



# PLANNING STATEMENT

**Proposal:** Full Planning Permission for Erection of Dwelling with Associated Works

**Site:** Land North of Wicks Lane, Forward Green, Stowmarket, IP14 5HL

01/03/2021

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## 1.0 Introduction

1.1 This Planning Statement is prepared by Locus Planning on behalf of Mr. T Mace (the Applicant). The Statement is in support of an application for full planning permission for the erection of a dwelling at Land North of Wicks Lane, Forward Green, Stowmarket.

1.1 The Statement provides information pursuant to the application, including a description of the site and surroundings, proposal and relevant planning history. The Statement also identifies and undertakes an assessment of those material planning considerations relevant to the determination of the application. The submission is supported by additional information that should be read in conjunction with this Statement, including:

- Proposal plans prepared by Anglia Design LLP
- Preliminary Ecological Appraisal and Ecological Enhancement Strategy prepared by Greenlight Environmental Consultancy Ltd
- Arboricultural Impact Assessment and Method Statement prepared by Oakfield Arboricultural Services Ltd
- Traffic Statement prepared by Ian Booth Consultant Engineer Ltd

## 2.0 Site and Surroundings

2.1 The application site comprises approximately 0.17 hectares of paddock land situated to the north of Wicks Lane, Forward Green. Notwithstanding the presence of the existing stable building, the site is largely undeveloped, comprising broadly flat grassland with hedge and tree planting to the periphery. Paddocks enclose the site to the north and west whilst existing residential development lies to the south and east. Wicks Lane, from which the site is currently accessed, is a rural highway that continues southward to the A1120. A public right of way (FP136) traverses the site from north to south, terminating on Wicks Lane.

2.2 Although within the settlement of Forward Green, the application site is designated as countryside for the purposes of the adopted development plan. Of note however, the settlement hierarchy and boundaries are in the process of modification through the emerging Local Plan. The Plan identifies Forward Green, inclusive of the land to which the application relates, as a 'Hinterland Village' whereby the principle of residential development is accepted. With reference to those higher order settlements within the locality, the site sits in relative proximity to the village of Stowupland (approximately 1.8 miles) and the town of Stowmarket (approximately 2.8 miles).

2.3 The site is wholly within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The site is not within or adjacent to a Conservation Area (and no listed buildings nearby would be impacted by the development). Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of

Special Scientific Interest, Air Quality Management Area, Local Green Space, Special Landscape Area, or any other area designated locally or nationally for environmental quality. Thus, the site is not within or adjacent to any area designated locally or nationally for its environmental quality and the site and its surroundings are not subject to any particular constraint or designation that would lend to a conclusion that the environs are particularly sensitive or vulnerable to change.

### 3.0 Proposal

- 3.1 The application seeks full planning permission for the erection of a dwelling with associated works, including the provision of landscaping and vehicular access via the existing site entrance from Wicks Lane.
- 3.2 The proposed property takes the form of a detached four-bedroom unit with accommodation at ground and first floor. The property retains an area of private garden whilst parking is accommodated through the use of an external forecourt and garage.

### 4.0 Planning History

- 4.1 The site is the subject of a previous planning application for the erection of two dwellings (Ref: DC/20/02209). Planning permission was refused by the Council on 31<sup>st</sup> July 2020 (see Appendix A), citing the following reason for refusal:

*'This application seeks outline planning permission with access to be considered for the erection of two new dwellings within Earl Stonham, a small dispersed rural settlement with few facilities. The site itself is currently laid to field and is spatially related to the rest of the settlement but falls outside of the established settlement boundary. Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy H7 requires strict control over the development of new housing within the countryside. This is supported by Core Strategy policy CS02. All three of these policies attach negative weight to the application. Paragraph 10 of the NPPF requires that sustainable development is undertaken in a positive manner in line with the presumption in favour of sustainable development. In assessing the site, while some positive benefits are found with regards to the social and economic impacts of the development, the proposed dwellings would be car dependent and would erode the rural character of the area. These slight benefits of the development are not considered sufficient to outweigh the weight attached to the above policy considerations or the harm that would be created by allowing the creation of a new dwelling in an unsustainable location. Consequently, this application is refused.'*

- 4.2 Evidently, given the comparable nature of the development refused, and now proposed (both comprising housing), the previous decision is a material consideration. However, it is necessary to give due regard to any

material changes which have occurred since the determination of the application. For the reasons explained, it is considered that the application has positively responded to the issues raised.

- 4.3 Firstly, it is highlighted that the original application was in outline and represented, both in terms of number of units and the extent of the site, a greater quantum of development. Secondly, the proposal now includes an ecological enhancement strategy which provides for net gains in biodiversity. A clear and identifiable environmental benefit of the scheme to be weighed in the planning balance. Finally, with respect to the sustainability of the location, the Council have subsequently approved residential development at Forward Green (Ref: DC/20/02209) (see Appendix B) since the determination of the application. Noting the content of the Officer's Report in that case (see Appendix C), the Council have accepted the principle of residential development at Forward Green with due regard to paragraph 78 and 103 of the NPPF and the opportunity for housing to sustain nearby communities, including Stowupland.
- 4.4 In light of the foregoing, noting the revised nature of the scheme and the most recent planning history with respect to proposed housing at Forward Green, the previous grounds for refusal have been addressed.

