



SUPPORTING STATEMENT

In respect of a planning application for the erection of a detached dwelling and garage together with alterations to the existing vehicular access at;

(Incorporating Design and Access Statement)

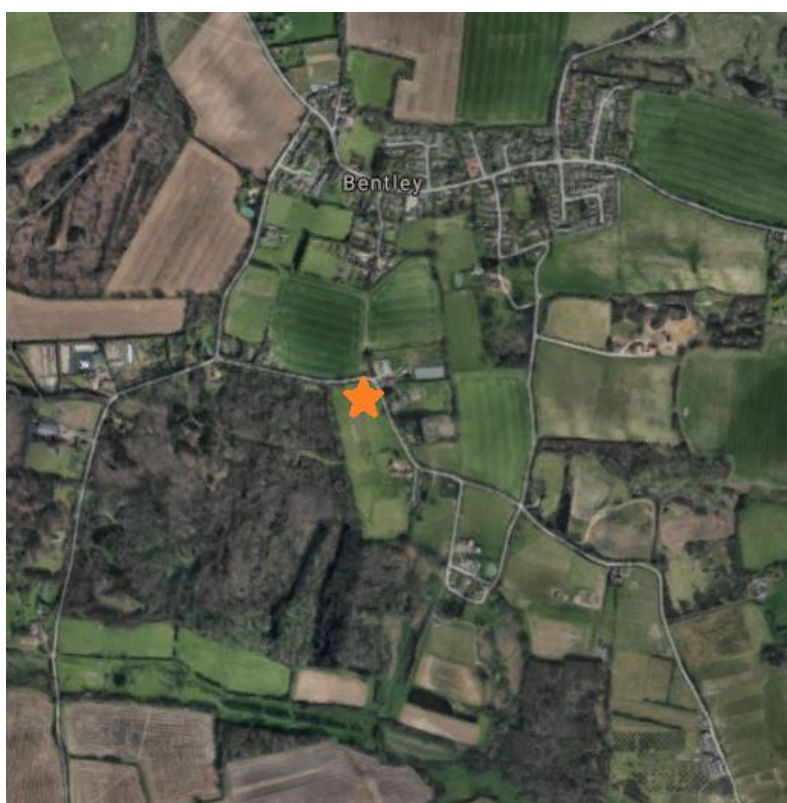
Hazel Shrub House, Hazel Shrub, Bentley,
Suffolk, IP9 2DG

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1.0 Introduction

- 1.1 This statement is prepared on behalf of Mr and Mrs Faiers in respect of a planning application for the erection of a detached dwelling and garage with upgrading of the existing vehicular access on land at Hazel Shrub House, Hazel Shrub, Bentley.
- 1.2 It will consider the planning policy position and provide an overview of the relevant material considerations relating to the proposed development.
- 1.3 The extract below shows the location of the site relative to its surroundings and other nearby development, including the village of Bentley.



- 1.4 The applicants are seeking to build this dwelling for a family member (their son) who was born in the village, went to Bentley Primary and East Bergholt High schools, and now works as a teacher locally. It is not a commercial development but a much needed two bedroomed home for someone with a significant connection to this village. It will add to the housing stock in a part of the village that, through a series of planning decisions (DC/18/04198, DC/18/04196, DC/18/02029, DC/20/04739 (APP/D3505/W/20/3249004) has been determined as appropriate for new houses to be added.

2.0 The Site

2.1 The site forms a parcel of land to the north of Hazel Shrub House which consists of wild grassland and contains a line of Oak trees along the northern boundary.

2.2 The land benefits from an existing vehicular access to the north western corner as shown within the image below.



2.3 Hazel Shrub House is a detached dwelling located to the south of the site. The grounds associated with Hazel Shrub House extend well beyond its immediate garden area, and take in areas of grassland and woodland planting that have been planted and managed by the applicants as part of a scheme of conservation that they have undertaken throughout their ownership of the site.

2.4 The site lies to the west of Woodview Nurseries and Holly Oak, properties which have each recently been granted planning permission for new development (as referenced at paragraph 1.4 above).

2.5 The site sits within Flood Zone 1, and is therefore not at risk of flooding. There are no listed buildings within the vicinity of the property.

2.5 The site measures approximately 0.55ha and is within a designated Special Landscape Area.

3.0 The Proposal

3.1 The proposal seeks full planning permission for the erection of a modest two-bedroom dwelling for occupation by the applicant's son and his partner.

3.2 The proposed elevations of the dwelling are shown below;



3.3 As can be seen, the proposed dwelling is of traditional form utilising attractive architectural features and detailing. It is proposed to be finished in grey stained sawn weatherboarding set over a soft red brickwork plinth and under a handmade plain tiled roof.

3.4 The dwelling is proposed to be sited centrally towards the northern end of the plot. The mature trees and hedging along the northern and eastern site boundaries are to be retained and supplemented by new landscape planting that forms an important aspect of this proposal. A contained garden area is provided by a park rail fence to delineate the extent of the garden area and the adjacent meadow.

