



Appeal Decision

Inquiry Held on 21-30 January 2020

Site visit made on 31 January 2020

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 2nd March 2020

Appeal Ref: APP/W3520/W/18/3215534

Land adjoining Tuffs Road and Maple Way, Eye, Suffolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Peter, Sylvia and Andrew West & Future Habitats Ltd against Mid-Suffolk District Council.
 - The application Ref DC/18/01777, is dated 24 April 2018.
 - The development proposed is an outline planning application for residential development of up to 126 dwellings and associated infrastructure including means of access (all other matters reserved for subsequent approval).
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Decision

1. The appeal is dismissed.

Applications for costs

2. Following the close of the Inquiry, applications for costs were made by Peter, Sylvia and Andrew West & Future Habitats Ltd against Mid Suffolk District Council and vice versa. These applications are the subject of separate Decisions.

Procedural Matters

3. The original application was made in outline with approval for access sought, and appearance, landscaping, layout and scale reserved for future determination. I have dealt with the appeal on the same basis. As part of the application, an indicative plan showing layout and landscaping was submitted and a further landownership plan was also submitted as part of the appeal. I have had regard to these in my decision.
4. After the appeal had been lodged, the application was reported to the Council's Planning Committee and putative reasons for refusal for the application have been provided. These related to effects upon landscape character, living conditions of neighbouring residents, and heritage assets. I have dealt with the appeal on that basis.
5. Eye Town Council was granted 'Rule 6' status at the Inquiry. They presented arguments related to landscape and amenity as well as highway safety and the neighbourhood plan. Representations were also made by all of the main parties involved with the Inquiry relating to the development plan, planning

balance and the application of paragraph 11 of the National Planning Policy Framework (the Framework).

6. Following the submission of the appeal, the Eye Neighbourhood Plan was examined and the Examiner's report was published in October 2019. I have had regard to this in my decision.
7. A separate application at the site¹ for the same development but with a single main access from Tuffs Road was also considered by the Council. This was refused and the reasons match the putative reasons given for the appeal application. No appeal was lodged against this decision.
8. A completed planning obligation dated 12 September 2019 by Deed of Unilateral Undertaking (the UU) pursuant to section 106 of the Town and Country Planning Act 1990 was submitted as part of the appeal. In the event that planning permission is granted and implemented it would secure the provision of affordable housing, open space, and travel plan implementation, as well as Traffic Regulation Order (TRO) contributions and footpath improvement contributions. I return to the UU later in my decision.
9. Following the close of the Inquiry, the Government published their Housing Delivery Test 2019 results. The main parties were given the opportunity to comment on these results, although no formal responses were received. I have considered this, below.

Main Issues

10. From all I have read, heard and seen, the main issues are:
 - (a) Whether the proposal would accord with the development plan strategy for housing and growth;
 - (b) The effect on the character and appearance of the area, including the Special Landscape Area;
 - (c) The effect on designated heritage assets;
 - (d) The effect upon the living conditions of neighbouring residents relating to general disturbance.

Reasons

Site and Area Description

11. The appeal site is a broadly rectangular site which is located on the north-eastern fringe of Eye. The site is around 5.7ha in size and forms part of a larger open arable field. It adjoins residential development at Tuffs Road and Oak Crescent to its western boundary and at Maple Way along its southern boundary. A mature hedge and a public footpath form the northern boundary of the site and the eastern boundary is open with no feature to delineate the site from the open field beyond. The site would be accessed via Tuffs Road and Maple Way.
12. Eye is a small rural market town located to the west of the River Dove. The settlement has developed around Eye Castle, a motte and bailey medieval castle built shortly after the Norman conquest. A 14th Century Church and Benedictine Priory are also located to the east of the Castle, with the priory

¹ DC/18/05021

complex being separated by the River Dove. The historic core comprises of compact and tightly defined streets with a number of historic buildings.

13. To the north and north west, Eye has expanded with modern development, effectively linking Eye with the settlement of Langton Green to the north, along Victoria Hill. 20th and 21st Century development along Tuffs Road, Oak Crescent, Maple Way and Ash Drive form the eastern edge of this expansion of the settlement. The south and east of Eye remain relatively undeveloped. A network of public footpaths, including the Mid Suffolk Footpath, fall within the landscape surrounding the site.

Development Plan

14. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Regard must also be had to a post-examination draft neighbourhood development plan, so far as material to the application.²
15. The development plan for the area comprises the Mid Suffolk Core Strategy Focused Review, 2012 (CSFR), the Mid Suffolk Core Strategy 2008 (CS), and the saved policies of the Mid Suffolk Local Plan 1998 (LP).
16. The Council is also preparing the Babergh and Mid Suffolk Joint Local Plan (JLP) with a preferred options 'Regulation 18' consultation taking place in July-September 2019. It was initially anticipated by the published Local Development Scheme that a 'Regulation 19' consultation would take place in Spring 2019, however this has yet to take place and as such the production of the plan is delayed. In accordance with paragraph 48 of the Framework, the weight I can attach to the emerging JLP is limited due to its emerging status and the time lapsed since the last consultation.
17. The draft Eye Neighbourhood Plan (ENP) has been prepared by the Town Council. This has been examined with a report issued³ which recommends that, subject to modification, the Neighbourhood Plan meets the Basic Conditions and should proceed to a local referendum. As set out at the Inquiry, the findings were presented to Cabinet on 13 January 2020 and it was resolved that the modifications should be made to the plan and that the ENP be advanced to a local referendum (INQ10 and INQ11). A copy of the referendum version of the ENP was presented at the Inquiry (INQ2) which incorporates the Examiner's recommendations. It was confirmed by the Town Council that is anticipated that a local referendum would be held in Spring 2020. In light of its advanced status and the legal status as set out above, I give the ENP substantial weight.
18. In combination, the CSFR, CS and LP all identify Eye as one of the main towns within Mid Suffolk for residential growth. This is also reflected in the settlement hierarchy in the emerging JLP which sets out that market towns will act as the focus of development delivered through site allocations and/or neighbourhood plans. The ENP also positively encapsulates this. Under all of the abovementioned plans, the appeal site is a greenfield site which is located outside of the settlement boundary.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) (a) and (aza) of the Town and Country Planning Act 1990

³ A report to Mid Suffolk District Council into the examination of the Eye Neighbourhood Plan by Independent Examiner, Rosemary Kidd dated 25 October 2019

