

Title Planning, Heritage, Design and Access Statement

For The Development of Two Homes in The Street, Thornham Magna

November 2021



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Planning, Heritage, Design and Access Statement

For The Development of Two Homes in The Street, Thornham Magna.

Client: Mr J Ainsley

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1.0 Introduction

- 1.1 This Planning, Heritage Design and Access Statement has been prepared in support of a full planning application for the development of 2 homes within the eastern part of the residential garden of a property called The Bungalow in The Street, in Thornham Magna. A separate planning application reference DC/20/04979 was recently approved the demolition of the existing bungalow which is in a poor state of repair and its replacement with 2 homes. This application proposes a further 2 homes to the east of this approval.
- 1.2 A recent planning approval at appeal in Mellis (Appendix 1) considered a proposal to increase the number of homes on a small village site. The appeal proposal was similar to this one because there was already an approval for housing on the appeal site. In this appeal, the Inspector agreed with our assessment in this application that local planning policies are out of date. The Inspector stated that: *'The fact that an extant planning permission exists for a single dwelling on the appeal site is important because it establishes the principle of housing development. Furthermore, that permission has a realistic prospect of being pursued given that it also comprises a small housing proposal. Therefore, I have attached significant weight to this fallback position.'* The same principle applies here because two houses have approval and the site is in the control of a small developer. The earlier approval establishes the principle of housing on the site and shows that there are no constraints to the development of the plot. For example, the vehicular access is suitable for 4 homes and the site has homes around it.
- 1.3 The application site is some 0.37 hectares in size and is within the built up area of the village. To the south is a small development that is similar to the one proposed on the application site. To the north are houses and a residential garden. To the east is agricultural land. There is a line of mature trees, a stream and a pathway between the application site and the roadside. The trees screen the application site from the road. A new vehicular access from The Street was recently approved which crosses the stream and leads into the application site at the north east corner. The permission for this access is extant so need not be reconsidered in this application.
- 1.4 The application proposes 2 traditionally designed 4 bed houses with similar characteristics to the houses recently approved to the west. The principal road through the village is The Street which has a range of house styles and individually designed homes. To reflect the character of the village, the homes have been designed in a

traditional style. The new homes will be 1.5 storeys high to reflect the scale of the adjacent homes, so not to dominate the surrounding area. The homes have a varied and interesting design with gables, projecting dormer windows and chimneys. Traditional materials have been chosen with variation between the homes.

- 1.5 The application site is classified as countryside by Local Planning Policy. However, Local Planning Policies on housing development in the countryside are out of date because they do not accord with National Planning Policy. This means that housing is permitted in appropriate locations in areas classified as countryside. Appropriate areas for development include villages where development will not harm the character of the open countryside.
- 1.6 National Planning Policy permits development in locations that are not isolated from other development. The site is within the village of Thornham Magna and is therefore not an isolated location.
- 1.7 This planning application therefore benefits from support from National Planning Policy, as the Local Planning Policies are out of date and because the site is not isolated. This conclusion has been supported in recent and historic appeal decisions. The emerging Local Planning Policy supports the proposal because it will give Thornham Magna a settlement boundary and therefore recognises it as a sustainable location for housing.
- 1.8 The fact that Local Planning Policies regarding development in the countryside are out of date means that this planning application must be assessed against National Planning Policy and can only be refused if the adverse effects of doing so would significantly and demonstrably outweigh the benefits.
- 1.9 The benefits of this proposal are:
 - The construction of 2 new homes, which will help to meet local housing needs.;
 - New housing in a sustainable location for a small housing development.;
 - Delivering a net gain of 2 new homes, which will support village services such as the pub and bus services in Thornham Magna, and which will also support services in nearby villages.;
 - A small development which will be built by a local builder which will

provide economic benefits during construction and from new residents. The new Anglia Strategic Economic Plan (April 2014) states that every home build supports 1.5 jobs directly and 2.4 jobs in the wider economy;

- The proposal has been assessed by an experienced ecologist and can be designed to provide a biodiversity net gain; and
- Community Infrastructure Levy and New Homes Bonus payments to deliver local infrastructure.