## 5.0 Legislation and Policy Context

### The Determination of Applications

- 5.1 In determining an application for planning permission, Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to have regard to the provisions of the development plan so far as is material to the application, and to any 'other material considerations'. Further enforcing the status of development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 The policies contained within the National Planning Policy Framework (NPPF, 2019) are a material consideration and must be taken into account for decision making purposes. The NPPF is supported by the national Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. The PPG remains a material consideration in the assessment of planning applications.

### The Development Plan

- 5.3 The development plan is the plan for the future development of an area, consisting of development plan documents adopted by local planning authorities, including any 'saved' policies from plans that are otherwise no longer current.

5.4 The statutory development plan documents within the district of Mid Suffolk that are of particular relevance to the determination of this application include:

- Saved policies from the Mid Suffolk Local Plan 1998 (“LP”)
- Mid Suffolk Core Strategy 2008 (“CS”)
- Mid Suffolk Core Strategy Focused Review 2012 (“CSFR”)

5.5 At the heart of the development plan lies Policy FC 1 (Presumption in favour of sustainable development) of the CSFR. In the consideration of development proposals in the district, echoing Paragraph 11 of the NPPF, the Policy applies a ‘presumption in favour of sustainable development’, stating:

*‘Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

*Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

*Specific policies in that Framework indicate that development should be restricted.’*

5.6 Babergh and Mid Suffolk District Councils are currently in the process of preparing a new joint Local Plan. The NPPF confirms that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. The plan in this instance is not at an advanced stage, yet to undergo examination, therefore it cannot be afforded significant weight in the determination of current applications.

#### The NPPF

5.7 The NPPF sets out the Government’s planning policies for England and how these should be applied. Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.

5.8 Paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. These objectives are interdependent and should be pursued in mutually supportive ways:

*'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

5.9 Paragraph 11 of the NPPF directs that planning decisions should apply a 'presumption in favour of sustainable development'. For decision-taking purposes, that policy operation, as noted, is itself enshrined within the development plan under Policy FC 1 (thereby affording it statutory primacy) and set out as follows:

*'c) approving development proposals that accord with an up-to-date development plan without delay; or*

*b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date [see footnote 7], granting permission unless:*

*i. the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development [see footnote 6]; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole.'*

5.10 With reference to the footnotes cited in Paragraph 11, footnote 6 provides an exhaustive and closed list of applicable policies; designated heritage assets, for example. Footnote 7 highlights that this includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites.

5.11 For the purposes of taking decisions, the policies of the NPPF should be considered as a whole. However, the following are of particular relevance to this application:

- Paragraph 11 (the presumption in favour of sustainable development)
- Paragraphs 77, 78, and 79 (rural housing)

- Paragraphs 103, 108, and 109 (promoting sustainable transport)
- Paragraph 213 (annex 1: implementation)

5.12 Set against the above legislative and policy context, this Statement will now proceed with an assessment of the proposal against the development plan, the NPPF and any other material considerations.

## 6.0 Planning Assessment

### The Status of Development Plan Policies and the 'Tilted Balance'

- 6.1 Policy CS1 (Settlement Hierarchy) of the CS identifies a settlement hierarchy as to sequentially direct development. The Policy identifies various 'types' of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary and then Secondary Villages. The remainder of the district, including settlements not listed within the accompanying policy table, are designated as the countryside and Countryside Villages. The Policy confirms development within these areas will be restricted to that which supports the rural economy, meets affordable housing, community needs and provides renewable energy.
- 6.2 Policy CS2 (Development in the Countryside and Countryside Villages) of the CS expands upon the principles established by Policy CS1, confirming the countryside will be protected for its own sake, restricting proposals to specific categories of development, including rural exception housing.
- 6.3 Further to the above, LP Policy H7 (Restricting Housing Development Unrelated to the Needs of the Countryside) seeks, in the interests of protecting its character and appearance, to strictly control proposals for new housing in the countryside.
- 6.4 As identified, the proposal site is located within the countryside where Policies CS1, CS2 and H7 seek to restrict new housing development. It is accepted that the proposal does not represent one of the 'exceptions' prescribed, thereby the development remains inconsistent with these Policies. However, in considering the significance of the identified policy conflict, as confirmed by Paragraph 213 of the NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.5 The corollary, of course, is that where a pre-February 2019 development plan policy departs from the NPPF, it must be given less weight accordingly. Depending on the nature and level of difference between comparative policies, there may be situations whereby an adopted development plan policy is so fundamentally at odds with



the NPPF that it can carry very limited weight. Indeed, the extent to which a policy is inconsistent with the NPPF may render it 'out of date' and this approach has been endorsed by the Courts<sup>1</sup>.