19. The appellants consider that the appeal site had not been fairly dealt with in the ENP and they also questioned the deliverability of some of the allocations within the ENP. The also held that the ENP is likely to be overtaken by new directions of travel in the strategic policies of the emerging JLP.
20. It is important to recognise that the proper forum for the determination of matters such as housing figures, allocations and deliverability is part of the development plan process. I have no reason to question the Examiner's conclusions; it is clear from their report as well as via the Examiner's Questions (INQ 25) that due consideration to the availability and deliverability of sites to be allocated was given in their examination of the plan.
21. The Eye Town Neighbourhood Plan Site Assessment Final Report (2018) undertaken by Aecom, looked at the appeal site and assessed it as 'amber' which means that the site is potentially suitable if issues can be resolved. As the plan evolved the appeal site was clearly discounted in favour of other 'amber' sites. From the evidence before me, the appeal site itself was thus clearly considered and discounted by the plan makers. It is also understood that the appellants did promote the site, albeit in the later stages of the development of the ENP.
22. The Examiner was also aware of the appeal site; indeed, in their report it is noted that the appeal site is subject of an appeal and that the plan makers have assessed the potential housing sites in an appropriate manner.⁴ Any question over impartiality of the allocations is not within the remit of a s78 appeal to assess and the ENP has clearly been found to meet the Basic Conditions (subject to modifications).
23. In terms of housing figures for Eye, the figures set out in the CSFR and CS are out of date. The emerging JLP sets out requirements for Eye at 541 dwellings, although these are as yet untested and may be subject to change. In terms of the ENP, the Examiner assessed the strategic context for development in Eye. As set out in Policy Eye 1 the ENP provides for around 716 homes. This figure significantly exceeds the untested housing requirement as set out in the emerging JLP. It also exceeds the figures set out in the CS, CSFR, the SHMA and the MHCLG household projections.
24. The Framework seeks to significantly boost the supply of homes and housing requirement numbers are a minimum to be achieved and do not represent a ceiling. While the Examiner expressed concern regarding the housing requirement figure proposed in the background evidence report, they were clear that the housing requirement figure in Policy Eye 1 is not limited by the figures presented in the evidence report on the Housing Needs Assessment.⁵ Moreover, the Site South of Eye Airfield, as covered by Policy 8, was recommended to be included as a full allocation, rather than a reserve site, thus giving greater certainty that the housing targets including as part of the future JLP, can be met and exceeded.
25. Policy Eye 1 is clear where it envisages the 716 homes in the ENP area will be delivered through the allocation of 6 sites, plus a windfall allowance of 60 homes on small sites of less than 10 homes within the settlement boundary. It does not offer any specific restriction on other larger sites coming forward but

⁴ Paragraphs 3.70-3.72

⁵ Paragraph 3.26

- given the relatively high levels of housing it does seek to allocate, the plan more than comfortably accommodates the local housing need. I also note that the Examiner clearly states in their report that there is no justification to allocate any further site(s).⁶ In this regard I consider that the appeal site which would add a further 126 dwellings would conflict with Policy Eye 1.
26. I am also mindful that the site could undermine the allocations in the plan coming forward. For example, the Chicken Factory site is a mixed-use allocation for 80 homes plus a 460 sq m food retail outlet and public car park. The viability of this site for housing is dependant on these other elements being realised and I consider that there is foundation in the concerns expressed by local residents and the Town Council that the appeal site could undermine this allocation and the realisation of other much needed infrastructure and business.
27. Paragraph 15 of the Framework states that *"the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs....and a platform for local people to shape their surroundings."* As set out in the Planning Practice Guidance (PPG) neighbourhood planning gives communities direct power to shape the development and growth of their local area, giving an ability to choose where the new homes should go.⁷
28. The appeal site is included in the emerging JLP as an allocated site, and is noted as an 'amber' site in the site assessment evidence. However, in light of the status of the ENP, having gone through a robust Examination process, this must take precedence in this case. I am of the firm view that the ENP is ambitious in planning for the future growth of the Parish. It is evidently a positively prepared and forward-thinking neighbourhood plan which will see the town of Eye grow by over 70% to 2036.
29. Overall, the development of the appeal site would be in clear conflict with the development plan strategy for housing and growth within Eye, as set out in the ENP and could indeed call into question the legitimacy of the neighbourhood plan making process. The development would therefore be contrary to the Policy Eye 1 of the ENP in this regard. The development, due to its location outside of the settlement boundary would also conflict with CS Policies CS1, CS2 and LP Policy H7 which set out the development strategy and seek to restrict development in the countryside.

Character and Appearance

Landscape and Visual Baseline

30. The appeal site is located within National Character Area (NCA) 83: South Norfolk and High Suffolk Clayland. Defining characteristics include, amongst other things, an undulating agricultural landscape with irregular field patterns situated on a clay plateau dissected by various river valleys.
31. Within County and District level guidance⁸ the site falls within Character Area 17: Rolling Valley Claylands Landscape Character Type (LCT), with a small part

⁶ Paragraph 3.71

⁷ Reference ID: 41-001-20190509

⁸ The Suffolk Landscape Character Assessment (2010) and the Joint Babergh and Mid Suffolk District Council Landscape Guidance (2015)

- of the north western corner of the site being within Character Area 3: Ancient Plateau Claylands LCT. To the east, the corridor of the River Dove is within Character Area 31: Wooded Valley Meadowlands and Fens LCT which include the Priory, Church and part of the Castle. The appeal site is designated as a Special Landscape Area within the LP and saved Policy CL2 is relevant as part of this.
32. The LCT's were subject of much debate at the Inquiry, particularly as the appellants' LVIA (March 2018) considered that the site fell within LCT3 due to issues with the mapping layers. The LVIA did, however, consider LCT17 as part of its assessment. The key characteristics of LCT17 include (amongst other things) gently sloping valleys on medium clay soils, with fields often smaller than on surrounding plateaux and the focus of settlement. The key characteristics of LCT3 include flat or gently rolling arable landscape of clay soils dissected by small river valleys, hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees and substantial open areas created for WWII airfields and by 20th Century agricultural changes.
 33. The County and District guidance documents both note that development within LCT17 can have a significant visual impact from buildings and structures built up the valley sides due to the landform. Such effects are also likely to be experienced at the adjoining valley floor of LCT31, also causing harm to visual amenity and landscape character of the valley floor. It is recommended that large-scale expansion should be confined to the adjacent plateau whereby the landscape and visual impact can be more easily mitigated with effective planting and design. The development management guidelines for LCT31, note the sensitivities of the valley bottom and state that the construction of buildings that project above the skyline to the valley sides and tops should be avoided if at all possible.
 34. The appeal site is mostly flat, and it largely falls within the 40m contour line. The remainder of the open field of which the site forms part, gradually falls to the east and steepens closer to the valley bottom. In this regard, I agree with the appellants' witness that the landscape is transitional in the location of the appeal site. Specifically, it forms part of a large open arable field and it has an association with the flat or gently rolling arable landscape of LCT3, which gives way at its eastern edges into the gentle slopes of the arable valley side as part of LCT17. It therefore shares many characteristics of both LCT17 and LCT3. However, based upon my visit to the site and its surroundings, the appeal site does have a spatial and visual relationship with the valley bottom within LCT31, particularly relating to the area around the Priory. This was not addressed by the LVIA.
 35. Footpath 36 emerges into the open countryside east of the Tuffs Road development, and views from the footpath across the appeal site and towards the Castle, Church and Priory complex are gained. However, in terms of the former two assets, such views largely contain the modern development of Maple Way in the foreground. Due to their heights, the Church and, to a lesser extent, the Castle, do give a sense of place within the landscape and a sense of the historic core of Eye from its rural environs is appreciable. This is increased when travelling east along Footpath 36, when the Church emerges from behind the 20th Century development and the association with the Priory, and the historic core of Eye (including the Castle rising above the historic buildings which encircle it) is appreciated.