3.5 The existing access would be enhanced through the formation of a resin bound gravel finish leading to a metal gated entrance set well back from the road. The driveway would sweep

round to the south of the dwelling, to a turning and parking area set adjacent to the new three bay garage that sits to the east of the dwelling.

3.6 In considering the detailed design of the dwelling, the applicants have been clear that the dwelling must be low carbon and include high standards of energy efficiency through its siting, design and construction. To that end, the proposal includes energy efficient heating and ventilation, including MVHR, heat pump and solar technologies, and would include rainwater harvesting which, in addition to general use within the house and land, would also feed the natural pond that is to be created on site.

3.7 Significant biodiversity enhancement is also proposed, with the supporting Ecology Report demonstrating the extent of mitigation and enhancement that are proposed as part of this application.

3.8 The application is supported by a suite of plans and documents, including;

- Planning Application Forms;
- Plans by Roger Balmer Design;
- Supporting Statement;
- Ecology Report by MHE Consulting;
- Envirocheck Report;
- Land Contamination Questionnaire;
- Flood Map for Planning.

4.0 Planning Policy

4.1 The National Planning Policy Framework 2019 (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 taken into account for decision-making purposes.

- 4.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers in interpretation the NPPF.
- 4.3 The Development Plan for Babergh consists of the Babergh Local Plan Alteration No.2 (2006) and the Babergh Core Strategy (2014). The following policies from these documents are considered to be relevant to this proposal;

Babergh Local Plan Alteration No.2 (2006)

- CN01 – Design Standards
- CR07 – Hedgerows
- TP15 – Parking Standards

Babergh Core Strategy (2014)

- CS01 – Presumption in Favour of Sustainable Development
- CS02 – Settlement Pattern Policy
- CS03 – Strategy for Growth and Development
- CS11 – Core and Hinterland Villages
- CS12 – Sustainable Design and Construction Standards
- CS13 – Renewable / Low Carbon Energy
- CS15 – Implementing Sustainable Development in Babergh
- CS18 – Dwelling Mix/Sizes

- 4.4 The above policies will be considered in the ‘Planning Considerations’ chapter of this statement, wherever relevant to the consideration of this proposal.

5.0 Relevant Planning History

- 5.1 The Council’s website reveals no relevant planning history in respect of this piece of land.

6.0 Planning Considerations

Principle of Development

- 6.1 At a national level, Paragraph 10 of the NPPF states; *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”*.
- 6.2 Paragraph 8 of the NPPF sets out three objectives for achieving 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”*.
- 6.3 Paragraph 213 of the NPPF identifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework, and that due weight should be given to them according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.4 Recent reports to the Council’s Planning Committee provides standardised wording in respect of policy CS2 of the Core Strategy, as follows;

“Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary and therefore Policy CS2 applies.

The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up to date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within 6 months of the Core Strategy having been adopted. This has not to date happened. The current LDS, published in July 2018, now indicates that the Joint Local Plan, including site allocations, will be adopted in February 2020.

The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.

Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.

A momentum towards securing development that is founded upon sustainable principles and the need for a balanced approach to decision making are key threads to Policy CS1, CS11 and CS15 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework applying to the subject application”.

6.5 It is clear, therefore, that the weight to be given to policy CS2 is vastly reduced, and it cannot be relied upon as a reason to refuse planning permission as a matter of principle simply because a proposal is outside the settlement boundary.

6.6 Indeed, this position was considered in a recent appeal dated 11th March 2020 in the Babergh District (Appeal Ref: APP/D3505/W/19/3240526 - Greenlawns Bonsai Nursery, Hadleigh Road, Boxford, CO10 5JH) for a development of four new dwellings on a site which the Inspector found to be;

“..... located outside of any defined settlement boundary and is thus designated as countryside in local planning policy terms. The site contains a now closed plant nursery and garden centre business as well as an associated single dwelling. The site makes up part of a linear row of development that runs the southern side of Hadleigh Road and that is typically comprised of residential properties. Other than nearby bus stops, I did not observe any facilities or services to be in place within the site’s immediate locality. Boxford, the nearest Core Village, contains a range of facilities, including a primary school, shops and public houses, and is located relatively nearby”.

6.7 The Inspector went on to find that;

“7. The route between the site and Boxford is not served by footway, nor any specific facilities for cyclists (such as a defined cycle lane). Furthermore, part of the route is made up of a main road (the A1071) that accommodates regular traffic flows. The journey to/from Boxford would thus be unlikely to appear attractive to future occupiers of the proposal to either navigate on foot or by cycle. This is not least due to the not insignificant distance involved.