2.0 Description of Site and Planning History

Description of the Application Site

- 2.1 The application site is in the centre of Thornham Magna. There is a bungalow in the south west corner of the site which will be demolished as part of the recently approved planning application. The remainder of the site is an overgrown garden. There are mature trees on the southern, eastern and western boundaries. The trees on the western boundary screen the site from the road.
- 2.2 To the west of the site is the public highway. Between the site and the public highway is a belt of mature trees, within which is a stream and an unmade pedestrian pathway. There is a wooden footbridge leading from the pathway to the highway.
- 2.3 To the north of the application site is a traditional 2 storey cottage with rooms in the roof. To the south of the application site, at the south west corner, is a modern 2 storey property. To the south of the application site and near to the south east corner is another modern 1.5 storey house. The homes to the south are grouped around a small private drive in a similar arrangement as proposed on the application site.
- 2.4 To the east of the application site is arable land. The built-up area of the village extends to the north and south in a linear fashion on either side of The Street. There are several areas where development extends back from The Street, such as to the immediate south of the application site where there is a cluster of 6 homes set back from the road.
- 2.5 The application site is within the clear built-up area of the village with existing homes to the north, west and south.
- 2.6 There is 1 Listed Building in proximity to the application site. This is number 198 The Street which is Listed Grade II. This building is to the south west of the application site, and is in the opposite side of The Street. Listing details are included in Appendix 2.
- 2.7 The front of the site is in the Environment Agency Flood Zone 3. The homes have been positioned outside of the higher risk the flood zones and located in Flood Zone 1 so that the sequential test is satisfied. This issue is addressed in the accompanying Flood Risk Assessment.

Planning History

- 2.8 In October 2019, planning permission was granted for a bridge to provide vehicular access to the site. The planning application reference number is DC/19/01558.

- 2.9 In April 2020 the planning conditions were discharged for the bridge access, the application reference was DC/20/00711. The bridge is an extant planning permission which could be implemented until the 21st October 2022.
- 2.10 In August 2021 full planning permission DC/20/04979 was granted for the erection of 2 dwellings (following demolition of the existing bungalow) and the erection of the bridge to provide vehicular access from the application site to The Street.
- 2.11 As the bridge has not been constructed, the details are also included in this planning application for 2 homes. However, the recent 2 planning approvals for the bridge means that it is not an issue to be considered in this planning application.

3.0 Description of the Development

- 3.1 Full planning permission is sought for a pair of homes. In order to demonstrate that a suitable vehicular access is available, the vehicular access across the new bridge is also included in the application and is the same format as was approved in 2019 and earlier in 2021.
- 3.2 2 x 4 bed homes are proposed. The homes have been designed in a traditional style. The materials and design details differ between the homes in order to create an interesting and attractive development.
- 3.3 Each home will have a detached cart lodge with a room above. There will be 2 outside parking spaces and 2 parking spaces inside garages for each home. This exceeds the level of parking required by the Highway Authority by 1 space per home. This will prevent the need for on street parking.
- 3.4 Plot 4 is the northern of the 2 plots. This will be a T-shaped 4 bed house, with cream render walls on a red brick plinth under a red pantile roof. The house will be 1.5 storeys high with rooms in the roof. The house will present an attractive elevation to the front of the plot with a gable, a bay window and dormer windows. The car parking for plot 1 is to the side of the house.
- 3.5 Plot 3 is the southern plot. This presents a simpler symmetrical design to the front compared to plot 1. It is a 4 bed, 1.5 storey house. The walls will be red brick and the roof slate tiles. Cream render will be used to highlight the front and rear dormer windows. The car parking is to the front of the house.
- 3.6 This application provides a two car cart lodge, and 2 outside parking spaces, to the rear of plot 2. This house was approved earlier in 2021. The outside parking in front of plot 2 will become 2 visitor spaces. This ensures better parking for plot 2 and an appropriate number of visitor spaces for 4 homes. Each of the 4 homes that could be approved on the site will have 1 one space more than required by County Highways parking guidance.