- 6.6 As to whether Policies CS1, CS2 and H7 remain consistent with the NPPF, Paragraphs 77-79 of the Framework contain those comparative policies relevant to the provision of 'rural housing', whereby Paragraph 78 states:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'*

- 6.7 Further to the above, Paragraph 79 notes that only isolated homes in the countryside should be restricted to the extent that they should only be permitted under special circumstances. Guidance as to the correct interpretation of the term 'isolated homes in the countryside', then contained within Paragraph 55 of the previous iteration of the NPPF (2012) and now contained within Paragraph 79 of the current NPPF (2019), was provided in the case of *Braintree District Council v Secretary of State for Communities and Local Government* [2018] EWCA Civ 610. Handing down the judgment of the Court, Lord Justice Lindblom made it clear that an isolated home means:

*"... a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" at [31].*

- 6.8 The 'rural housing' paragraphs of the NPPF are supplemented by the corresponding sections of the PPG, whereby guidance on how local authorities should support sustainable rural communities is provided:

*'A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.*

*Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'*

- 6.9 The NPPF acknowledges that the provision of housing in the rural areas plays an important role in sustaining communities, providing socio-economic benefits through the support of local services and facilities. Accordingly,

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<sup>1</sup> *Telford & Wrekin BC v SSCLG* [2016] EWHC 3073.

only where isolated homes are proposed should 'special circumstances' be required. It is clear that the NPPF does not impose a restriction on development in the countryside nor stipulate or prescribe categories of development that are acceptable. Nonetheless, this is the direction of Policies CS1, CS2 and H7. The effect is to obviate the balancing, cost-benefit exercise advocated by the NPPF and to preclude, by default, otherwise sustainable development. Furthermore, there is a clear conflation between what is deemed to be 'countryside' and what is 'isolated'. The result, is a potential scenario whereby an 'isolated' dwelling is found to be acceptable due to the special circumstances of Paragraph 79, but a site which is plainly not isolated and is in fact abutting the settlement boundary of a Key Service Centre or Primary Village, though in the countryside, is found to be unacceptable in the absence of satisfying the special circumstances. That would be an outcome divergent to the very clear approach set out within the NPPF.

6.10 Accordingly, Policies CS1, CS2 and H7 are found to be inconsistent with the NPPF. Moreover, given the degree of inconsistency, the Policies are evidently 'out-of-date' for decision making purposes. A view held by Inspectors at a number of notable public inquiries (including Ref: APP/W3520/W/18/3200941 and APP/W3520/W/18/3209219). It is also clear that the Policies, which establish the 'in-principle' acceptability of the provision of housing, are amongst those which are most important to the determination of this application. On that basis, and noting the recent *Wavendon* judgment<sup>2</sup>, Paragraph 11(d) of the NPPF is engaged.

6.11 In respect of Paragraph 11(d)(i), Footnote 6 of the NPPF sets out clearly which specific policies are relevant to that test. In this instance, no policies applicable to the protection of areas or assets of particular importance are engaged, thereby the first limb of Paragraph 11(d) is not triggered, thus only (d)(ii) applies. The operation of Paragraph 11(d)(ii) is often referred to as the "tilted balance".

6.12 Further explanation as to how the "tilted balance" operates was provided in the case of *Cheshire East vs SSCLG* - (2016) EWHC 571 (Admin), where Mr. Justice Jay stated:

*"another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts"*

6.13 In summary, due to policies which are most important to the determination of this application being out of date, namely CS1, CS2 and H7, and that those policies applicable to the protection of areas or assets of particular importance do not provide a clear reason for refusal, the "tilted balance" is engaged and the proposal must be considered within this context.

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<sup>2</sup> *Wavendon Properties v SSHCLG & Milton Keynes Council* [2019] EWHC 1524 (Admin).

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## Sustainability of Development

6.14 This Statement will now consider whether the proposal represents sustainable development, considering the degree to which it meets those aforementioned objectives (economic, social and environmental) contained within the NPPF, whilst giving due consideration to relevant policies within the development plan.

### **Economic Objective**

6.15 Paragraph 8 of the NPPF confirms that an economic objective forms one of the three overarching aims to achieving sustainable development, seeking to build a strong, responsive and competitive economy.

6.16 The economic benefits of the proposal are considered to be twofold. In the short term, the construction phase associated with the development will stimulate the local economy through the employment of construction workers/professionals and the sourcing of building materials. Secondly, future occupiers of the development will support the local economy through the utilisation of local services and facilities. Due to the quantum of development proposed, the economic benefits accrued are inevitably modest, although nonetheless weigh positively in the planning balance.

### **Social and Environmental Objective**

#### Provision of Housing

6.17 As identified in the proceeding sections, Paragraph 8 of the NPPF confirms the provision of a sufficient number and range of homes forms a key component to supporting strong, vibrant and healthy communities and thus the social objective to achieving sustainable development. This is further entrenched by Paragraph 59 of the NPPF, setting out the Government's objective to significantly boost the supply of homes. Given the direction of the NPPF, it is clear that the provision of housing carries with it an intrinsic social benefit which should be afforded significant weight in the determination of development proposals.

6.18 Paragraph 117 of the NPPF identifies that planning policies and decisions should promote an effective use of land in meeting the need for homes. Paragraph 118 of the Framework continues, identifying that planning policies and decisions should; *'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively'*.

6.19 The proposal would contribute an additional dwelling toward housing supply within the district and do so through the use of what is considered to be under-utilised land. The proposal in this regard would give rise to a modest social benefit, weighing positively in the planning balance.