8. Nevertheless, it is important to note that the site is served by bus stops that are situated a realistic walking distance away, along Hadleigh Road to the west. I am of the understanding that buses typically run from these stops at fairly frequent intervals to a range of destinations including Boxford, Hadleigh, Sudbury and Ipswich. Whilst the walking route to these stops is not lit nor served by footway, I noted very few traffic movements along Hadleigh Road during inspection. Indeed, it has the character of a quiet rural road that would appear to be navigable on foot in a safe manner. However, this option may not suit all future occupiers of the

development who may not be conveniently able to depend upon these bus services to serve their day-to-day needs.

9. It has been suggested by the appellant that buses can be flagged down upon request along Hadleigh Road, which would further promote bus travel as a realistic option. Whilst the rural nature of the road could potentially allow for buses to pick up and drop off on an impromptu basis, no formal arrangements in this regard have been clearly evidenced. My considerations are thus based on the signposted stops that are in place. In this context, particularly when noting the lack of walking opportunities, the site's location would be likely to promote private modes of transportation.

10. That said, the National Planning Policy Framework (February 2019) (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making. Indeed, relatively short journeys (by private car or otherwise) would be required in order to access the various facilities and services that are on offer in Boxford. Furthermore, the bus stops that serve the site would offer future residents a genuine option to utilise local bus services as an alternative to private car travel should they desire to do so”.

6.8 In setting out his reasoning for allowing the appeal, the Inspector elaborated further, stating;

“24. I have identified conflict with Policy CS2 of the Core Strategy. However, this is a restrictive policy that offers support to development in the countryside only in exceptional circumstances. It is not wholly consistent with the Framework in terms of its approach to rural housing. Indeed, the Framework is less restrictive and sets out that housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Thus, the fact that the site is located outside of any defined settlement boundary is not a determinative factor in this case and I apportion limited weight to the proposal's conflict with Policy CS2.

25. Nevertheless, there would be some limited harm arising by virtue of the site's lack of accessibility to local facilities and services and that this would lead to some conflict with Policy

CS15 of the Core Strategy, which is broadly consistent with the Framework in terms of its aim to promote walking, cycling and public transport use.

26. Turning to the scheme's benefits, whilst the Council has confirmed that it is currently able to demonstrate a 5.67 year supply of housing land and the appellant has not challenged this assertion, it would deliver 4 additional housing units within a District where the housing land supply surplus is marginal. Indeed, the Framework reaffirms the Government's objective of significantly boosting the supply of homes. The proposal would also promote an effective use of land through the redevelopment of a redundant former business premises. Jobs would be created during the construction phase and support to the local economy and local community facilities would be provided once occupied. These benefits outweigh the identified harm and the policy conflict therewith.

27. There are material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this case”.

6.9 The commentary here references the marginal nature of the Council's land supply position and states categorically that the location of the site outside the settlement boundary is not a determinative factor in the appeal. The very same position would exist here.

6.10 In another recent appeal, consideration was also given to the weight to be given to policies CS1, CS11 and CS15, as well as CS2. In that appeal (Appeal Ref: APP/D3505/W/20/3246576 The Mane Riding Centre, Old London Road, Copdock and Washbrook IP8 3JF) the Inspector found that;

“36. Policy CS1 of the CSP only unnecessarily duplicates what was in paragraph 14 of the 2012 version of the Framework, so is out-of-date and thereby carries reduced weight. I have not found in relation to Policy CS1 of the CSP, however, I address whether the proposal would amount to sustainable development below.

37. The blanket approach to the application of settlement boundaries, in isolation of other considerations, would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. Furthermore, exceptional circumstances for development in the countryside beyond settlements, found in Policies CS2 and CS11 of the

CSP, are not wholly consistent with the Framework, which only applies to isolated development. However, Policy CS2 is consistent with the aim of the Framework to direct housing to locations where it is supported by local facilities and services through an established pattern of distribution; and Policies C2, CS11 and CS18 respond to local circumstances as required by the Framework. In light of this I have regarded the underlying objectives of the policies, as being consistent with the revised Framework but I have afforded reduced weight to the conflict of the proposal with Policies CS2 and CS11 in the light of their approach to exceptional circumstances for development in the countryside, which lessens the magnitude of that conflict.

38. I have been referred to an appeal decision in neighbouring Mid Suffolk in relation to the wording of Policy CS2 of the CSP. I am aware of the circumstances of that case, as I was the appointed Inspector, and that appeal referenced others in Mid Suffolk where development plan policies had been assessed in relation to their consistency with the Framework. In that case, a policy was multifaceted and required consideration against different parts of the Framework. Policy CS2 is not such a policy, as it only refers to the spatial distribution of development.

39. Such an approach would apply to Policy CS15 of the CSP, which is multifaceted. Although it is consistent with the Framework in terms of its aims to achieve well designed places and the accessibility of services and facilities, it fails to acknowledge the balancing exercises required by paragraphs 195 and 196 of the Framework. Whilst the Council did not find harm in respect of heritage, a policy should be assessed as a whole. Accordingly, Policy CS15 is out-of-date for the purposes of the Framework. Hence, I attach only moderate weight to the conflict of the proposal with this policy, which lessens the magnitude of that conflict.