4.0 Design and Access

4.1 This section addresses the issues required to be addressed in government guidance on the writing of Design and Access Statements.

Use

4.2 The application is for new homes in a residential area. The application site is very well related to existing homes in Thornham Magna. The use is therefore compatible with the local area.

Layout

4.3 The new homes are laid out enclosing the parking area that will be between the new homes and the homes approved to the south. This ensures that gardens are presented to the countryside to the west. The layout is consistent with other developments to the south in the village and is in character with the area.

Amount and Scale

4.4 The amount and scale of development reflects what can be accommodated on the site and the character of the surrounding area. The density proposed is lower than older areas of housing on the The Street, and is comparable with the modern housing to the south. There are a range of house types around the site from bungalows to 1.5 storey and 2 storey homes. The scale of the 1.5 storey homes proposed will sit comfortably in the street scene.

Appearance

4.5 The homes are designed in a traditional style, with an interesting pallet of materials and design features such as gables, dormer windows, chimneys and porches.

Landscaping

4.6 The garden areas will be laid to lawn and the existing trees will remain.

Access and Parking

4.7 The application site will use an approved vehicular access from The Street. The access is subject to a 30mph speed limit and the road has sufficient visibility in both directions.

4.8 The Crashmap website shows no accidents near to the application site for the period that records are available between 1999 and 2020.

4.9 Each home has 4 on-site parking spaces. This exceeds the County parking standards of 3 spaces per home.

- 4.10 A bin presentation area is available on the grassed area on the northern side of the driveway and will be retained in this state for bin presentation.
- 4.11 This proposal, therefore, complies with Local Plan Policies T9 and T10 on parking and access and complies with Suffolk County Council parking standards.

5.0 Flood Risk and Contamination

- 5.1 The homes have been located within the Environment Agency Flood Zone 1 and are therefore not considered to be at risk of flooding. The application is supported by a Flood Risk Assessment prepared by G H Bullard. This sets out a detailed strategy showing how flood risk from the areas of the application site that are more likely to flood can be mitigated. In response to the 2021 planning application DC/20/04979 the Environment Agency stated that they had no objections. Their response to that application is included in Appendix 3.
- 5.2 The Enviroscreen report does not raise any contamination risk. The application is also accompanied by the District Council's contamination questionnaire. In response to the 2021 planning application DC/20/04979 the Councils Environmental Health Officer stated that they had no objections. Their response to that application is included in Appendix 4.

6.0 Planning Policy Assessment

6.1 This section sets out the relevant national and Local Planning Policies. Planning Policy is contained in the National Planning Policy Framework (The Framework) and the National Planning Practice Guidance (NPPG). The Local Development Plan comprises the Adopted Core Strategy (2008), the Core Strategy Focused Review (2012) and the Mid Suffolk Local Plan 1998. The Draft Local Plan is the Babergh and Mid Suffolk Joint Local Plan Submission Version November 2020. At the time of writing the Examination of the Local Plan has been delayed because the Inspectors want more detail on the plans strategy so this document can be given little weight.

Principle of Development

6.2 The Framework sets out a presumption in favour of sustainable development in paragraph 11. Paragraph 11 also states that where the Planning Policies which are most important in determining the planning application are out of date compared to Policies in The Framework, they should be given less weight in planning decisions. The Planning Policies which relate to development in the countryside are out of date when compared to National Planning Policy, then planning 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”*.

6.3 Paragraph 60 of The Framework sets out the Government’s objective to significantly boost the supply of homes. It states that it is important that a sufficient amount and variety of land can come forward where it is needed.