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Access to Services and Facilities; Community Vitality /Promotion of Sustainable Transport

6.20 Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas, advising; *'housing should be located where it will enhance or maintain the vitality of rural communities'*.

6.21 Paragraph 103 of the NPPF states:

*'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

6.22 Paragraph 108 of the NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location.

6.23 With due regard to Paragraph 103 and 108 of the NPPF, the site is evidently in a rural location within a rural district whereby sustainable transport solutions are likely to vary. It is therefore reasonable to conclude that travel by private car is likely and development proposals should be considered on this basis.

6.24 Although the site and hamlet of Forward Green are within designated countryside, a number of recognisable services and facilities lie within the settlement and in close proximity to the site, including; a church (approximately 400m), public house (approximately 250m), village hall and recreation ground (approximately 350m). A regular bus service also operates from Forward Green, including connections to the towns of Diss and Ipswich (113 service). The nearest bus stop is located on Blacksmiths Lane, approximately 550m from the site. An existing footway extends along the northern side of the A1120, providing pedestrian access to the bus stop and services/facilities identified. Beyond Forward Green, the village of Stowupland is a short distance from the site, approximately 1.8 miles to the west (approximate five-minute drive). The village is subject to a range of services and facilities, including; a church, primary school, high school, sports and social club, village hall and a number of pubs and shops. The town of Stowmarket which offers a full range of services and facilities is also within relative proximity of the site, located approximately 2.8 miles (approximate seven-minute drive) to the west. Stowmarket benefits from a regular public transport service, including rail connections to Cambridge, Ipswich, London and Norwich.

6.25 Given the distances of travel to the aforementioned settlements, the proposal is evidently located as to enable future occupiers access to local services and facilities. Thus, contributing to their viable use and the vitality of the rural community. In considering the modes of transport available to future occupiers of the development, it would be reasonable to conclude some reliance on private car is to be expected, attributed to the rurality of the locality

and the district as a whole. However, opportunities to walk to those services and facilities within Forward Green remain a realistic prospect whilst the nearby bus service offers a viable method of transport. Accordingly, journeys to higher order settlements can be made without the total reliance upon private car. In any event, due to the quantum of development and distance to nearby settlements, the number of private vehicular trips would be low and journeys would also be short. Taking the foregoing into consideration, the occupiers of the proposed development would have adequate access to services and facilities without undue reliance on private vehicular use.

#### Landscape Impacts

- 6.26 Policy CS5 (Mid Suffolk's Environment) of the CS seeks to protect and conserve landscape qualities, taking into account the natural environment and the historical dimension of the landscape, whilst encouraging development that is consistent with conserving its overall character.
- 6.27 Paragraph 170 of the NPPF confirms that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.28 Although within the countryside, the landscape of the site is not designated in any way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty. In addition, the site is not a locally designated Special Landscape Area, nor is the site considered to represent a 'valued landscape' within the meaning afforded by the NPPF.
- 6.29 The site comprises a parcel of flat paddock land, primarily laid to grass with trees and hedging to the periphery. Notwithstanding the presence of existing planting, the landscape of the site is subject to limited features of significance. Existing residential development lies to the east and south of the site, whereby a 'cluster' of properties surround Wicks Lane. Whilst there are clearly views toward the site from the public footpath, the presence of existing development and planting to the site boundaries filter views of the site from much of the wider landscape.
- 6.30 In considering the proposal within the above landscape context, the position of the site is such that the development is 'framed' by existing properties to the south and east. As such, the proposal appears as a logical continuation of development, effectively 'infilling' the cluster of housing that has formed around Wicks Lane. Furthermore, the presence of neighbouring development combined with the retention of existing and provision of supplementary planting will largely obscure the development from the wider surrounding landscape. Where views of the development are afforded, primarily from the public footpath, these would be predominately contained to the immediacy of the site with buildings seen in the context of existing residential development. As such, the landscape impact arising from proposal would be neutral.

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### Design and Character and Appearance of the Area

- 6.31 Policy H13 (Design and Layout of Housing Development) of the LP expects new housing development to achieve a high standard of design and layout whilst of a scale and density appropriate to the site and its surroundings. LP Policy H15 (Development to Reflect Local Characteristics) similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 6.32 LP Policy GP1 (Design and layout of development) confirms that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria.
- 6.33 Paragraph 124 of the NPPF attaches great importance to the design of the built environment, confirming that good design is a key aspect of sustainable development.
- 6.34 Paragraph 127 of the NPPF seeks to ensure, inter alia, developments function well and add to the overall quality of the area and that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 6.35 The built form of Forward Green is not altogether uniform or distinctive, featuring detached, semi-detached and terraced houses of varying scale. The appearance of development is equally varied and although broadly traditional, the pallet of materials exhibited is wide ranging, including; brick, render, timber boarding, concrete tile, clay tile, slate and thatch. Noting the established scales and appearance of housing within Forward Green, the proposed dwelling; comprising a two-storey detached 'barn' style property, is of a high-quality design that is sympathetic to the site and its surroundings.