40. The Council has suggested that it can demonstrate in excess of five-years supply of deliverable housing land within Babergh. The appellant has pointed to the potential fragility of the Council's position, particularly in light of the implications of COVID-19 on the economy. I am also mindful that the presence of a five-year supply does not represent a ceiling on the delivery of housing, as the Framework supports the Government's objective to significantly boost the supply of homes. Clearly should I determine that the Council cannot demonstrate a 5-year housing land supply, paragraph 11 of the Framework would be engaged. Nevertheless, it is engaged as a policy most important for determining the appeal is out-of-date, in this case Policy CS15 of the CSP. This requires that permission should be granted, unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11(d)(ii) of the Framework)”.

6.11 The findings of that appeal categorically find policies CS1 and CS15 as being out-of-date, and policies CS2 and CS11 as being in conflict with the NPPF. The Inspector engages paragraph 11, as did the Inspector making the decision on the appeal reference APP/D3505/W/19/3242769 at Land off Clay Hall Lane, Acton, CO10 0AQ. This is an important decision, as it makes clear that the Council must engage the presumption in favour of sustainable development in reaching their decisions on development engaging these policies (or any combination of them).

6.12 The saved policies from the Local Plan Alteration No.2 (2006) are now 14 years old, and the Core Strategy was adopted in 2014. Paragraph 33 of the NPPF identifies that;

“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”.

6.13 Babergh District Council were made aware of the issues with policies in the Core Strategy, namely the interpretation of policies CS2 and CS11 in the case of *R(East Bergholt Parish Council v Babergh DC [2016] EWHC 3400 (Admin)*, where a successful judicial review was brought against the Council on this very matter. Furthermore, despite their continued recognition of the conflict between policy CS2 and the NPPF, they have carried out no review of the policy or the Core Strategy as a whole in the terms required by paragraph 33 of the NPPF and the legal obligation imposed by (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

6.14 It is abundantly clear, therefore, that this proposal should be determined in line with the flexible approach taken in the NPPF, and should be considered in light of the three objectives of sustainable development (economic, social and environmental). For these reasons, in taking a decision on the proposal, the LPA should grant permission unless:

*“i. the application of policies in this Framework 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 this Framework taken as a whole”.*

6.15 Paragraph 79 of the NPPF states;

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.

6.16 A recent High Court judgment (dated 15th November 2017) has shed light on the correct interpretation of the NPPF when it comes to determining whether a development is isolated. It related to a case at Wethersfield in the neighbouring district of Braintree. The following is a concise summary taken from the Planning Resource website (note that reference to paragraph 55 should now be read as paragraph 79): -

“Developer Granville Developments had been refused planning permission to build the new homes off Lower Green Road, Blackmore End, Wethersfield, but successfully appealed to a planning inspector who granted consent in February this year.

He found that, even on the most favourable interpretation, the area's deliverable sites for new housing fell well below the five-year supply required by the National Planning Policy Framework (NPPF).

The development would not cause material harm to the character and appearance of the area and, although it was not within an established settlement boundary, there were a number of houses nearby and the bungalows could not be viewed as isolated dwellings in the countryside.

In challenging the inspector's decision, Braintree District Council argued that he had wrongly interpreted the NPPF. Given the paucity of services and amenities in the area, residents of the bungalows would be required to rely heavily on their cars and the new dwellings would clearly be isolated, it argued.

Mrs Justice Lang noted that the word isolated is not defined in the NPPF. However, in dismissing the council's appeal, she found that the council's interpretation was too restrictive.

She noted that there were existing dwellings to the north and south of the development site - which was originally home to agricultural buildings that had been demolished. There was also a home to the west, on the other side of a road.

In his decision, the inspector had also justifiably focused on the economic benefits of the scheme in providing work for local builders and the likelihood that two new households would give their custom to local businesses.”

6.17 Specifically Mrs. Justice Lang concluded (paras.28 and 29):

“28. NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that “all settlements can play a role in delivering sustainable development in rural areas”, cross-

referencing to NPPF 55, “and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided...”. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. NPPF 17 penultimate bullet point identifies as a core planning principle to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. But as the PPG states, NPPF 29 and 34 recognise that the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The scale of the proposed development may also be a relevant factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to “significant development”.

29. For these reasons, I agree with the Defendants that the Claimant was seeking to add an impermissible gloss to NPPF 55 in order to give it a meaning not found in its wording and not justified by its context.”

