dated March 2022 Paragraph 3.6

¹¹ CD 11.1

¹² CD 11.2

¹³ CD 11.2 Appendix 2

21. Policy SCLP5.8 of the Local Plan seeks to secure the housing needed for different groups in the community, to accord with the SHMA or latest equivalent assessment, and it makes reference to the significant needs for housing for older people and the criteria for supporting sheltered and extra care housing.
22. The Appellants have carried out an independent analysis of the need for specialist accommodation which uses the same method as used in the SHMA. However, there is a difference in the data source used with the Council using the SHOP tool and the Appellant using the Elderly Accommodation Council (EAC) data. This has resulted in a difference between the specific numbers of accommodation needed although this difference is not substantial.
23. I have been provided with a list of completions and permissions for care home and sheltered/extra care housing in the Suffolk Coastal Local Plan area, including completions between 1 April 2016 and 31 March 2021 and permissions as at 31 March 2021¹⁴. Furthermore, the Appellant has provided a table of recent completions and pipeline supply and a review of the site allocations¹⁵. I consider that the Council's identified sites show delivery and a pipeline of specialist accommodation to go towards meeting the identified need.
24. The PPG and the Framework highlight the need to provide specialist accommodation for the elderly however I have not been directed to any examples where it is stated that there needs to be set targets within policies. Furthermore, the need for specialist housing for the elderly was thoroughly considered at the local plan examination and I have been provided with the relevant documents that supported this and related to the development of Policy SCLP5.8. Although this policy does not provide specific figures or requirements for the provision of such housing, it nevertheless is a positively worded policy, and it does require delivery in accordance with the SHMA. The local plan examination found the policy to be effective and, based on the evidence provided, I concur with this. Based on this evidence and the identified sites that include provision for elderly housing, I find that the local plan is working towards meeting this need.
25. My attention has been drawn to the Sonning Common decision¹⁶. However, there are differences in the level of sites to meet the identified need and there was also a shortfall in the housing land supply. Consequently, I have not been provided with sufficient evidence to determine that this is wholly comparable to the scheme before me.
26. I note the variations in the approaches taken by the Appellants and Council in relation to the need for specialist elderly accommodation within the District. However, in both case the end result is that there is a significant need which has not yet been met. I do not find, based on the evidence before me and the age of the local plan, that there is strong indication that the need cannot be met and I have had regard to the completions and likely pipeline supply. In either case however, and taking into account the level of ageing population in the area, the provision of this type of accommodation to meet an identified need carries very substantial weight in the planning balance.

¹⁴ CD 11.15

¹⁵ Bethan Haynes Proof of Evidence Appendices 1 and 2

¹⁶ APP/Q3115/W/20/3265861 – Little Sparrows, Sonning Common, Oxfordshire RG4 9NY

Character and Appearance

27. The appeal site currently comprises an area of agricultural land, set within a larger parcel that extends between Yarmouth Road and Lodge Farm Lane. It is located within the area of Ancient Rolling Farmlands Landscape Character Type¹⁷ and is classified in the National Character Area Profile as being within the Suffolk Coast and Heaths National Character area (NCA 82). It has a small area of disused quarry to the south-eastern corner and is bounded by hedgerows and some tree belts. There are some open views of the appeal site along the adjacent public right of way, Jews Lane, and from some points along St Audrys Road.
28. There was dispute between the parties as to whether the appeal site comprises a rural character or urban fringe. There are three small areas of housing adjoining parts of the site, South Close, a cluster of houses on the corner at St Audrys Road, and a row fronting Yarmouth Road to the north east. Opposite the appeal site is the Ufford Park Golf Course and along Yarmouth Road is a large dwelling and a day nursery. To the rear of the site is the St Audrys club and nearby is a waste management facility.
29. The site is distinct from the nearby settlements of Melton and Ufford. There are a number of clusters of properties either side of the site and the number of dwellings become more intensified along Yarmouth Road as they get closer to the village. Furthermore, the golf course and hotel on the opposite side of the road introduces a managed landscape.
30. Nevertheless, the nearby groups of buildings are sporadic and small scale and I find that they are characteristic of small pockets of development within the countryside, distinct from the main settlements and wider urban form. The appeal site and its immediate surroundings are separate from the built form of Melton and Ufford and overall, despite the existing buildings, the area reads as countryside rather than a traditional urban fringe location. The golf course, whilst managed landscape, still fits with a countryside location, although I note the Council's Sensitivity Study considers that golf courses have eroded the rural character of the area. However, overall the appeal site is set within and contributes to a countryside setting in my view.
31. Policy SCLP10.4 of the Local Plan seeks to ensure that development proposals demonstrate that their location, scale, form, design and materials protect and enhance a) the special qualities and features of the area; b) the visual relationship and environment around settlements and their landscape settings; c) distinctive landscape elements including but not limited to watercourses, commons, woodland trees, hedgerows and field boundaries, and their function as ecological corridor, amongst other things. The Policy also refers to the Suffolk Coastal Landscape Character Assessment (2018) (LCA) and the Settlement Sensitivity Assessment (2018) and seeks to ensure that a scheme should be well integrated into the landscape.
32. The appeal site falls within Landscape Character Area N1: Boulge Park and Bredfield Rolling Farmland¹⁸. Within this area the LCA highlights that the landscape forms an important rural context and setting to the scenic river valleys and in terms of condition it notes that there are pockets of well-