6.4 The Core Strategy and Core Strategy Focussed Review Policies that set out the distribution of housing to the various levels in the settlement hierarchy are out of date and do not accord with The Framework. Core Strategy Policies CS1 and CS2 outline the settlement hierarchy and restrict development outside settlements. Policy H7 of the Local Plan also restricts development outside of settlements. These Policies do not accord with the requirements of The Framework which does not have this type of restrictive approach to development in the countryside. Policy FC 2 (Provision and Distribution of Housing) does not meet the requirements of paragraph 74 of The Framework to maintain the supply and delivery of homes and is therefore out of date. The 2018 appeal decision in Woolpit on Land on East Side of Green Road (appeal reference 3194926), and subsequent appeals, identified these Policies as out of date with The Framework. The Framework does not protect areas classified in Planning

Policy as countryside for their own sake. This means that sites where development will not harm the character of the area, such as in villages, can be developed. Therefore, they should not be afforded weight in deciding this application. The Woolpit Inspector's approach was subsequently followed in another appeal decision on a site in Ipswich in March 2019 and endorsed by the Inspector determining an appeal at Eye in March 2020. The fact that a site is outside a settlement boundary is not a critical factor on which the application should be decided. The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01_1 of the Core Strategy, and are also the most up to date elements of the Mid Suffolk Development Plan, adopted in 2012. These Policies are otherwise consistent with The Framework, carry full statutory weight and provide the principal assessment framework as it applies to the subject application.

6.5 The principle of development is supported by the appeal decision in Appendix 1. The appeal is dated November 2021. This appeal is also for a small rural site at Mellis. The appeal site is in a similar type of village location as this application. The Inspector also concluded, as did the Woolpit appeal Inspector that policies CS1 and CS2 are out of date. The Inspector stated that: *'The fact that an extant planning permission exists for a single dwelling on the appeal site is important because it establishes the principle of housing development. Furthermore, that permission has a realistic prospect of being pursued given that it also comprises a small housing proposal. Therefore, I have attached significant weight to this fallback position.'* Like the appeal example we believe that the planning permission granted earlier this year established the principal of housing development on the application site. Only modest harm was attributed to the need to travel by car. The two homes in this application will support village facilities such as the nearby pub and bus service.

6.6 National Policy recognises the need for sustainable levels of housing growth in rural communities and states that all settlements have a role in providing rural housing. Paragraph 78 of The Framework supports this proposal.

6.7 The NPPG further supports this proposal. Paragraph: 009 Reference ID: 67-009-20190722, Revision date: 22 07 2019 states:

"People living in rural areas can face particular challenges in terms of housing supply and affordability, while the location of new housing can also be important for the broader sustainability of rural communities..... A wide range of settlements can

play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness.”

- 6.8 The NPPG, and paragraphs 78 and 79 of the Framework, confirms the importance of rural housing. For example, stating: *‘Where there are groups of smaller settlements, development in one village may support services in a village nearby.’*
- 6.9 Paragraph 80 of The Framework states that development of isolated homes in the countryside should be avoided. The proposed site cannot be considered isolated as it is in the built-up area of the village. The meaning of *‘isolated’* was clarified following a Court of Appeal case brought by Braintree District Council, against the Secretary of State, Greyread Ltd and Granville Developments dated 28th March 2018, Case No: C1/2017/3292. (This case dealt with the predecessor to paragraph 80, paragraph 55 of the 2012 edition of the National Planning Policy Framework).
- 6.10 This Court of Appeal case considered the word *“isolated”* in the phrase *“isolated homes in the countryside.”* It concluded that the term *“isolated”* should be given its ordinary meaning of *“far away from other places, buildings or people; remote”*. The judge in the case stated that homes could not be considered isolated just because they did not have services and facilities close by. If a home was physically part of a settlement, however big, it should not be regarded as isolated and so paragraph 80 (or paragraph 55 as it was in the Braintree case) did not prevent their development. This court of appeal case supports the principle of development in this planning application because the application site is in the built up area of the village and is the garden to an existing house.
- 6.11 The tilted balance is engaged because the most important Development Plan Policies for determining this application are out of date and the development should only be refused where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.12 The provision of 2 homes will provide employment during the construction phase. The occupiers of the homes will use local facilities benefitting the local economy. The New Anglia Strategic Economic Plan (2014) states that housebuilding is a powerful stimulus for growth and supports around 1.5 jobs directly and an additional 2.4 jobs in the wider economy for every home built. The proposal will provide a social benefit by delivering new homes. CIL contributions will be used to provide local infrastructure. The site is in the countryside; however, it is centrally located within the village. It is well related to the