- 6.18 The decision of Mrs Justice Lang was the subject of reference to the Court of Appeal by Braintree District Council, and Lord Justice Lindblom (on 28th March 2018) upheld the decision. Therefore, it follows that if the development is not isolated in the ordinary meaning of the word, paragraph 79 of the NPPF is not engaged.
- 6.19 The site lies adjacent to existing properties and in an area where further development has been approved, both by the Council and, more recently, by the Planning Inspectorate following a successful appeal (as per the list of applications set out at paragraph 1.4 above). The site would be able to access the facilities and services in the village from the nearby footpath which has been considered previously to make the adjacent sites such that can be considered not to be isolated.
- 6.20 As such, this site also cannot be considered to be isolated in the normal understanding of the meaning of the word. For these reasons, it can be concluded that the site is also not isolated in the terms envisaged by the NPPF and the special circumstances required to be demonstrated by paragraph 79 of the NPPF are therefore not engaged in this case.

6.21 Consideration therefore turns to the other material considerations that must be taken into account in the determination of this proposal.

Local Needs

6.22 It is not proportionate for a development of this scale to be expected to provide a Housing Needs Survey in each and every instance, and it is abundantly clear that an expectation in this regard would be inherently unreasonable.

6.23 The Bentley Neighbourhood Plan evidence base includes a Housing Needs Assessment (HNA) prepared by AECOM. The conclusions of the HNA are, inter alia, that;

- *Bentley's indicative requirement is 38 dwellings between 2018 and 2036, or 2 dwelling (rounded) per year over the remainder of the Neighbourhood plan period, 2018-2036 (18 years). At the time the final Neighbourhood Plan housing requirement figure is provided by Babergh, it can be considered to supersede the provisional calculation within this HNA. The neighbourhood group need to continue to engage with the LPA to confirm the final housing figure for the Neighbourhood Plan.*
- *In the context of the pattern of supply in recent years and Bentley's comparatively large stock of dwellings overall, the Neighbourhood Plan could set out a policy to prioritise the provision of one to three bedroom homes.*
- *The neighbourhood planners may wish to consider how policies which support the provision of accessible homes (eg optional building regulation standards) could ensure that the future housing stock is better able to meet these needs.*

6.24 The Housing and Population Data Profile identifies that across the Babergh district;

- 12% of all existing households contain someone looking for their own property over the next 3 years (mainly single adults without children). The types of properties they are interested in are flats/apartments, and smaller terraced or semi-detached houses. Although this is not their first preference, many accept that the private rented sector is their most realistic option;

- 25% of households think their current property will not be suitable for their needs in 10 years' time;
- 2 & 3 bed properties are most sought after by existing households wishing to move;
- Suitable housing options for more elderly people are less available within the current housing stock. 6% of all households have elderly relatives who may need to move to Suffolk within the next 3 years.

6.25 It also identifies just three new dwellings being completed in the village across the period 2013 – 2018, significantly below the delivery identified to be needed in the HNA.

6.26 The proposal seeks to deliver a two bedroom dwelling, demonstrating that the proposal meets with the expectations of the Neighbourhood Plan in providing smaller dwellings. Policy CS18 supports residential development that provides for the needs of the District's population, particularly the needs of older people where such local needs exist, and at a scale appropriate to the size of the development. The mix, type and size of the housing development will be expected to reflect established needs in the Babergh district (see also Policy CS15).

6.27 The proposal delivers a modest development that would meet the recognised need of a family member with strong connections to the village. It is precisely the scale and type of development that the Bentley Neighbourhood Plan seeks to deliver. The proposal can be seen to comply with the expectations of policy CS18 and would meet a local need in the terms envisaged by both policy CS2, CS15 and the Neighbourhood Plan also.

6.28 It is also noted that in recent decisions in the Babergh village of Lawshall, the Planning Officer agreed that the provision of two/three bed dwellings would serve the need identified in the Neighbourhood Plan in that village, stating;

“The applicant has not provided evidence of a local need for this development and therefore in a strict, literal sense, the application is not consistent with policy CS11. This said, the development includes smaller two/three-bedroom dwellings that will serve the need identified at Policy LAW4 of the LNP. Compliance with the LNP in respect to identified need weighs in favour of the scheme”.

6.29 Furthermore, in a recent application in the village of Brettenham also relating to a proposal for one new dwelling (DC/18/03627), the Planning Officer considered the relevance of the 'local need' element of policy CS11 to that proposal. They found;

"The relevance of a housing needs survey to a single dwelling development is very limited. In strict policy terms there is a conflict however it is not fatal to the application".

6.30 For these reasons, it can be seen that the proposal meets with the aims of development plan policy that seek to deliver development that meets local need, and also complies with the provisions of paragraph 77 of the NPPF which is clear that *"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs"*.

Design and Impact on the Character of the Area

6.31 Saved policy CN01 sets out the criteria that the Council expects all new development to meet in terms of their design and layout.

6.32 Paragraph 124 of the NPPF identifies that *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process"*.

6.33 The applicants engaged Roger Balmer Design to prepare a detailed proposal that responds to the characteristics of the site and provides an attractive property that would enhance the local vernacular. In assessing the site, three main considerations were identified, being;

- the importance of the trees and hedging to the site boundaries;
- the need to ensure that the proposal was not prominent in the landscape, particularly related to the rural setting of the site;

- the scale and relationship of the development relative to existing and approved properties in the site vicinity, including the relationship to Hazel Shrub House itself.