36. The modern north eastern urban edge of Eye, including the western and southern boundaries of the appeal site is marked. There is a 'hard edge' between the properties along Tuffs Road and Maple Way, which back onto the appeal site with close boarded fencing of different styles, and the rural, open and arable nature of the appeal site itself. There is, however, some softening of the western boundary of the site at Oak Crescent which incorporates a tree belt and large hedgerow. From Footpath 36 (which links into Footpath 21 just beyond the north eastern corner of the appeal site), views back across the appeal site to the west take in this abrupt change from rural to urban.
37. Due to the landscape topography, the appeal site, gives a low horizon when viewed from the valley bottom from Footpaths 16 and 21. Near to the Priory, views of the urban edge of existing developments on Ash Drive/Maple Way and Tuffs Road are visible as part of this horizon. The softer landscaped edge of Oak Crescent is not visible from here. These views disappear immediately east of the site, with only limited views of Tuffs Road rooftops being noticeable. These are all backed up by the submitted viewpoint panoramas contained within the witnesses' proofs of evidence.
38. Public views are also gained of the rural environs of Eye from the viewing platform at Eye Castle. The appeal site can be seen from this platform when looking north along with the modern developments as well as Ash Drive/Maple Way in the foreground and at Tuffs Road/Oak Crescent to the west.

Valued Landscape and the Special Landscape Area

39. Turning now to the values of the site and the wider landscape. The appeal site is designated as part of a Special Landscape Area within the 1998 LP. Policy CL2 requires that particular care should be taken to safeguard landscape quality and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping.
40. Apparent from the supporting text to this policy, the SLAs identified within the LP were based upon an old Structure Plan which defined SLAs as being (amongst other things) river valleys which still possess traditional grazing with their hedgerows, dykes and associated flora and fauna and other areas of countryside with undulating topography and natural vegetation.⁹
41. Parties agreed that there are no detailed records or evidence of how the specific SLA's in the plan were drawn, but the Council argued that the site constitutes a 'valued landscape' in terms of paragraph 170(a) of the Framework, a matter disputed by the appellants. Based on case law¹⁰ there needs to be some demonstrable physical attributes for the site to fall to be considered under paragraph 170 of the Framework, regardless of the SLA designation within the LP. Both witnesses provided detailed assessments of the site in line with the GLIVIA 3¹¹ criteria as part of justifying their respective positions.
42. Based on my assessment of the landscape baseline, above, and from my own observations at the site visit, I consider that the site is of moderate landscape value. The appeal site forms part of a transitional landscape from the plateau and rolling valley and has a relationship with the valley bottom together which

⁹ Paragraph 2.4.6 of the LP

¹⁰ Relevant case law summaries were provided in INQ22

¹¹ Guidelines for Landscape and Visual Impact Assessment 2013

form the rural setting of Eye giving it some landscape quality representative of the LCT types and conservation interest. It also has recreational value through the footpath network. However, the site is heavily influenced by its urban fringe which limits its tranquillity, scenic quality and perceptual aspects, away from the more sensitive eastern landscape around the Priory. The site itself does not exhibit any particularly unique qualities or rarity, although I accept that the interrelationship between all of the LCT types identified is not commonplace elsewhere in the Suffolk landscape.

43. I therefore do not believe that the appeal site itself is a valued landscape for the purposes of the Framework. I am also mindful that while it does remain designated as an SLA within the LP, Policy CL2 does not prohibit development of such areas, subject to careful design and landscaping. The Framework also recognises the intrinsic character and beauty of the countryside and seeks to ensure decisions contribute to and enhance the natural environment.

Landscape and Visual Effects

44. Having established the baseline and value, I find that the site has moderate susceptibility given the interrelationship with the LCTs and the undeveloped nature of the site. The sensitivity derived from the value and susceptibility is thus medium. I turn now to my assessment of the landscape and visual effects.
45. It was common ground between parties that the appeal scheme would cause landscape and visual harm, although the extent of those harms was in dispute. The appeal proposals would clearly result in development where there is currently none and the settlement of Eye would be extended into the countryside to the north east. Such changes affect the pattern and character of the landscape.
46. However, the impacts would be limited by a number of factors. Firstly, the appeal site forms a small part of the wider landscape setting to Eye, and the sensitive eastern rural environment would be preserved. Secondly, the proposed development would be well related to the existing settlement and would not appear out of place given the influence of urban development along two of its site boundaries. Thirdly, while landscape is reserved for future consideration, there would be the potential to create a softer landscape edge, similar to that as currently found to the rear of properties on Oak Crescent. All these matters, together, would reduce the impact of the proposals on the landscape.
47. The greatest visual effects would be experienced along footpath 36 immediately adjacent to the site boundary whereby views of Eye Church and the Castle would be enclosed and restricted by development, even with boundary landscaping. Views beyond the eastern site boundary along footpath 21 as it heads east would, however, be largely unchanged and the general appreciation and perception of these assets in the landscape would be retained.
48. Given the topography, the development would largely be located on the plateau lands of the site and would not be built into the gentle valley slopes to any significant degree. The settlement edge would be brought physically closer to the valley bottom and down the valley sides but I consider that the visual effects would be similar to the existing views of the rooftops of development on Tuffs Road. This would limit its effect on LCT 17 and LCT 31.

49. Development would be visible in the skyline on the low horizon, and the proposed housing would be visible from within the Dove River valley, including from around the Priory but this would be in glimpsed and kinetic views when walking along footpath 21 on its north/south axis. Heading west from Bolser Bridge along footpath 16, the extent of the views was disputed. I consider that there would be likely to be some visibility of the rooftops along here, and the development would be in full view where the path intersects with footpath 20. Again, the landscape buffer would help soften those effects.
50. The development would be visible from the viewing platform of Eye Castle, but as a small extension of the urban fringe to the north, given the juxtaposition with the Maple Way development. The visual impact here would be limited.
51. Taking all of the above into consideration, I consider that the proposal would have a moderately adverse effect upon the landscape character and appearance of the area until the landscaping became fully established and mature.
52. As part of the mitigation proposals, the appellants put forward an offer of an additional 15m landscape buffer which would be outside of the red line site boundary, but within land in control by the appellants. Neither the Council's or appellants' landscape witnesses were aware of this and this had not been factored into their consideration of the landscape issues. That said, I am content that this is something that is capable of being conditioned and would further help to soften the edge of the development and offer additional screening, subject to detailed approval at the reserved matters stage.
53. While I note the Council's criticisms of the submitted LVIA, and the lack of visualisations, I consider that I am able to form a judgement on this matter based upon the information before me at the inquiry and from my own observations having visited the site and the surrounding areas.