¹⁷ Suffolk County Landscape Character Assessment (LCT4)

¹⁸ Suffolk Coastal Landscape Character Assessment Final Report July 2018

- preserved field systems and some large greens left which feel intact and looked after but notes some neglect through lack of grazing and scrappy looking elm dominated hedging where regular management has not been carried out. The strategy objectives within this area include protecting the historic small-scale field patterns of the pastures and their hedge networks and protecting the settlement form and curtilage patterns in the villages from inappropriate development and disruption, amongst other things.
33. A Landscape and Visual Impact Assessment (LVIA) has been carried out to consider the potential impacts of the development in accordance with best practice guidance in Guidelines for Landscape and Visual Impact Assessment – Third edition (GLVIA3). In landscape terms, the Ancient Rollings Farmlands is considered to be of medium value in the LVIA. The LVIA also considers the area to be of medium susceptibility and sensitivity. In terms of the impacts of the proposed development, the LVIA identifies the magnitude of impact as being low resulting in a minor adverse effect, which would reduce to negligible to minor adverse effect at 15 years after completion on the wider LCA and a moderate adverse effect reducing to a minor adverse effect on the site and immediate surroundings. Furthermore, Table 6 provides an assessment of the visual effects from a number of viewpoints and receptors.
34. The proposal would involve the removal of part of the frontage hedgerow to provide the main access into the proposed development, approximately 139 metres in length. The existing hedgerow is comprised of mixed species, including Elm. The proposed development would include additional planting of around 98 metres of new hedgerow within the appeal site to replace that being lost. I accept that the new hedgerow can include some Elm which would be likely to be disease resistant and support wildlife including the White-letter Hairstreak Butterfly.
35. However, there are also potential visual implications of the loss of the hedgerow at the frontage. Currently there are some partial views into the undulating landscape from Yarmouth Road through the existing access point. The removal of over 100 metres of hedge with the provision of a roadway and footpaths with views of the development beyond would result in a very different landscape in visual terms than existing.
36. I find that despite the reduction in the overall height of the care home and the generally low level of the bungalows, the development would introduce a built form that is not characteristic of the existing area, which in the immediate area is one of small groups of development. The introduction of a care home, plus 72 bungalows and the associated areas of hardstanding, parking areas, footpaths and domestic items would significantly alter the character of the surroundings. The development of the site would also consolidate the small clusters of dwellings to either side and would result in the strong erosion of the rural character.
37. I have had regard to the proposed viewpoints provided by the Appellants¹⁹ which show the likely views at Years 1, 7 and 15. I accept that these demonstrate that from the longer distance viewpoints, the visual impacts of the development would be limited and eventually the development would be assimilated into the landscape by Year 15. However, with particular reference to Viewpoint 2, this gives an indication of the likely visual impacts which, at

¹⁹ Appendix 2 to Landscape and Visual Proof of Evidence of Mr Peachey

Years 1 and 7 would be fundamentally at odds with the character and appearance of the area and introduce a dominant run of buildings. In addition, the formalisation and scale of the access point and the introduction of the railings and more formal planting would detract from the rural character further. At Years 7 and 15 the frontage planting would have matured, however there would still be views of the buildings particularly via the access point. Although views would eventually be limited from this viewpoint to rooflines and parts of the buildings visible via the access, it would still be significantly different and harmful in visual terms than the open, rural character at present.