6.34 The design approach taken has resulted from that assessment, where the proposal responds to the specific constraints of the site through the traditional and attractive form of the building, the spacious layout, the lack of impact on important boundary landscaping and ensuring important vistas from existing properties to the wider landscape are retained.

6.35 The approach taken here, is, therefore, in accordance with the principles of good design set out in the NPPF, which seeks (paragraph 127) to ensure that planning policies and decisions ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

6.36 However, the design goes beyond just providing 'good architecture', where paragraph 131 of the NPPF recognises that *"great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"*. Considerable care has gone into the detailed design to ensure the creation of a low carbon building which is modest in scale relative to other houses recently approved, and sits comfortably and quietly in its surroundings. Energy efficient heating and ventilation (MVHR, heat pump and solar) and high standards of energy efficiency through positioning, design and construction (as shown on the drawings), will ensure that over the course of the annual cycle, it is likely to be a net contributor to the power network. The property will need an electricity supply, though usage will be minimal. Care has been taken to ensure that the environment within which the house sits will be enhanced by:

- harvesting rainwater meaning that potable water will only be required for drinking and personal hygiene which, in addition to general use, will be used to feed a natural pond;

- maintaining all existing trees and shrubs and substantially enhancing the area by planting, using native species. These works are proposed further to the substantial planting and restoration of the areas surrounding Hazel Shrub House that has already occurred.

6.38 There is nothing to suggest that this proposal would not integrate into its surroundings well, seeking to make appropriate use of the site without dominating adjacent development or the village as a whole. The dwelling has been designed to integrate with its surroundings and assimilate into this cluster of development with little disruption/intrusion.

6.39 Furthermore, by virtue of the contained nature of the site and the low scale of the proposed dwelling, there would also be negligible impacts on the surrounding landscape. The proposed dwelling would not be silhouetted against the skyline nor would it intrude into views of the countryside. The proposal thereby also complies with the Council's policies that address landscape impact.

6.40 The finished appearance of the dwelling would compliment the other dwellings approved on the adjacent sites. Indeed, it is noted that in considering the application for reserved matters at Holly Oak (application ref: DC/20/04739) as recently as December 2020, the Planning Officer commented that;

"The proposed design, materials, form and scale are considered to respect the character of the local area, not constitute overdevelopment and not harm local distinctiveness".

6.41 Given that those properties were significantly larger than that proposed here, and more tightly sited relative to other residences, it is relevant that the design, materials, form and scale were considered to be respectful of the local area and would not harm local distinctiveness. The very same conclusions must be drawn here given the highly attractive and quality scheme proposed.

6.42 The proposal would, therefore, comply with the design policies in the development plan, including CN01 and CS15, as well as the specific aspects of the NPPF that expressly deal with the quality of design.

Heritage Impacts

- 6.43 The proposal does not engage the setting of any heritage assets.
- 6.44 As such, the proposal does not engage the provisions of paragraphs 195 and 196 of the NPPF.

Highways Access, Parking and Safety

- 6.45 Policy TP15 aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
- 6.46 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. According to www.crashmap.co.uk, vehicular crash data reveals that within the last 20 years, the road outside the site has not been subject to any form of vehicular collision. Therefore, existing accesses in the locality, some which do not appear to comply with current regulations, are inherently safe and would not give rise to reason to refuse this proposal.
- 6.47 The existing access into the land is proposed to be utilised and enhanced to serve this dwelling. This access lies within the 30mph zone on a road that is not conducive to high speeds. In any event, the road is proposed to be designated as a Quiet Lane where the CPRE Guide advises that;

“Quiet Lanes are a key way of widening transport choice in the countryside by encouraging local journeys to be made on foot or bicycle, and for recreation. While cars are not banned and use of these roads is shared, lower speed limits and discrete road signs can encourage drivers to slow down and help to promote a more tranquil rural environment”.

- 6.48 As can be seen, the road here will be subjected to lower speeds as part of this designation. The Quiet Lane designation does not preclude cars, and is to be encouraged in this case as it actively seeks to promote accessibility on foot and cycle for recreation purposes and for local journeys. As it is now well established that the footpath network here serves new and existing

development well, the designation of the Quiet Lane will further assist the sustainable occupation of this property and is something the applicants are key to see occur.

- 6.49 Visibility splays that exceed the requirements of the DMRB, given the siting of the existing access in a 30mph limit, can be achieved in both directions. This demonstrates that a safe access can be provided to the site.
- 6.50 On site, sufficient space is provided to allow vehicles to manoeuvre within the site and re-enter the highway in a forward-facing gear. The provision of dedicated vehicle spaces for resident owner/occupiers is proposed, and is provided in compliance with the Technical Guidance. The proposal therefore responds fully to accord with policy TP15 and the Suffolk Guidance for Parking - Technical Guidance (2015).