Conclusions on Character and Appearance

54. To sum up, the development of the site would result in a permeant and obvious loss of an undeveloped part of the countryside. However, due to the topography and landscape character, as well as the proposed mitigation, the visual harm and harm to the landscape attributes of the area in terms of the tranquil and rural character of the Dove River valley, the ability to appreciate the historic setting of the village and the setting of Eye would be low to moderate, with moderate effects experienced until the landscape planting matured.
55. Consequently, the proposal would have a moderately adverse effect upon the landscape character and appearance of the area. This would result in some conflict with LP Policy H7, CS Policy CS5 and CSFR Policy FC1.1 together which restrict development in the countryside and seek to protect and conserve landscape quality. I also find some conflict with ENP Policy Eye 17 which seeks to maintain and enhance the character of the landscape, taking into account local guidance. The development is within the SLA, but this is not an up-to-date designation. Nonetheless I find limited conflict with LP Policy CL2 as I am satisfied that the development is able to be sensitively designed, with high standards of layout, materials and landscaping, as part of the reserved matters.

56. Finally, there would also be some conflict with the Framework which recognises the intrinsic character and beauty of the countryside and seeks to ensure decisions contribute to and enhance the natural environment.

Heritage Assets

57. As previously referenced, Eye is a historic settlement with a number of heritage assets within and around its core, including Eye Castle (Grade I and Scheduled Monument), Church of St Peter and St Paul (Grade I), assets associated with the Priory (Grade II listed buildings Abbey Farmhouse and Barn 100m NW and scheduled monument), and Eye Town Hall (Grade II*). The historic core is also a designated Conservation Area (CA). To the north of the appeal site, within the settlement of Langton, are 3 grade II listed buildings, Bromeland Cottage, Oak Cottage and 81 Langton Green.
58. The affected assets were not specified within the Council's relevant putative reason for refusal, although it was later established that out of the above list, Eye Castle, Abbey Farmhouse and scheduled monument, and the Town Hall were not considered by the Council to be affected. Nonetheless, the duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCA) requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and this is clearly engaged.
59. Beginning with the 3 cottages at Langton Green, these are located to the north west of the appeal site. These are 18th Century detached timber framed cottages of 1 and 1.5 storey in height. Listed in their own right for their architectural and historic interest, these properties also form a group of small vernacular dwellings within a rural hamlet. These are set towards the rear of their plots with vegetated boundary treatments. A triangular field comprising a paddock is located to their rear. The paddock is grassed and open with mature trees and hedges to its boundaries and a dyke to the southern boundary. Footpaths run along these boundaries, including footpath 36 which is adjacent to the appeal site.
60. The contribution of the appeal site to the setting of these cottages is limited. The physical surroundings of these assets is undoubtedly rural, but this is mainly derived from the paddock and wider views east towards the valley and east towards Waterloo Plantation. The mature vegetation effectively screens the appeal site from the properties, even in winter when not in leaf. Appreciation of the assets from footpath 36, adjacent to the appeal site is also limited.
61. The proposed development would extend the settlement of Eye further to the north east, but in an area where the separation between Eye and Langton Green has largely already been lost. In my view it would simply consolidate the urban form here, rather than forming a significant extension to the urban fringe. I therefore consider that there would be no effect upon these assets from the proposed development.
62. Turning now to the Church, the Priory complex, Eye Castle and Eye CA, these include assets of the highest significance. The Church has great historic and architectural importance as a well preserved example of a multi-phased medieval church. Its tall and somewhat ornamental flint tower acts as a

- beacon in the landscape, drawing attention in long distance views to its presence.
63. The Priory complex comprises of a scheduled monument of 2 parts. The first part includes visible and buried remains of the priory church and fishponds and also includes the Grade II listed Abbey Farmhouse, a mid-16th Century house which incorporates part of the cloisters. This is a substantial 3 storey property of red brick construction and exhibits a number of later alterations. The second part of the scheduling also includes the listed Barn approx. 100m NW of Abbey Farmhouse. This name is somewhat misleading as it was originally a former ecclesiastic building of unknown function associated with the Priory and since its listing, has been connected to an adjoining dwelling and is currently used as an events hall. It is substantial in scale and forms a 2-storey red brick and ashlar stone structure with a pantile roof.
 64. Eye Castle, is a motte and bailey castle, built for its surveillance and defensible attributes. Following a number of attacks, the Castle was gradually demolished during the 14th Century. A windmill was built on the motte in 1561/61, this was then demolished in 1844 and replaced with a dwelling in the form of a mock keep. The ruins of this remain today which incorporates a modern viewing platform.
 65. The settlement of Eye was developed in an oval shape around the Castle and it has a typical medieval plan form, with narrow streets and terraced development which is well preserved today. Many of the historic buildings are also listed. The character and appearance of Eye is therefore strongly defined by the Castle. The CA also contains a number of later buildings dating from the 18th and 19th Centuries. Outside of the CA boundary, 20th Century development includes the expansion of the town northwards towards Langton Green and Eye Airfield to the north west, which was occupied by American soldiers during WWII.
 66. The name 'Eye' itself is derived from the old English word for Island as the settlement was historically surrounded by marshland and water formed by the River Dove and its tributaries. This can be appreciated to the south and east of the Town, demonstrable to the visual and functional relationship of the historic core with the landscape surroundings.
 67. These assets have great archaeological, architectural and historic significance. In addition, these assets all have an interrelationship and the nature of the landscape setting preserves the historic relationship with the Church, the wider settlement including Eye Castle, the Priory complex and the CA. In short, these assets all draw their significance, to a great degree, from their rural surroundings both individually and as a group, particularly from the east and south east of the town.
 68. The appeal site sits within part of the wider, agricultural setting of these assets, and developing the site for housing would permanently change that setting to built urban form. The experience, and as I have identified above, views from the surrounding landscape, including from the PROW network, would change. But that change would not, in my view, equate to harm to significance for the following reasons.
 69. Firstly, while the general rural surroundings contribute to the significance of these assets, the contribution the appeal site makes to this is only marginal.

This is largely due to the position of the site adjoining modern housing to the north of Eye and the distance from the historic core of Eye and the specified assets.