### Residential Amenity

- 6.36 Policy H13 (Design and layout of housing development) and H16 (Protecting existing residential amenity) of the LP seeks to ensure the amenity of neighbouring residents is protected.
- 6.37 Paragraph 127 of the NPPF sets out a number of principles as to underpin decision-taking in relation to design, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.38 The orientation and separation between the proposal and neighboring properties ensures the development would not give rise to an adverse impact on neighbouring amenity. With respect to future occupiers, the property is suitably sized and configured to provide a good standard of amenity whilst occupiers have access to sufficient external space.

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#### Highway Safety, Traffic and Parking Provision

- 6.39 LP Policy T10 (Highway considerations in development) requires the local planning authority to consider various highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.
- 6.40 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.41 Access to the development is proposed via the existing vehicular entrance from Wicks Lane. The proposed access, within a 30mph speed limit, is considered to be satisfactory to serve the development with good forward visibility along Wicks Lane. Furthermore, sufficient parking and manoeuvring space is demonstrated on the proposed plans as to accord with the local parking standards.

#### Arboriculture and Biodiversity

- 6.42 CS Policy CS5 (Mid Suffolk's Environment) seeks for development to protect, manage and enhance Mid Suffolk's biodiversity.
- 6.43 Paragraphs 170 and 175 of the NPPF requires, inter alia, that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.44 The application is accompanied by a Preliminary Ecological Appraisal and Ecological Enhancement Plan. The Appraisal includes a survey that aims to highlight any evidence of (or potential for) protected species or habitats that could result in a constraint to the proposed development. A series of recommendations are identified, including precautionary measures and opportunities for enhancement. The Appraisal concludes, subject to the implementation of precautionary and enhancement measures, that the development will give rise to a net gain in biodiversity. With respect to the arboricultural interests of the site, an Arboricultural Impact Assessment and Method Statement accompanies the application. As demonstrated, existing trees of significance are proposed to be retained and a number of new trees are proposed.

#### Flood Risk and Drainage

- 6.45 Paragraph 155 of the NPPF confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 163 of the NPPF confirms that local planning

authorities, when determining planning applications, should ensure that flood risk is not increased elsewhere.

- 6.46 Paragraph 165 of the NPPF confirms that major developments should incorporate sustainable drainage systems unless there is clear evidence that it would not be appropriate.
- 6.47 The site lies within Flood Zone 1, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Due to the minor nature of the scheme, and where there is no pre-existing flood or drainage issue, drainage matters would be secured through the Building Regulations. Nevertheless, there is no reason to consider that the development would lead to an increased risk of flooding elsewhere, in accordance with the NPPF.

#### Land Contamination

- 6.48 Paragraph 178 of the NPPF confirms that planning policies and decisions should ensure that:

*'the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; - after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and - adequate site investigation information, prepared by a competent person, is presented.'*

- 6.49 The application is supported by a Land Contamination Questionnaire and accompanying Environmental Search Report. The historic use of the site suggests that there is unlikely to be sources of pollution or contamination that would pose an unacceptable risk or result in an adverse impact on future occupiers.

## 7.0 Planning Balance and Conclusion

- 7.1 At the heart of the balancing exercise to be undertaken by decision takers is s.38(6) of the Planning and Compulsory Purchase Act 2004 which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 In this case, the proposal site is located within the countryside, outside of the settlement boundaries, where Policies CS1, CS2 and H7 seek to restrict new housing development. It is acknowledged that the proposal does not represent one of the 'exceptions' prescribed, thereby the proposal is in conflict with these Policies. However, as this Statement demonstrates, the scheme nevertheless accords with the rural housing policies of the NPPF



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whilst giving rise to inherent benefits, a material consideration which would outweigh the identified development plan conflict.

7.3 Of further significance, these policies (CS1, CS2 and H7), which are most important to the determination of this application, are found to be 'out of date' due to their inconsistency with the NPPF. Accordingly, the "tilted balance" of Paragraph 11(d) of the NPPF is engaged. Where policies cannot be considered up-to-date, as enshrined in Policy FC1 of the development plan and thus given statutory primacy, Paragraph 11(d) of the NPPF directs decision-takers to follow the presumption in favour of sustainable development, stating that planning permission should be granted unless:

- i. the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole.

7.4 In this case, the proposal would make effective use of underutilised land as to provide a new dwelling, yielding social, economic and environmental benefits. Where the "tilted balance" is engaged, by the correct application of Policy FC1 and Paragraph 11 of the NPPF, the scheme is by definition sustainable development. The benefits presented would not be outweighed, by any measure, by any identifiable adverse impacts.

7.5 It is therefore respectfully requested that the local planning authority approve this application.

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## APPENDICES

## APPENDIX A

Philip Isbell – Chief Planning Officer  
Sustainable Communities

Mid Suffolk District Council  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## REFUSAL OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

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### Correspondence Address:

Mr James Platt  
11 Charing Cross  
Norwich  
NR2 4AX  
Norfolk

### Applicant:

Mr T Mace  
Roseholme  
Wicks Lane  
Forward Green  
Stowmarket  
IP14 5HL  
Suffolk

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**Date Application Received:** 05-Jun-20

**Application Reference:** DC/20/02209

**Date Registered:** 06-Jun-20

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### Proposal & Location of Development:

Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of 2No dwellings and alterations to existing access.