Residential Amenity

- 6.51 Policy CN01 seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, pollution, daylight and sunlight. Paragraph 127 of the NPPF also holds regard to the protection and preservation of residential amenity, which the scheme wholly delivers. Whilst nobody has a right to keep the existing view from their home, the applicant acknowledges that the LPA will consider the effect the land use may have on the outlook from principal windows of neighbouring property. The scheme would not result in undue intrusion into the domestic enjoyment of neighbouring dwellings given the spacing which exists and the orientation of windows in the dwelling.
- 6.52 Given the nature and extent of the proposed use, it is unlikely that the resultant domestic use would present issue (for example, to privacy, overlooking, outlook, noise, smell, light, pollution, daylight or sunlight) extending above and beyond the established nature of the area.
- 6.53 The proposal thereby responds favourably to policy CN01 and paragraphs 127 and 130 of the NPPF.

Ecology and Biodiversity

- 6.54 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "*competent authorities*" (public bodies) to "*have regard to the Habitats Directive in the exercise of its functions*". 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.
- 6.55 The application is supported by a Preliminary Ecological Appraisal prepared by MHE Consulting. This address the ecological aspects of the proposal and also recognises the significant work that has been undertaken by the applicants in respect of the biodiversity of Hazel Shrub House and its associated grounds.
- 6.56 Guidance on the conservation of protected species is given in ODPM Circular 06/2005. At Paragraph 99 the Circular advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. The proposal is not such that would give rise to loss of habitat for protected species and there is significant scope to bring about biodiversity enhancements on the site such as to provide a net gain across the site, as detailed.

Flood and Water

- 6.57 The site is not located in a vulnerable flood zone area; therefore the risks of flooding are considered to be low.
- 6.58 The site can accommodate appropriate drainage solutions to serve the proposed dwelling.

Sustainability

- 6.59 Paragraph 8 of the NPPF outlines the three objectives of sustainable development that schemes should seek to deliver. The proposal carries the following sustainable benefits.
- 6.60 From an economic aspect, the construction of a new dwelling would provide much needed jobs for local people, and there would be a modest economic benefit from the purchase of materials also. Occupants of the property would contribute to the local economy through the

purchase of goods, their employment and involvement in community activity. As they are people with a strong connection to the village these matters weigh more heavily in the determination of this application, as their involvement in the community is already well recognised and would be enhanced further.

6.61 It is, therefore, considered that the economic objective of sustainable development is met by this proposal.

6.62 The social aspects of new housing are embedded in the NPPF which states that *“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”*.

6.63 The PPG advises that *“all settlements can play a role in delivering sustainable development in rural areas”, cross-referencing to NPPF 79, “and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided....”*. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. At paragraph 103 of the NPPF, it identifies that *“The planning system should actively manage patterns of growth in support of these objectives. 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”*. However, as the PPG states, and paragraph 103 recognises, the general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas.

6.64 The site is in an accessible location that would offer some opportunity for travel by alternative methods of transport. It is well related to the villages of East Bergholt, Capel St Mary and Tattingstone. As such, the site would give future occupants the potential to travel via a variety

of transport methods, thereby not providing a development that is entirely reliant on the car as its main mode of travel.

- 6.65 Immediately to the north-east of the site is a public footpath that links across the adjacent field to Link Lane and across to Grove Road.



Image 1: Footpath Entrance Adjacent to Woodview



Image 2: Connection to Link Lane

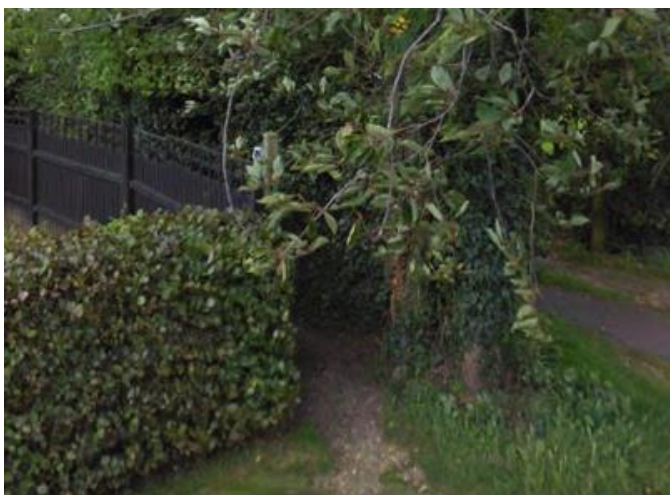


Image 3: Grove Road Access

- 6.66 Bentley is a good-sized village with a range of facilities and services, including a village store, church, village hall, hairdressers, primary school and public house. Given the proximity of the footpath and the relationship to these facilities in the village, the site gives rise to good access to a range of facilities and services on foot.