70. Then, dealing with each asset in turn, in terms of the Church I have already noted that the tower does act as a landmark, visible across the wider landscape within a relatively open and rural setting. Historic England Guidance¹² is clear in relation to church towers and spires that *“where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.”*
71. Further modern development would be introduced within the foreground of the Church, across the site, as visible from footpath 36. However, while layout is a reserved matter, I consider that there would be views of the Church from within the developed site, allowing its landmark qualities to be appreciated, albeit in a more urban context. As stated above, open views beyond the eastern site boundary would be largely unchanged and the general appreciation and experience of the Church and its rural setting would be maintained.
72. The Council’s witness considered that there would be no harm to the Castle as the distance of the site from this almost ‘mingles’ with the urban fringe but that there would be harm to the CA due to the loss of legibility of the original ‘island’ core of Eye. The Castle is of great significance to the CA, as well as in its own right and as such that position seemed somewhat illogical to me. However, it serves to confirm my own findings of no harm to either the Castle or the CA. Due to the location of the site, I am satisfied that there would be no harm to the rural setting of the CA; the built form and settlement pattern of the CA, its relationship with the River Dove and wider agricultural surroundings particularly to the east, would be preserved.
73. In terms of the Priory complex, the grade II listed Barn and this part of the scheduled monument is located closest to the site, with Abbey Farmhouse and the fishponds being further to the east. The edge of the houses on Ash Drive, and to a lesser extent on Tuffs Road are visible from the barn, and due to the topography of the area, appear on the low horizon. The ‘background’ development at Tuff’s Road would effectively be brought forward. However, this would not be intrusive due to the distance away. Again, this would ‘mingle’ with the existing urban fringe as experienced from here. While specific details are not fixed, I am satisfied that future landscaping, be it within the red-line site boundary, and/or outside of this, could naturalise this on the horizon, preserving rural character.
74. Overall, the development would not disrupt the relationship of the Church, the Priory complex, the CA and the Castle with the surrounding landscape, both individually and as a group.
75. For completeness, I agree with the Council that there would also be no harm to Eye Town Hall. This is a Grade II* listed building dating from 1857 it is of red

¹² Historic Environment Good Practice Advice Note 3: The setting of heritage assets (Second edition)

brick and flint construction with a slate and lead roof and clock tower with a lantern and domed lead roof. The clock tower is visible in some views from the appeal site, but the setting of this building is very much embedded as part of the townscape of Eye, and none is drawn from the wider landscape.

76. While at the Inquiry the appellants considered there to be no harm to any asset, I note that originally their position was that there would be 'less than substantial harm' to some of the heritage assets. Regardless of this, taking into account the particular circumstances and having carefully considered all the evidence, I conclude there would be no harm caused to the significance of heritage assets from the proposed development.
77. The development would therefore accord with CS Policy CS5 which seeks to protect, conserve and where possible enhance the historic environment. The development would also accord with LP Policies HB1 and HB8 which seek to preserve the setting of listed buildings and conserve or enhance the surroundings of conservation areas. The proposals also comply with the Framework which seeks to conserve heritage assets in a manner appropriate to their significance.

Living Conditions

78. The Council considers that the living conditions of neighbouring residents would be harmed by the development, by reason of general disturbance. This relates to the increase in traffic levels from the development given the character of the highway network and the lack of accessibility of the site. Concern was also raised regarding the lack of clear understanding of the level of traffic and its impacts. They were clear, however, that the proposal would not cause an unacceptable impact upon highway safety.
79. The appeal site would be accessed via Maple Way and Tuffs Road, which comprise of culs-de-sac individually serving relatively low levels of residential development with 30 dwellings and 7 dwellings respectively. Maple Way leads to/from Bellands Way to Victoria Hill (B1077) and provides access to around 200 dwellings, including those on Oak Crescent and Ash Drive. Tuffs Road leads to/from Century Road which serves around 49 dwellings, including Ashton Road. Victoria Hill forms the main distributor road, leading into the centre of Eye and leading north to the A140, towards Diss.
80. While the original Transport Assessment (TA) was inexact in that it assessed against 140 dwellings (in line with the emerging JLP allocation) and focussed its calculations at Bellands Way and Century Road, parties had sought to resolve matters for the Inquiry and I am satisfied that the evidence provided is sufficient to allow me to form a judgement on this main issue.
81. Accordingly, based upon the proposal for 126 dwellings, the following flows were agreed. The existing and forecast traffic flows of two-way vehicular traffic would increase on Tuffs Road by 776% and 555% during the AM and PM peak hours respectively. This would lead to an increase on Century Road of 111% and 80% respectively and on Victoria Road would be an increase of 5% and 6% respectively. For Maple Way, the increase would be 283% and 247% respectively and there would be a 42.4% and 37% respective increase at Bellands Way. The effect on Victoria Road would be an 9% and 10% respective increase. It was a matter of common ground that these increases, particularly at Tuffs Road and Maple Way, would be significant.

82. Much was made in the Inquiry in respect of the character of the existing highways network, utilising the typologies within the Suffolk Design Guide for Residential Areas 2000 (SDG). This guidance notes that major access roads as residential roads with footways typically serving no more than 300 dwellings; minor access roads are residential roads with footways which would not normally serve more than 100 dwellings. There was agreement between parties that Bellands Way is identified as a major access road, but whether Tuffs Road, Maple Way and Century Road are identified as minor access roads was contested.
83. As a matter of my own judgement and noting that the guidelines are just that, I consider that these roads do share characteristics of minor access roads, and the proposed development would mean that their character changed into major access roads, in terms of the SDG.
84. Nevertheless, from visiting the site, the accesses and the local road network, it would appear that in developing the estates (Maple Way during the 1960/70's and Tuffs Road in more recent times) a longer term vision in terms of layout and road design was adopted. The roads run to the edge of the settlement and are built to a 5.5m width with designated pavements, in accordance with the design guidance for major access roads and thus have the design capacity to serve the additional number of dwellings as proposed.
85. Taking the above together, the increase in traffic along these roads would be significant, and this would result in changes to general form and functionality of the culs-de-sac. In terms of the effect upon living conditions of residents of the local road network, there would be noticeable changes to the residential environment here from the traffic and traffic movements, and this would likely result in changed behaviours of those residents.
86. However, I do not consider that such changes would equate to harm to those occupants. As a general rule, primary routes through residential estates are fully capable of physically supporting residential developments along their length and can form a good residential environment for occupants. The baseline, particularly at Tuffs Road and Maple Way, is low, but any increased activity would be related to further residential development and movements. The change to the highway character type would thus not be as significant as to adversely affect the living conditions local residents; the general amenity and living conditions would be consistent with what can be reasonably expected in a residential environment.
87. As stated above, the Council also cited their concerns relating to the lack of accessibility of the site to sustainable forms of transport which would compound the effects upon living conditions of local residents. Good accessibility to sustainable transport options can help to reduce congestion and emissions. It also gives rise to a number of benefits, including improving air quality and public health.
88. The Framework seeks to promote sustainable transport options and actively manage patterns of growth. Significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. It also recognises that such solutions will vary between urban and rural areas (Paragraph 103).