bus service and pub in the village. Local Bus routes provide services to Eye, Bacton, and Bury St Edmunds.

- 6.13 It is considered that there is sustainable merit for this location to be considered acceptable in principle, while noting it is contrary to the Development Plan. The housing supply figure is not a cap on development levels for any location, and this position has been upheld at appeal. The benefits of the scheme outweigh any harm of developing 2 new homes.

Design

- 6.14 Chapter 7 of The Framework sets out the Government Policy for 'Requiring good design'. Saved Policies GP1, H13, H15 and H16 set out the criteria for the design and layout of housing development and the protection of residential amenity.
- 6.15 The new proposal provides 2 homes that reflect the design of traditional homes. The design includes soft red clay bricks, cream render with slate and red pantiles for the roofs. The development therefore respects the character of the site and its surroundings. The homes are of an appropriate density with adequate privacy and sufficient curtilage for amenity space. The development will not adversely affect the amenity of nearby residents and the existing trees will remain except where needed to provide the vehicular access.
- 6.16 The new homes will have private amenity space to the rear. Care has been taken to avoid overlooking of neighbouring gardens from the new homes by not positioning windows on the side of 1st floor areas where they would overlook neighbouring gardens.

Protecting the Setting of Listed Buildings

- 6.17 Local Policy HB1 and National Policy contained in paragraphs 189 and 190 of the NPPF, aim to protect the character and appearance of the setting of Listed Buildings. The application site is on the opposite side of the road to the Grade II listed property 198, The Street, where it is screened by mature trees and surrounded by buildings. The design and scale of the proposed homes is sympathetic to the setting of the Listed Building. The proposal is in accordance with The Framework paragraphs 185, 187 & 192. When application DC/20/04979 was granted for the erection of 2 dwellings in 2021. The heritage officer stated about that application: *'The corner of the site is opposite a small thatched listed cottage. The proposal includes a garage building with loft space opposite the cottage, but in my view the impact of this on perception or*

appreciation of the listed cottage is limited, and the proposal will not result in harm to its setting or significance. This site is further from the listed building than the earlier application and will have the approved homes between it and the application site so there will be no heritage harm.

7.0 Conclusion and Planning Balance

- 7.1 The application proposes 2 new homes in Thornham Magna. It will re-use a well-located site centrally located in the village. The development will provide houses to meet local needs and will support facilities such as the pub and bus service.
- 7.2 National Planning Policy states that where a Council's Development Plan Policies are out of date, development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.3 Local Development Plan Policies CS1, CS2 and H7 which relate to housing supply, distribution and development in the countryside do not accord with National Policy and are therefore considered out of date. This conclusion has been supported by a number of planning appeals. In this circumstance, proposals such as this one should instead be assessed against the criteria for sustainable development. Planning permission should only be refused if the harm significantly and demonstrably outweighs the benefits.
- 7.4 A recent planning appeal in Mellis, dated November 2021 supports this proposal. The appeal site was in a similar village location. The Inspector concluded that because the appeal site had consent for one home that it was acceptable to grant permission for a second. Similarly, because the site of this application has permission for 2 homes the principle of a further 2 on the site should be acceptable.
- 7.5 This proposal is for 2 new homes. Thornham Magna is a sustainable location for a small development of this type. The economic, social and environmental benefits are not significantly and demonstrably outweighed by the harm.
- 7.6 The application site is not isolated from other development and the proposal therefore conforms with paragraph 80 of The Framework which seeks to prevent isolated homes in the countryside. The Framework therefore supports the principle of development.
- 7.7 No other material Policy conflicts have been identified and this planning application is in general conformity with both the details and objectives of other Local Plan Policies. There are no other material adverse impacts arising from this planning application including matters of residential amenity, landscape, flooding and drainage, ecology, trees, highways, heritage, infrastructure provision, design, density and mix.
- 7.8 Having considered carefully the limited policy impacts of permitting this planning application versus the clear benefits, and in the absence of any National Planning Policies specifically restricting development, we are of the opinion that because the