Land North Of, Wicks Lane, Earl Stonham, Stowmarket Suffolk IP14 5HL

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### Section A – Plans & Documents:

This decision refers to drawing no./entitled Defined Red Line Plan received 05/06/2020 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan - Received 05/06/2020  
Site Plan - Received 05/06/2020  
Site Plan Indicative Layout - Received 05/06/2020

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### Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

## 1. REASON(S) FOR REFUSAL - UNSUSTAINABLE LOCATION

This application seeks outline planning permission with access to be considered for the erection of two new dwellings within Earl Stonham, a small dispersed rural settlement with few facilities. The site itself is currently laid to field and is spatially related to the rest of the settlement but falls outside of the established settlement boundary. Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy H7 requires strict control over the development of new housing within the countryside. This is supported by Core Strategy policy CS02. All three of these policies attach negative weight to the application. Paragraph 10 of the NPPF requires that sustainable development is undertaken in a positive manner in line with the presumption in favour of sustainable development. In assessing the site, while some positive benefits are found with regards to the social and economic impacts of the development, the proposed dwellings would be car dependent and would erode the rural character of the area. These slight benefits of the development are not considered sufficient to outweigh the weight attached to the above policy considerations or the harm that would be created by allowing the creation of a new dwelling in an unsustainable location. Consequently, this application is refused.

### **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

T10 - Highway Considerations in Development  
CL08 - Protecting wildlife habitats  
NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC02 - Provision And Distribution Of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards

## NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application proposal is considered to represent a clear departure from current development plan policies and no amount of amendment would be able to overcome these in principle issues.

2. **Refused Plans and Documents**

The plans and documents assessed in determination of this application are listed at Section A, above.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/02209

**Signed: Philip Isbell**

**Dated: 31st July 2020**

**Chief Planning Officer  
Sustainable Communities**

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

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## APPENDIX B



Philip Isbell – Chief Planning Officer  
Sustainable Communities

Mid Suffolk District Council  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

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**Correspondence Address:**

Mr Nick Peasland  
2 Hall Cottages, Assington Park  
Assington  
Assington  
Sudbury  
CO105LQ

**Applicant:**

Mr A Deacon  
Earl Stonham House  
Church Lane  
Earl Stonham  
IP14 5ED

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**Date Application Received:** 21-Oct-20

**Application Reference:** DC/20/04710

**Date Registered:** 22-Oct-20

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**Proposal & Location of Development:**

Application for Outline Planning Permission (some matters reserved, access to be considered)  
Town and Country Planning Act 1990 - Erection of 1 No detached dwelling and garage; Creation  
of new vehicular access (existing access to be blocked up)

Land South Of Fieldfare, Forward Green, Earl Stonham, Stowmarket Suffolk IP14 5EN

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 2695/01 received 21/10/2020 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 2695/01 - Received 21/10/2020  
Plans - Existing 2695/01 - Received 21/10/2020  
Proposed Site Plan 2695/02 A - Received 18/11/2020

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: PROVISION OF ACCESS

The access shall be completed in all respects in accordance with Drawing No. DM01 of Suffolk County Council's Standard Drawings and shall be available for use prior to occupation. The access shall then be retained in its approved form.

Reason - In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

Note: Suffolk County Council's Standard Drawings are available at <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

5. SPECIFIC RESTRICTION ON DEVELOPMENT: GATES PERMITTED DEVELOPMENT

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates within five metres from the edge of the carriageway. Any gates to be erected on site, shall only open into the site and not over any area of the highway or the minimum distance stated. Reason - In the interests of highway safety.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: VISIBILITY SPLAYS

Before the access is first used visibility splays measuring x dimension 2.4m and y dimension of 90m as shown on Drawing No.2695/02 A shall be provided and shall then be retained. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

**SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
SB02 - Development appropriate to its setting  
GP01 - Design and layout of development  
H03 - Housing development in villages  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance

**NOTES:**

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. The Local Planning Authority and Environmental Health should be contacted in the event of unexpected ground conditions being encountered during construction. The responsibility for safe development of the site lies with the developer.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/04710

**Signed: Philip Isbell**

**Dated: 14th December 2020**

**Chief Planning Officer  
Sustainable Communities**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

## APPENDIX C

Target Decision Date: 03/12/2020

Expiry Date: 17/12/2020

## OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Jasmine Whyard  
CASE REFERENCE: DC/20/04710

### The Openness of Local Government Bodies Regulations 2014

The new national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of 1No detached dwelling and garage; Creation of new vehicular access (existing access to be blocked up)  
LOCATION: Land South Of Fieldfare, Forward Green, Earl Stonham, Stowmarket, Suffolk, IP14 5EN  
PARISH: Earl Stonham.  
WARD: Stonham.  
APPLICANT: Mr A Deacon

ENVIRONMENTAL IMPACT ASSESSMENT:  
SITE NOTICE DATE: 06/11/2020  
PRESS DATE: 28/10/2020

## BACKGROUND DOCUMENTS

This decision refers to drawing number 2695/01 received 21/10/2020 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 2695/01 - Received 21/10/2020  
Plans - Existing 2695/01 - Received 21/10/2020  
Proposed Site Plan 2695/02 A - Received 18/11/2020

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

## SUMMARY OF CONSULTATIONS AND REPRESENTATIONS

Environmental Health - Land Contamination Comments Received - 02/11/2020  
No objection.