38. I acknowledge that planting and management of vegetation can be controlled by condition. I also accept that the changes to the character would be largely localised, however they would still affect the character and appearance of the development to a harmful degree. I note the guidance in GLVIA3 which highlights the scale of significance²⁰ where some impacts may be more significant than others. However, I do not find that just because impacts are localised that they automatically have less significance and in this case I consider the character of the area would be fundamentally altered which would not be suitably mitigated by the proposed measures.
39. I accept that not all change is harmful however, given the rural character of the area with small groups of development and leisure elements, I find that the provision of a development of this scale would fundamentally erode the rural character. I agree that the main visual impacts would be localised as you travel by the site on the surrounding roads and view it from the golf course, nevertheless just because the impacts are less from a greater distance does not render the proposal acceptable in visual terms.
40. Policy SCLP10.5 deals with settlement coalescence and seeks to ensure that the development of undeveloped land and intensification of developed land between settlements is only permitted where it does not lead to the coalescence of settlements through a reduction in openness and space or the creation of urbanising effects between settlements. Whilst I consider that the proposed development would result in a reduction in openness and an urbanising effect by the very fact that a currently open parcel of countryside land would be changed to built form, I nevertheless consider that this would not in itself result in coalescence between Melton and Ufford. These would remain distinct from one another and therefore I do not find conflict with Policy SCLP10.5 in this instance.
41. In conclusion and for the above reasons, the proposed development would represent a significant incursion into the countryside, which would result in the collective urbanisation of this part of Yarmouth Road when seen in the context of the existing sporadic development clusters. It would fundamentally alter the character and appearance of the area and would result in the loss of this important area of open, undulating land which itself contributes to the character of the area and keeps this part of the road distinct from the nearby settlements. I find that although some mitigation would be achieved from the proposed landscaping over a 15-year period, this would not be sufficient to ensure the development would become visually acceptable. As such, it would not integrate successfully into the landscape which would be fundamentally

²⁰ Paragraph 5.56 and Figure 5.10

changed as a result of the development. The proposal would therefore be contrary to the provisions of policy SCLP10.4 of the Local Plan.

Housing Mix and the Accommodation Proposed

42. The proposed development would consist of 72 x 2-bed bungalows as well as the 80 bed care home. Initially, there were no one-bed care extra care dwellings proposed however, the Appellants have put forward an amended scheme to include some one-bed units if required.
43. Policy SCLP5.8 of the Local Plan requires new development to provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 beds) and it also states that proposals for new housing development will be expected to deliver the housing needed for different groups in the community as identified in the Strategic Housing Market Assessment (SHMA), or latest equivalent assessment.
44. The Appellants consider that, based on experience with this type of accommodation, the predominant demand is for 2-bed bungalows. They consider it likely that an elderly person who may be downsizing from a family home will not want to reduce to 1-bedroom property and reasons for single elderly people potentially needing a second bedroom were highlighted, for example to allow family to stay. In addition, they have considered strong market demand for 2-bedroom properties in similar developments.
45. Policy SCLP5.8 is not prescriptive and understandably does not give a specific mix of housing types. Paragraph 5.38 of the supporting text highlights that there is a suggested demand for smaller properties. Table 5.2 of the Local Plan refers to the type of accommodation required for older person only households in Suffolk Coastal in 2036 and shows a high level of need for 1-bedroom properties in sheltered housing and enhanced sheltered/extra care housing.
46. Whilst the calculations based in the SHMA and the Local Plan do highlight a need for 1-bedroomed properties, the Policy wording itself does refer to a focus on 1 and 2 bed dwellings. However, it also refers to identified need and the SHMA. Based on this, although the Policy does not contain specific numbers, based on the evidence before me, I consider it reasonable to expect the development to meet some of the requirement identified for 1-bed units as well as 2-bed.
47. The reason for refusal relating to housing need included reference to the Building Regulations not being met however, it has now been agreed that all of the proposed 72 extra care bungalows would meet the requirements of Part M4(2) in terms of accessibility and adaptability²¹.
48. It is agreed by the parties that the affordable housing requirements as per policy SCLP5.10 have been addressed in the submitted Section 106 Agreement. I am therefore satisfied that this particular issue is resolved.
49. Consequently, I find that the lack of provision of 1-bed properties is contrary to the Council's evidenced needs, however I acknowledge that experience is useful in providing accommodation to meet the needs of future residents and as such I consider that a degree of flexibility should be applied. The PPG