impacts would not significantly and demonstrably outweigh the benefits, the balance falls in favour of granting planning permission.

7.9 The proposed development will contribute to sustainable development by performing the following roles:

Economic

- Employment in the construction phase;
- Increased local workforce for local businesses;
- Support by way of patronage to local facilities and services; and
- Community Infrastructure Levy and New Homes Bonus contributions to local infrastructure

Social

- Provision of new housing; and
- Support by way of patronage to local facilities and services.

Environmental

- Efficient use of the application site and removal of a derelict bungalow which detracts from the character of the area; and
- Minimal environmental impacts arising from development.

7.10 Based on the reduced weight to be given to the Local Planning Authority's countryside Policies and the opportunity presented to contribute to housing supply in a sustainable location with minimal impacts, in a location that represents a logical extension to the built form of the village, we consider this proposal represents sustainable development and should be approved.

Appendix 1 – Mellis Appeal Decision



Appeal Decision

Site Visit made on 14 October 2021

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2021

Appeal Ref: APP/W3520/W/21/3272131

Land adjacent to Chapel Cottage, Mellis Road, Yaxley IP23 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Aldridge against the decision of Mid Suffolk District Council.
 - The application Ref DC/20/05117, dated 13 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is erection of two detached dwellings with garages.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwellings with garages at land adjacent to Chapel Cottage, Mellis Road, Yaxley in accordance with the terms of the application, Ref DC/20/05117, dated 13 November 2020, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The application was submitted in outline form with all detailed matters 'reserved' for future consideration and I have assessed the appeal on this basis.
3. There is an outline planning permission within the appeal site for a single dwelling¹ (previous planning permission).

Main Issue

4. The main issue is whether or not the appeal site is an appropriate location for the proposed development, having regard to the impact on the character and appearance of the area.

Reasons

5. Mellis Road connects the settlements of Yaxley and Mellis. Outside of these settlements the street has a mainly rural character, composed of a mix of open fields, trees and hedgerows, but also interspersed with a sporadic arrangement of housing and other buildings which vary in their design and spatial arrangement.
6. The appeal site fronts Mellis Road and comprises a rectangular plot of agricultural land which lies on the edge of Yaxley, adjacent to an existing property and rural buildings, but otherwise largely surrounded by open countryside.