Earl Stonham Parish Clerk Comments Received - 12/11/2020



Objects as the application exceeds the settlement boundary, poses access issues and would exacerbate drainage issues.

Natural England Comments Received - 02/11/2020  
No comment.

SCC - Highways Comments Received - 30/11/2020  
No objection, subject to conditions.

1 representation of objection was received, summarised as follows:

- too high
- loss of outlook
- outside of settlement boundary
- planning statement inaccurate as there is no existing access into the site
- not a bungalow and would be out of character with the neighbouring dwelling
- impact on current views from property.

## PLANNING POLICIES

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
SB02 - Development appropriate to its setting  
GP01 - Design and layout of development  
H03 - Housing development in villages  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
NPPF - National Planning Policy Framework  
NPPG - National Planning Policy Guidance

## PLANNING HISTORY

REF: DC/20/04710 Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of 1 No detached dwelling and garage; Creation of new vehicular access (existing access to be blocked up) DECISION: PDE

## ASSESSMENT

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

## Details of Amended Plans and Negotiations

During the course of determination, the application was in receipt of amended plans to show visibility splays.

## Site and Surroundings

The site is comprised of an area of maintained land enclosed by fencing. There is a bungalow located north (Fieldfare) and two-storey dwellings east (No.1 and No.2). The site partially falls within the Built-Up Area Boundary for Earl Stonham. The site does not fall within any designated landscape, there are no nearby public rights of way or trees protected by Tree Preservation Orders. The site is not in close proximity to any listed buildings and is not within any Conservation Area. The site falls in flood zone 1 and there are no known surface water drainage issues on site.

## History

There is no planning history for this site.

## Principle of Development

The determination of the planning application shall have regard to the material harm caused as a result of the proposed development when assessed against the development plan. The 'tests' here are whether the material harm caused by such development are significant enough to specifically cause adverse impact on: the character of the locality, residential amenity and highway safety. The assessment is therefore centred on the level of adverse impact created as a result of development, but also the merits of the proposal relative to the material considerations identified.

Sequentially, regard shall also be had to the sustainability of the proposal.

The assessment is therefore centred on the level of adverse impact created as a result of development, connectivity and relationship to existing development, but also the merits of the proposal relative to the material considerations identified.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

The proposal is first and foremost primarily assessed against the development plan. This assessment is sequentially applied in conjunction with the National Planning Policy Framework. The updated National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be integral in the determination process.

The proposed development has been primarily assessed having had regard to the:

- National Planning Policy Framework (NPPF (2019)
- National Planning Practice Guidance (NPPG)
- Mid Suffolk Focused Review (2012)
- Mid Suffolk Core Strategy (2008)
- Mid Suffolk Local Plan (1998)

Policies relating to the principle of residential development include Core Strategy CS1, CS2 and H7. It is considered that these policies are not wholly consistent with aims of the NPPF when assessed against paragraph 213 of that document, these policies are therefore considered to hold limited weight.

Whilst they are not considered wholly consistent with the NPPF, their overall strategy is particularly valuable in identifying the most sustainable areas which provide adequate services facilities and connections to sustain and direct housing growth towards. This overall strategy is consistent with paragraph 78 of the NPPF promoting sustainable development in rural areas and paragraph 103 relating to limiting the need to travel and offering a genuine choice of transport modes.

Whilst the determination of this proposal starts with the development plan and the LPA can currently demonstrate that it has an adequate 5-year housing land supply (measured at 7.67 years), the most relevant policies to this proposal (CS1 and CS2) are considered to hold limited weight and thus under paragraph 11d) of the NPPF the 'tilted-balance' is engaged. Engagement of the 'tilted-balance' for addressing dwellings in the countryside does not negate the requirement that development should be sustainable as set out under Paragraph 8 of the NPPF. Paragraph 78 of the NPPF are particularly important in assessing the sustainability of rural housing.

Accordingly, Paragraph 8 of the NPPF sets out the three dimensions to sustainable development (economic, social and environmental). These roles are mutually dependent and should be jointly sought to achieve sustainable development, whilst further regarding the NPPF and local development plan policies holistically, to achieve sustainable development:

"a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective-to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

The emerging Joint Local Plan (Regulation 19) for Babergh and Mid Suffolk, whilst not an adopted document provides a general direction of travel. Earl Stonham is designated as a hinterland village under emerging policy SP03.

The proposed development has been considered on the basis of its planning merits and the officer's recommendation is given accordingly, having had regard for all material planning considerations, with key issues being distinguished and evaluated below.

Half of the site falls within the settlement boundary, whilst half of it is outside of this boundary, it is adjacent to it and would logically extend development along A1120. Earl Stonham has minimal facilities and services and whilst it appears there are bus stops nearby, from Suffolk On Boards website their connections appear to have been cut. Notwithstanding this, as the site partially falls within the settlement boundary and has a strong relationship with the existing built form it is considered that the site is appropriate for residential development. Furthermore, with regard to paragraph 78 of the NPPF rural housing enhances the vitality of rural communities and where there are communities with limited services and facilities, growth may help sustain other nearby communities, including Stowupland which is

considered a Key Service Centre. Paragraph 103 also acknowledges that opportunities for sustainable options of travel vary between urban and rural areas.