²¹ Statement of Common Ground (Planning) dated March 2022 Paragraph 3.7

highlights that the health and lifestyle of older people will differ greatly, as will their housing needs²². Nevertheless, I consider that a mix of 1-bed and 2-bed properties would be required based on the evidence from the Council. I have considered the amended scheme put forward by the Appellant to incorporate 1-bed properties and the level of change this would result in. However, given my findings in relation to the visual impact on the character and appearance of the area it is not necessary for me to consider this further as it would not alter my overall conclusions. The scheme as it stands would conflict with Policy SCLP5.8 of the Local Plan.

Other Matters

50. Reason for Refusal 8 relates to drainage and flood risk matters and I have been provided with written proofs and rebuttals from WSP on behalf of the Appellant and from the Lead Local Flood Authority (LLFA). The WSP evidence identifies that a sustainable solution for the provision of SuDS can be achieved within the site. However, the Council remain of the opinion that insufficient information has been provided to demonstrate that a suitable means of managing surface water and preventing an increase in off-site surface water flood risk can be achieved. I have considered the level of information provided within the WSP evidence. Whilst I acknowledge that the LLFA would require additional information I find that, based on the level of information provided at this stage, it appears likely that a suitable method of surface water and flood risk management could be achieved on the appeal site and that it would therefore be reasonable to secure the remaining information by way of condition in accordance with Policy SCLP9.6 of the Local Plan. In any event, as I am dismissing the appeal for other reasons, I have not given further consideration to the wording of a suitable condition.
51. Melton Conservation Area located to the south of the appeal site and there are also a number of listed buildings nearby, the closest of these being Melton Lodge (Grade II), Foxboro Hall (Grade II) and St Audrey's Hospital site (Grade II). The main contribution to their significance lies in their immediate grounds and landscapes. The existing intervening land and vegetation between the listed buildings and the Conservation Area result in the appeal site appearing visually separate from these heritage assets and the site itself makes little contribution to their significance. Accordingly, the proposed development would not be harmful to the settings of these assets and would therefore preserve their significance. It is agreed between the parties that the proposal would have a neutral effect on the setting of the nearby heritage assets²³ and I have little before me which would lead me to conclude otherwise.
52. A Section 106 Legal Agreement, dated 28 March 2022, has been submitted which makes provision for affordable housing, a RAMS Mitigation Contribution, public open space, communal and healthcare provisions and facilities and secures the residents transport scheme. The completion of this legal agreement addresses the matters included in Refusal Reason 7. I have considered the content and form of the submitted agreement and have been provided with a Community Infrastructure Levy Compliance Statement²⁴ which justifies the requested contributions. I therefore find that the matters included are

²² Planning Practice Guidance Paragraph: 003 Reference ID: 63-003-20190626

²³ Planning Statement of Common Ground, paragraph 3.9

²⁴ ID9

- reasonable and necessary and that the form of the agreement is legally sound and enforceable.
53. The proposed development is set within the recreational disturbance Zone of Influence of the Deben Estuary SPA and Ramsar Site, Sandlings SPA, Alde-Ore Estuary SPA and Ramsar, Alde, Ore and Butley Estuaries Special Area of Conservation (SAC) and Orfordness-Shingle Street SAC. The development would therefore have the potential to result in an increased number of visitors leading to an increase in recreational disturbance pressures. I have been provided with a copy of the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) – East Suffolk Council Appeal Statement Explanatory Note²⁵. The RAMS identifies a mechanism for the mitigation of any potential impacts including a financial contribution to fund strategic works and the provision of onsite mitigation measures. The submitted legal agreement includes the RAMS mitigation contribution and secures on-site open and green space.
54. Notwithstanding the above, I am required to carry out an Appropriate Assessment as the Competent Authority. However, as I am dismissing the appeal for the above reasons it is not necessary for me to carry this out as it would have no significant bearing on my overall conclusions.
55. As part of the appeal site visit, I visited a similar facility – Carlton Hall Residential Home and Village in Carlton Colville. It was apparent that the facility is successful and well run and was an attractive site. I also note the location of this facility in accessibility terms. However, the success of this site does not alter my findings in relation to the landscape impacts of the proposed development and my overall conclusions.