89. The appeal site adjoins the settlement to the north east of Eye Town Centre which has a range of local services and facilities, including shops, cafes, a pharmacy, a public house and a primary school. There is also a secondary school, sixth form, hospital and GP centre to the west of Eye, on Castleton Way.
90. In terms of walking to the town centre, this is around 760m from the centre of the appeal site and the schools and health services are around 1-1.3km away. The appeal proposals, via the submitted UU, would secure upgrades to the local footpaths, ensuring good connectivity of the site. Having walked from the southern site boundary at Maple Way, into town, this is a pleasant, safe and well used route, and subject to appropriate layout and consideration of street networks within the site, I consider that town centre facilities are entirely accessible by foot.
91. This distance is at the preferred maximum of the IHT Guidelines¹³ and this is reflected in more recent guidance by CIHT¹⁴ which characterises walking neighbourhoods as being within 10mins walking distance (around 800m). However, this guidance also notes that around 80% of journeys shorter than 1 mile are made on foot and takes a pragmatic and holistic approach recognising that the power of a destination determines how far people will walk to get to it and that it is affected by the quality of the experience as well as distance.
92. The school and health centre would be further away and would involve crossing Victoria Hill, where there is currently no formal pedestrian crossing. However, again these would be around the acceptable distances and well within the preferred maximum distances for schools in the IHT guidelines. The footpath along Victoria Hill is narrow, in places, but I do not consider this would be a particular barrier as I also note that quieter walking routes are in place to Castleton Way. Moreover, while only outline consent has been granted at the allocated site of Land South of Eye Airfield, the indicative masterplan as reproduced in the ENP (INQ2) would also be likely to provide accessibility from Victoria Hill through attractive areas of open spaces and street networks to the Castleton Way facilities.
93. Cycling was not a matter particularly in dispute between parties other than concern raised by the Council in respect of the offer of a cycleway within the 15m buffer, outside of the red line site plan. As I have found above, I consider this would be able to be conditioned, but even if it were not, I am content that such provision could reasonably be secured within the site, as part of the reserved matters layout.
94. Local bus services are also a vital element of an integrated approach to sustainable transport. Bus stops are located along Victoria Hill, and within the centre of Eye. Based on the submitted details, services to Diss and Ipswich are relatively infrequent with around 8 services each way per day. However, the timings would be suitable for some commuters, particularly those with flexible or part-time working, and/or for recreational activities and visiting other services and facilities at those settlements.

¹³ INQ1

¹⁴ Planning for Walking by the Chartered Institute of Highways and Transportation (2015)

95. The walking distances to those bus stops would be greater than CIHT Guidance¹⁵ which states around 300m for infrequent services, reduced from 400m which was recognised custom and practice for a number of years. However, the existing bus stops at Victoria Hill are located as close as feasibly possible to the site and again, as above, the quality of the experience is also a factor. In this regard the provision of improved shelters and the installation of Real Time Passenger Information screens (RTPI screens) was proposed by condition. In my view, such measures, would assist in encouraging users of the service in spite of the distances exceeding the recommended guidance.
96. Debate ensued regarding whether there was sufficient highway land to undertake such measures which would be implemented by the appellants as part of a Grampian condition. Having viewed the existing bus stops, I consider that there is likely to be an agreeable solution, secured by a carefully worded condition, and I note that Suffolk County Council Highway Authority (SCCHA) were content with such provisions.
97. A lack of a designated pedestrian crossing at Victoria Hill is regrettable as it would greatly assist the walking environment, including access to bus stops. However, Victoria Hill is safe for pedestrians, it would be crossable even in the AM and PM peak hours and this factor alone would not justify finding harm in this regard.
98. Other mitigation measures were also disputed, including the UU obligation to the SCCHA 'Smarter Choices' measures which offer a per dwelling contribution of £250 and allows the SCCHA to better assess, control and implement measures on a wider and more strategic level. While I note the concern regarding the alleged low level of the sums, the County Council were content these would be appropriate and I have no reason to dispute such claims. There would be some cross over between this scheme and a proposed condition for a travel plan, but in my view, that could be dealt with by carefully worded condition and details to ensure that there was no significant overlap.
99. While the use of the bus and walking distances to services and facilities would clearly not be suitable for all future residents of the appeal site, as a site on the edge of a small rural market town I am satisfied that it maximises opportunities, in accordance with the Framework.
100. Overall on this matter I conclude that there would be no harm to the living conditions of neighbouring residents of the site arising from transport and accessibility matters. There would be no conflict with CSFR Policy FC1.1 as part of promoting sustainable transport as an important facet of sustainable development. LP Policies T10 and H16 which seek to meet the needs of pedestrians and cyclists and protect the amenity of adjacent dwellings. Policy GP1 is also cited by the Council and it relates to the design and layout of the development. I am satisfied that footways and access would be provided in accordance with this policy, insofar as this outline permission is able to. The development would also accord with paragraphs 108 and 110 of the Framework in securing appropriate opportunities to promote sustainable transport modes.

¹⁵ Buses in Urban Developments by the Chartered Institute of Highways and Transportation (2018)

Other Matters

Highway Safety

101. Eye Town Council and local residents, including the North Eye Residents Group, raised highway safety concerns related to the proposed development, seeking to adopt a precautionary principle, based on alleged insufficiencies in the appellants' original TA and subsequent statements. While the Council did not object on highway safety grounds, their expert witness did share the Town Council's concerns regarding the TA in terms of the assessment and measures needed to improve accessibility and safety.
102. The Century Road junction does meet with the visibility guidelines, even where speeds along Victoria Hill exceed the 30mph limit. Speed data was also reviewed and appended to the appellants' expert's proof of evidence demonstrating an average speed of 30mph and an 85th percentile at 33mph. I have already considered the issue of a pedestrian crossing on Victoria Road, above. SCCHA has maintained their position that there was no objection to the scheme, subject to mitigation. This had also been reviewed, including as part of the separate application and included a review from an officer with a safety background.
103. Developed during the mid-20th Century, Oak Crescent has no pavements and I was able to see that many dwellings rely on on-street parking. The green open space to the centre of Oak Crescent is also used for recreation and includes children's play areas. Footpaths run through this space.
104. The carriageway also narrows between Oak Crescent and Ash Drive for a distance of around 37m. Mitigation in the form of a flat top table or other suitable measure is proposed to be secured by condition. An early drawing of a proposed design was also presented at the Inquiry (INQ 18) in order to demonstrate its feasibility, although this had not been discussed with SCCHA. The design would be required to satisfy other highway regulatory requirement and such works would also be subject to a Traffic Regulation Order (TRO). This would necessitate public consultation and approval would not be guaranteed.
105. As presented, the suggested condition would be a Grampian type condition, which would prohibit development authorised by the planning permission commencing until traffic calming measures have been submitted, agreed and implemented. This would include a flat top table or other suitable measures resulting from the statutory consultation process.
106. I note that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. However, in light of the recommendations from SCCHA, and from the information before me, I consider it to be likely that a solution for this stretch of road could be achieved. The condition would be flexible enough to allow for other measures (with the agreement of SCCHA and the LPA) and recognises the highway regulations. Were a solution not possible, the development would not be able to be commenced. Overall, I consider that the condition would be reasonable and enforceable and thus, safety issues could be adequately considered and resolved.
107. The Bellands Way junction with Oak Crescent features a 90 degree bend and would be utilised by much greater levels of traffic than at present. No specific

assessment of safety impact has been carried out at this junction, nor was any mitigation proposed. Travelling to the site would also be less direct than using the alternative site entrance via Tuffs Road and Century Road. Irregular street layouts do, however, act as traffic calming features. The width of the roads here are as such that they meet required standards, even with on-street parking. In terms of pedestrians, the footpath through the central open space exits to the north of this junction, and as such I do not consider that there would be any adverse effects on its users.