- 6.67 The site would also have good access to public transport, with bus stops in the village which provide regular services to Colchester throughout the day. These bus stops are located towards the end of Grove Road and along Station Road and access to these stops, via the footpath network, would be approximately a five-minute walk. The footpath network would

also provide good access to recreation through countryside walks and through access to the playing field which is also located in the village.

6.68 Bentley village is also well located with regards to larger villages, being located close to Capel St Mary, East Bergholt and Brantham, and within a short journey of Hadleigh and Ipswich. It is, therefore, a sustainable location where development would be likely to sustain and enhance the vitality of other rural communities also. Put simply, even were a position to be taken that this site is not accessible, it would be necessary for the LPA to demonstrate why this site would not enhance and maintain services in nearby villages and weigh this accordingly in their decision.

6.69 However, for the reasons already give, the site is considered to be accessible on foot and through public transport such as to offer occupants of the site viable alternatives to use of the private car, in accordance with the NPPF and policy CS15 of the Core Strategy.

6.70 The delivery of this new dwelling would help to provide the supply of housing required by the NPPF and, therefore, it is considered that the proposal meets the social objective of sustainable development. Furthermore, the proposal's contribution to the Council's housing supply should not be underestimated. The applicants intend to carry out the development in a short timescale should permission be granted. In this regard, the site should be considered deliverable in the terms set out in the NPPF and should thereby be afforded further weight in terms of its sustainability credentials.

6.71 With regards to the environmental elements of the proposal, commentary is made at paragraph 6.36 of this statement as to the environmental sustainability credentials of this proposal. These include;

- the creation of a low carbon building with energy efficient heating and ventilation (MVHR, heat pump and solar) and high standards of energy efficiency through positioning, design and construction;
- rainwater harvesting;
- the planting of native landscaping to supplement the existing mature planting;
- water efficient taps, showers and toilets;
- electric car charging provision;

- energy efficient white goods and lighting.

6.72 The biodiversity enhancement will supplement the significant work already carried out by the applicants where new native landscape planting, will more than offset the removal of this area of grassland.

6.73 As such, it is felt that the proposal demonstrates a cohesive approach to sustainability that complies with the NPPF and is in line with the way in which the dimensions of sustainable development are applied by Planning Inspectors and the Planning Officers alike.

7.0 Planning Balance

7.1 The proposal seeks outline planning permission for the erection of a new dwelling and garage on land at Hazel Shrub, Bentley.

7.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

7.3 The development plan includes the Babergh Core Strategy (2014) and the saved policies in the Babergh Local Plan Alteration No.2 (2006). In light of this proposal relating to the development of a new dwelling, an important factor in the determination of this proposal is that the Council's policies are out-of-date and the presumption in favour of sustainable development is engaged in this case.

7.4 The proposal has, therefore, been assessed against the three objectives of sustainable development. In respect of the economic strand, the applicant recognises that there would be modest benefits from the construction of the new dwelling and from the contribution made by future occupants into the local economy. As recognised in the relevant decisions referred to in this statement, these benefits are such that make the proposal economically sustainable.

- 7.5 In terms of the social dimension, the NPPF recognises the contribution made by the delivery of housing and the vitality of rural communities to the social aspect of sustainability. The site is located in a location where there is opportunity to access facilities and services in the village on foot. It is also the case that the social aspect of this proposal will be strengthened by the designation of a Quiet Lane here. Offering increased opportunity for walking, cycling and recreating in the locality. In light of these factors, and in the absence of any social detriment, the proposal must also be considered to be socially sustainable.
- 7.6 The matter of environmental sustainability is, as is often the case in rural areas, more complex. The PPG recognises that there is a need to take a flexible approach to considering the potential for sustainable transport modes in rural areas and the site has been found to be well located in terms of the facilities and services that lie in proximity to the site. In this regard, and in the absence of any recognisable detriment to matters such as heritage assets, land contamination, biodiversity, trees or flood risk, the proposal is found to be environmentally sustainable also.
- 7.7 However, this is not a proposal that seeks to provide only a negative effect. The environmental benefits of the scheme are substantial and include;
- The use of renewable technologies will enable the property to put energy back into the grid;
 - The construction of the dwelling would include significant insulation and energy efficient white goods and lighting;
 - Rainwater harvesting is proposed to be incorporated;
 - The build would include water efficient showers and toilets;
 - The introduction of ecological enhancements is proposed on the site;
 - New hedgerow planting is proposed.
- 7.8 These benefits are considered to go well beyond offsetting any limited environmental harm that may be considered to occur (notwithstanding that this statement has found no such harm to occur in any event). As such, any harm would not significantly and demonstrably outweigh the benefits of the scheme, where the delivery of a modest two-bedroom dwelling for a relative of the applicants with strong connections with the local community would contribute to the district's housing supply whilst meeting a local need. As such, the balancing

of the main issues would result in a conclusion that the proposal is sustainable and, therefore, there would be a presumption in favour of it.

7.9 For all of these reasons, the proposal is found to be a sustainable development and should, thereby, be supported.