Planning Balance

56. The proposal would conflict with Policy SCLP3.3 of the Local Plan and MEL1 of the MNP, which the Appellants accept²⁶. I have found harm in relation to the impact on the character and appearance of the area for the above reasons and therefore conflict also with Policy SCLP10.4. I have given weight to these harms. I have also found a degree of conflict with Policy SCLP5.8, however I acknowledge that an alternative scheme including 1-bedroomed properties was put forward by the Appellants.
57. The proposal would result in a number of benefits. The provision of specialist elderly accommodation carries substantial weight in the planning balance, meeting a key aim of the Framework²⁷, whether the need be calculated using the Council's approach or the Appellants'. There would be economic benefits arising from the development, both in the short-term relating to employment and expenditure during the construction period and long term from employment at the development and the use of local services and facilities by new residents. I give this moderate weight.
58. The provision of affordable housing and a choice of housing for older people would also be benefits arising from the proposed development. The level of affordable housing is policy compliant and therefore collectively I give these benefits moderate weight.

²⁵ ID8

²⁶ Appellant Closing Submissions paragraph 136

²⁷ Paragraph 62

59. Weighing all of the above into the planning balance, I find that in this instance, the benefits of the proposal would not be sufficient to outweigh the level of harm I have found in relation to the character and appearance of the area which would be fundamentally altered by the development, and the conflict with the policies and therefore the Development Plan as a whole.

Conclusion

60. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Wayne Beglan, Cornerstone Barristers, instructed by East Suffolk Council

He called

Andrea McMillan BSC (Hons) MRTPI	Principal Planner (Policy and Delivery) East Suffolk Council
Nicholas Newton Ba (Hons) MSc	Principal Landscape and Arboricultural Officer, East Suffolk Council
Rachel Smith BA MA MRTPI	Senior Planner, East Suffolk Council
Ben Woolnough BSc MSc MRTPI	Planning Manager – Development Management, Major Sites and Infrastructure, East Suffolk Council

FOR THE APPELLANT:

Trevor Ivory, DLA Piper, instructed by Christchurch Land & Estates (Melton) Limited

He called

Jeremy Peachey BSC (Hons) M. LD CMLI	Executive Director (Landscape Design), The Pegasus Group
Bethan Haynes BSc (Hons) MSc MRTPI AIED	Senior Economics Consultant, Litchfields
Kevin Foreman BSc (Hons) MRICS	RICS Registered Valuer and Chartered Surveyor
Richard Brown MSc	Owner and Director, Richard Brown Planning Limited
Thomas Copp BA (Hons) MA AssocIHBC	Director of Heritage, RPS
Victoria Balboa BEng (Hons), CMILT, CIHT	Divisional Director, Pell Frischmann

INTERESTED PERSONS:

Councillor Nigel Brown	Chair of Melton Parish Council
Dr Kathryn Jones	Chair of Ufford Parish Council

DOCUMENTS SUBMITTED IMMEDIATELY PRIOR TO THE INQUIRY

1. Appeal Decision APP/X3540/W/21/3276418 – Land West of PROW, 21 Woods Lane, Melton IP12 1PH (ID1)

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appellant's Opening Submissions (ID2)
2. Council's Opening Submissions (ID3)
3. Melton Parish Council Comments to Inquiry (ID4)
4. Copy of Notes read out by Mr Horner (Local Resident) (ID5)
5. Draft Section 106 Agreement (ID6)
6. Suggested Conditions (ID7)
7. Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) – East Suffolk Council Appeal Statement Explanatory Note (ID8)
8. Community Infrastructure Levy Compliance Statement (ID9)
9. Council's Closing Submissions (ID10)
10. Appellant's Closing Submissions (ID11)

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Signed Section 106 Agreement Dated 28 March 2022 (ID12)
2. Affordable Housing Supplementary Planning Document adopted 3 May 2022