108. My attention was drawn to the Satnam judgement (INQ29) as well as a recent appeal decision (INQ30). Both of these concluded that it is appropriate to adopt a precautionary approach where there are deficiencies in the evidence base. While I accept the shortcomings of the original TA, based upon the evidence before me at the Inquiry, I am satisfied that I have enough information in order to reach a judgement on this matter, in accordance with paragraph 111 of the Framework. The abovementioned cases also differ in that they dealt with greater numbers of dwellings proposed, they concern major highway routes (including trunk roads) and were not supported by the respective local highway authorities.
109. Concern has also been raised that the UU does not provide specifically for the costs of making a necessary order to construct the table top. Provision is made to fund a TRO as part of the UU, however it was asserted that this relates to different regulatory requirements to TRO's under the Highways Acts, as set out in the various extracts in INQ31. However, I consider that SCCHAs intent in this regard is clear and that the terminology used in the UU is sufficiently broad and does not restrict the funding to a particular part of the relevant Acts. SCCHA were also content with the UU on this basis, as set out in their CIL Compliance Statement. I do not consider this matter to add any uncertainty to whether the mitigation could be secured.
110. Taking the above into consideration, I am satisfied that there would be no highway safety implications arising from the proposed development, subject to mitigation measures secured by conditions and the UU. The development would be consistent with LP Policy T10 which sets detailed criteria for ensuring highway safety of all users. The development would also accord with paragraphs 108, 109, 110 and 111. These require that safe and suitable access can be achieved, that any significant impacts can be mitigated and there would be no unacceptable impact upon safety and are responsive to all users and local design standards.

Whether paragraph 11 of the Framework is engaged

111. The appellants consider that the so called 'tilted balance' under paragraph 11 d) of the Framework is engaged. This can be triggered where there is no five-year supply of deliverable housing or where the most important policies when taken as a whole are not consistent with the Framework and was a matter debated at the Inquiry.

Housing Land Supply

112. At the Inquiry, the appellants argued that the Council could only demonstrate a 4.997 year supply, whereas the Council considered they could demonstrate 5.75 years, including a 20% buffer. The reasons for the differences as set out in a Statement of Common Ground related to matters

including base date, buffer, and the deliverability of 4 sites with outline consent.

113. The Housing Delivery Test (HDT) results were published by the Government on the 13 February 2020 and the result was that Mid-Suffolk changed from having to apply a 20% buffer to a 5% buffer to the calculation. Neither the Council nor the appellants' submitted formal representations following the close of the Inquiry based on this change. However, the SOCG did include calculations using a 5% buffer for different scenarios with the Council citing a 6.57 year supply with a 5% buffer and the appellants' calculation a 5.711 year supply.
114. Given the marginal nature of the under delivery initially cited by the appellants, and the change in the buffer from the updated HDT results, I am satisfied that the Council can demonstrate a 5-year supply of housing. Even if I were to accept the arguments from the appellants relating to the base dates and the deliverability of specific sites, these would not be determinative and the Council would still be able to demonstrate an adequate supply. It is not therefore necessary for me to further analyse these points.

Most Important Policies/Out of date

115. There was significant debate in terms of which development plan policies are considered to be more important and which policies are considered to be out of date. A number of appeal decisions were also put before me to justify the Council's and appellants' respective positions on this matter.
116. Due weight should be given to relevant policies according to their degree of consistency with the Framework, the closer the policies in the plan to those in the Framework, the greater the weight that may be given. However, policies should not be considered out of date simply because they were adopted prior to the publication of the Framework.
117. Policy FC1 of the CSFR simply repeats what paragraph 14 of the 2012 Framework stated. While the general presumption in favour of sustainable development remains valid, it is out of date as it does not align with paragraph 11 of the updated Framework (2019). Policy FC1.1 outlines the approach to sustainable development giving generic guidance although it does state that proposals for development must conserve and enhance the local character of the different parts of the district. It is up-to-date with the general thrust paragraph 170 of the Framework in this regard.
118. I note that the Inspector for the Bacton appeal¹⁶ found this policy was not up to date as it does not allow for the weighing of public benefits against any heritage harm, however my reading on this is that it is very broad and makes no specific reference to heritage within the text and as such it is not out of date. The main parties were in agreement that these are 'most important' but in the context of their broad and generic nature I do not find that FC1 and FC1.1 to meet this test.
119. CS Policies CS1, CS2 and LP Policy H7 set out the development strategy and restrict development in the countryside. I agree with my colleagues for the

¹⁶ APP/W3520/W/18/3209219

Poplar Hill¹⁷ and Woolpit¹⁸ decisions that they go further than paragraph 170 of the Framework by seeking to protect the countryside for its own sake. However, in line with the Poplar Hill Inspector, there is some consistency with paragraph 170 in terms of recognising intrinsic beauty. There is also some consistency with paragraph 77 and 78 relating to rural housing and supporting local services. Related to this, Policy Eye 1 of the ENP also sets the development strategy at neighbourhood level. Given the conclusions of the Examiner that the ENP meets the basic conditions, including having regard to national policy, this is clearly not out of date for the purposes of my decision.

120. The development strategy policies in the CS, are also, in some respects, effectively overtaken by the ENP. Accordingly, 'most important' policies CS1, CS2 and H7 should thus be given weight, albeit at a reduced level. Policy Eye 17, for the same reason as above, is also a most important policy which is not out of date.
121. The LP defines SLA's on the proposals map and Policy CL2 sets out the requirements for such areas. The general principles of safeguarding landscape quality, sensitive design and high standards itself accords the design and landscape paragraphs of the Framework. However, I have found that the site attributes are not consistent with that of a valued landscape, as per paragraph 170 of the Framework and it was agreed between parties that there was no evidence base for the specific SLA's in the plan were drawn. I therefore consider this policy to be out of date.
122. CS Policy CS5 deals with Mid Suffolk's Environment, including landscape, design and heritage. While other Inspectors for the Woolpit and Bacton appeals have found this to be out of date in terms of it exceeding the statutory duties in the PLBCA Act, I disagree with that stance. The Framework gives great weight to the conservation of heritage assets as irreplaceable resources and the courts have held that considerable importance and weight must be given. Paragraph 185 is clear that the desirability of sustaining and enhancing significance should be taken into account. Policy CS5 is thus consistent with the Framework in this regard.
123. For the same reasons LP Policies HB1 and HB8 are also consistent with the Framework. While they do not specify a weighing exercise of the public benefits, as per paragraphs 195 and 196 of the Framework, I do not consider that this renders the policies, which are consistent with statute, out of date; the absence of specific wording within the Policy from the Framework, doesn't negate its consistency.
124. In light of the main issues identified and the discussions held at the Inquiry, I consider that LP Policies T10 and H16 are 'most important' to the decision. Policy T10 is consistent with the Framework, in particular paragraphs 108-110 relating to safe and suitable access and meeting the needs of all users. Similarly, LP Policy H16 seeks to protect residential amenity and is compatible with paragraph 127 of the Framework which requires high standards of amenity for existing and future users.
125. Policies H15 and GP1 of the LP relate to pattern, form, layout and design. These are matters which are reserved for future consideration and thus I do

¹⁷ APP/W3520/W/18/3214324

¹⁸ APP/W3520/W/18/3194926

not consider them to be 'most important,' even if they are broadly consistent with the Framework.