The principle of development is therefore considered acceptable.

#### Design and Layout

In respect of policies CS5, SB2 and GP1 the importance of attaining a good standard of design in development, which harmonises with the locality is imperative.

Whilst the proposal is outline and has design and layout as reserved matters, it is considered that given the spatial parameters and surrounding character of the locality that a well-designed dwelling, characteristic of the wider locality could be achieved on site.

In respect of the aforementioned policies the proposal for residential development on site is deemed acceptable as it is wholly feasible a dwelling could be accommodated on site to assimilate with its surroundings at the reserved matters stage.

#### Landscape

Paragraph 170 NPPF seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. The site is not constrained by any protection (for example Tree Preservation Order (TPO) or Conservation Area (CA) status). The LPA consider that the introduction of development to an otherwise undeveloped site would cause a harmful impact upon the landscape, attributed to the inevitable urbanising effect of development. However, this is considered to be marginal given that the site is half in the settlement boundary, is maintained and enclosed and extends development logically towards the south adjacent to the A1120, rather than encroaching into the open countryside westwards.

#### Flood risk and Drainage

The site is not located within a vulnerable flood zone area; therefore, the risks of flooding are considered low. Given that the application is considered 'minor', on site attenuation and surface water management / disposal is not considered by the Local Lead Flood Authority (LLFA) during the determination process. These matters are brought to the attention of the applicant, who is required to comply with Part H (Drainage and Disposal) of the Building Regulations 2010.

#### Highway Safety (Parking, Access, Layout)

By way of erecting a new dwelling and creating a new access the proposal engages highways considerations. In respect of policies T9 and T10 and paragraph 109 of the NPPF development should not adversely affect the highway network and associated safety.

Following the submission of a plan showing visibility splays, SCC Highways removed their holding objection and considered the access was acceptable subject to several recommended conditions.

SCC Highways recommended several conditions, two of which are considered unnecessary. The conditions related to securing a parking layout on the indicative plans and the submission of the refuse storage and presentation areas. The parking layout and refuse storage and presentation areas cannot be secured until a scheme has been agreed at the reserved matters stage. Based on the spatial parameters of the site parking can easily be accommodated in accordance with SCC Parking Guidance (2019) at the reserved matters stage.

Therefore, there are no impacts on highway safety significant to warrant refusal.

### Residential Amenity

In regard to the adopted development plan and Paragraph 127 of the NPPF, it is crucial that development does not detrimentally affect residential amenity of the occupiers of neighbouring properties, in order to achieve and maintain well-designed places.

Whilst there are no details of the scheme at this stage as they are reserved matters, based on the spatial parameters of the site it is wholly feasible that residential development could be accommodated so as to avoid any overlooking, overshadowing, loss of privacy or overbearing on neighbouring properties. The loss of views from No.1 and No.2 are not material planning considerations.

The proposal is therefore considered acceptable in regard to residential amenity at this stage.

### Other Matters

As the site is maintained open land with no trees or hedgerow and adjacent to existing development and the A1120, it is not considered that any ecological report is required as the site does not form any Protected Habitat and based on the characteristics of the site the probability of Protected Species on site is low.

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

### Town/Parish Council

The Parish Council made comments relating to exceeding the settlement boundary, based on the weighting of policies and the proximity of the site to the settlement boundary (partially inside it) it is considered appropriate development on site. This point is further explained in the 'Principle of Development' section of this report. As the proposal is minor the matters of drainage are deferred to the development according with building regulations, as per the 'Flood Risk and Drainage' section of this report. As per the 'Highways' section of this report, SCC Highways have assessed the access and do not consider there to be an issue with it.

### CONCLUSION

The proposed dwelling including access has been evaluated against material planning considerations and the principles of sustainable development, underpinned by local development plan policies and the provisions of the NPPF. The proposal is wholly acceptable. As such the decision is for approval.

### RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and

Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:       Granted

#### SUGGESTED CONDITIONS OR REASONS

##### 1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

##### 2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

##### 3. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

##### 4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: PROVISION OF ACCESS

The access shall be completed in all respects in accordance with Drawing No. DM01 of Suffolk County Council's Standard Drawings and shall be available for use prior to occupation. The access shall then be retained in its approved form.

Reason - In the interests of highway safety to ensure the access is properly designed and constructed and made available for use.

Note: Suffolk County Council's Standard Drawings are available at <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

#### 5. SPECIFIC RESTRICTION ON DEVELOPMENT: GATES PERMITTED DEVELOPMENT

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates within five metres from the edge of the carriageway. Any gates to be erected on site, shall only open into the site and not over any area of the highway or the minimum distance stated. Reason - In the interests of highway safety.

#### 6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: VISIBILITY SPLAYS

Before the access is first used visibility splays measuring x dimension 2.4m and y dimension of 90m as shown on Drawing No.2695/02 A shall be provided and shall then be retained. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

#### NOTES

##### 1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. The Local Planning Authority and Environmental Health should be contacted in the event of unexpected ground conditions being encountered during construction. The responsibility for safe development of the site lies with the developer.

Case Officer Signature: Jasmine Whyard

Date: 14.12.2020