126. Overall, of those policies identified as being 'most important' I have found that Policy Eye 1, Policy Eye 17, CS5, T10, HB1, HB8, and H16 are not out of date. Policy SL2 is out of date and that Policies CS1, CS2 and H7, should be given reduced weight as they are partially out of date with the Framework.

127. Taking the above into consideration, and having specific regard to the issues where harm has been found, I conclude that the most important policies are not out of date.

Planning benefits

128. Benefits of the development would include the provision of housing. This would usually attract substantial weight, although this is tempered by the fact that the Council can demonstrate an adequate supply of housing, Eye has a significant level of planned growth, and that the development of this site could undermine the allocations in the ENP. The development of 44 affordable homes for local people in need is, however, a matter to which I attach substantial weight.

129. Construction works would create significant levels of employment and the provision of housing would increase local spending, and local authority revenues, all of which would contribute towards the local economy. I give these significant weight. The CIL contributions and road safety improvements at Oak Crescent would, however be necessary to offset the effect of the development and such mitigation would effectively be neutral.

130. The footpath contributions, shared footway/cycleway provision, and bus stop enhancements/RTPI screens, would help mitigate the effects of the development, and would be able to be used by other local residents and thus would be a limited benefit.

131. The provision of recreational open spaces within the site would be dealt with as part of the reserved matters and accordingly any such benefits are unknown at this stage. Similarly, biodiversity enhancement are again currently undeterminable. Landscaping would also represent mitigation and not a benefit.

Overall Planning Balance and Conclusion

132. The development would be located outside of the settlement boundary and within the countryside and the transformation from rural to urban would be moderately harmful in terms of character and appearance, albeit mitigated in time by landscaping. I have found no harm to heritage assets, living conditions, accessibility and highway safety. These factors weigh neutrally in the balance. I have also identified a range of benefits of the scheme to differing levels of weight.

133. Drawing everything together, it is my judgement that the moderate harm to the rural character and appearance, my findings on a lack of harm to other disputed matters and the other considerations advanced by the appellants would result in a very finely balanced decision.

134. However, the decisive matter in this appeal relates to the conflict with the ENP. Granting permission now for the proposed development would be contrary to the ENP and could undermine it at a late stage in its preparation. I agree with the Council and the Town Council when they say that to grant permission would ignore the vision of the people of Eye and would call into question the very purpose of the neighbourhood plan process. This also goes against the principles of the planning system as set out in paragraph 15 of the Framework.
135. Consequently, the conflict with the ENP is determinative in this case and along with the landscape harm I have found, and this outweighs the planning benefits of the scheme. Thus, for the reasons set out above, I conclude that the appeal should be dismissed.

C Searson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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
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Rupert Lyons MSc MCILT	Director, Transport Planning Associates
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Andrew Ryley BA(Hons) MSc MRTPI	Director of Planning, DLBP
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Other Participants at Round Table Discussion:

Jon Goodall MA (Cantab) MSc -	Associate Director, Strategic Planning Research Unit
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Nairita Chakraborty MRTPI IHBC	Associate, Icen Projects
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Steven Stroud LLB(Hons) MA MSc(Oxon) MRTPI	Strategic Projects and Delivery Manager, Mid Suffolk District Council
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Luke Barber HND BSc	Principal Engineer, Suffolk County Council
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FOR THE APPELLANTS:

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She called:

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FOR THE TOWN COUNCIL:

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He called:

Andy Robinson

Eye Town Council Project Co-ordinator

INTERESTED PERSONS:

Cllr Peter Gould

District Councillor & Chair of Eye Neighbourhood
Plan Group

Jon Betts

North Eye Residents Group

Richard Berry

Chair of Planning Eye Town Council & Member of
Eye Neighbourhood Plan Working Group

Janet Duke

Local Resident

Theresa Butler

Local Resident

John Barker

Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- INQ1 Guidelines for Providing for journeys on foot. Institute of Highways & Transport 2000
- INQ2 Eye Neighbourhood Plan 2018-2036 Referendum Version January 2020
- INQ3 Council's Opening Submissions
- INQ4 Opening Comments of Eye Town Council
- INQ5 Opening on behalf of the Appellants
- INQ6 Statement of Councillor Peter Gould
- INQ7 Statement of Jon Betts North Eye Residents Group
- INQ8 List of suggested planning conditions
- INQ9 Council's CIL Compliance Statement
- INQ10 Cabinet Report for Eye Neighbourhood Plan
- INQ11 Cabinet Minutes for Eye Neighbourhood Plan
- INQ12 Hallam Land Management Ltd v Secretary of State for Communities and Local Government 2018 EWCA Civ 1808
- INQ13 Extracts from GLVIA – pages 38-41 & 70, 71 & 74
- INQ14 Copy email from Place Services dated 23 January 2020
- INQ15 Extract from GVLIA pages 10, 62, 79 & 83
- INQ16 Screen grab of website Suffolk Design Guide for Residential Areas
- INQ17 Written Representation on Highway Matters June 2019 version 2.0 Luke Barber
- INQ18 Ash Drive/Oak Crescent Speed Table Feasibility Option FI_60_20 issued 10/01/20
- INQ19 Copy of email from Luke Barber dated 28/01/20
- INQ20 Summary Table of Public Benefits
- INQ21 Summary Table of the Most Important Policies
- INQ22 Summary of cases: Forest of Dean DC v Secretary of State for Communities and Local Government 2016 EWHC 2429 (admin); CEG Land Promotions II Ltd v Secretary of State for Housing, Communities and Local Government 2018 EWHC 1799 (admin); Stroud DC v Secretary of State for Communities and Local Government 2015 EWHC 488 (admin)
- INQ23 Copy of email from Vincent Pearce 21 January 2019
- INQ24 Extracts from PPG Neighbourhood Planning Paragraphs 001-004 + 100
- INQ25 Eye Neighbourhood Plan Examiners Questions 30 July 2019
- INQ26 Copy of email from Emily Atack dated 20 January 2020.
- INQ27 Site Visit Itinerary
- INQ28 Appellants' suggested amendments to conditions 14 and 27
- INQ29 Satnam Millenium Ltd v Secretary of State for Housing, Communities and Local Government and Warrington Borough Council 2019 EWHC 2631 (Admin)
- INQ30 Appeal Decision APP/X3025/W/19/3230027
- INQ31 Road Traffic Regulation Act 1984, Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489; Highways Act 1980
- INQ32 South Cambridgeshire District Council v Secretary of State for Communities and Local Government 2008 EWCA Civ 1010
- INQ33 Closing Submissions of Eye Town Council
- INQ34 Council's Closing Submissions
- INQ35 Closing Submissions for the Appellants