¹ Mid Suffolk District Council planning permission reference - DC/20/02334

7. The pattern of development in the immediate environs of the site is loose knit, with houses occupying spacious plots. However, properties further along the street closer to the village core have a more compact spatial arrangement where dwellings and their respective plots are generally smaller. Therefore, whilst it is the Council's contention that the provision of two dwellings², whatever their final form, would be out of step with the prevailing character of the area; the layout, form, and scale of buildings in the area varies, as do the spatial characteristics of the plots they occupy. Moreover, the appeal site is not inconsiderable in size relative to other plots in the area. Therefore, it would be able to accommodate two suitably designed dwellings whilst retaining sufficient visual relief so they would not appear cramped or overbearing in the street. Consequently, the provision of two houses and the associated use of land for domestic purposes in this location would not deviate from the established pattern of development in the area.
8. The principle of housing development in this location has been established and the previous planning permission remains extant, albeit the site area in that case was slightly smaller. However, it is inevitable that a large proportion of the hedgerow which fronts the street would need to be removed to facilitate access to the dwellings. In addition, the scheme would involve building on an undeveloped site where currently no development exists. Therefore, it would have an urbanising effect on this rural site. Nevertheless, whilst I accept that two dwellings would potentially lead to more development on the site than the single dwelling as approved, due to the ample plot size, I see no reason why a scheme could not be designed which respects its verdurous and built surroundings, using landscaping as necessary.
9. Due to the outline nature of the proposal, I am only able to consider the general principles of how the site can be developed. Therefore, whilst I understand that unsympathetic boundary walls, fences and other built development could harm the area's character, matters relating to access, appearance, landscaping, layout, and scale would be reserved for later determination (reserved matters). As well as the outward appearance of the built form, landscaping is not before me to determine at this stage either. In any event, the extent to which landscaping would be required in order to assimilate the development with its surroundings would be partly dependent on the layout, scale and appearance of the development, and the Council retains control over these elements as and when they are sought.
10. Therefore, I conclude that the scheme would not unacceptably harm its verdant surroundings or the street scene and would therefore respect the character and appearance of the area. The development would align with Policies H13 and H15 of the Mid Suffolk Local Plan 1998 (the Local Plan) which require, amongst other matters, that new housing is appropriate to the site and its surroundings and is consistent with the pattern of development in the area. The development would also respect paragraphs 126 and 130 of the National Planning Policy Framework (the Framework) which require, amongst other matters, that development is of high quality which takes the opportunities available for improving the character and quality of an area and the way it functions.

² With garages

Planning Balance

11. Whilst the Council's reason for refusal directly references only a limited number of policies, I have also taken into account the most important policies for determining the appeal in terms of the location of the proposal, and the weight to be attributed to those policies.
12. The Local Plan and the Mid Suffolk District Core Strategy Development Plan Document 2008 (the Core Strategy) are dated documents, but the weight to be attached does not hinge on their age. Rather, paragraph 219 of the Framework makes it clear that weight should be given to existing policies according to their degree of consistency with the Framework.
13. Policies CS1 and CS2 of the Core Strategy and Policy H7 of the Local Plan seek to protect the countryside by directing housing towards settlements and supporting only development directly related to the needs of the countryside. The proposal would conflict with the development plan due to its out of settlement and countryside location. However, I agree with the main parties that the weight to be attributed to the conflict with these policies should be reduced in this case. This is because of the blanket approach to countryside protection advocated by these policies, and the degree of inconsistency concerning these policies in relation to the Framework.
14. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise³. The Framework is a material consideration in planning decisions. As a result of the foregoing, the most important policies for determining the appeal are out of date. Consequently, it falls for me to determine if the adverse impacts of granting permission in this case would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole as per paragraph 11 of the Framework.
15. The fact that an extant planning permission exists for a single dwelling on the appeal site is important because it establishes the principle of housing development. Furthermore, that permission has a realistic prospect of being pursued given that it also comprises a small housing proposal. Therefore, I have attached significant weight to this fallback position.
16. There would be some harm due to encroachment into the countryside, although, whilst two dwellings would potentially increase the footprint of development within the site over and above the single dwelling permitted, this impact would not be significantly greater given that the appeal site is only marginally larger than that associated with the previous permission. Moreover, the Council would retain control over the scale, appearance, layout and landscaping as part of the reserved matters. Furthermore, housing on this site would be largely reliant on the private car to access the services and facilities in nearby settlements, resulting in modest environmental harm. As was the case with the previous planning permission, there would also be a loss of best and most versatile agricultural land. Overall, these environmental impacts attract moderate weight against the scheme.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004

17. There would be sufficient space within the plot to erect buildings of an appropriate scale and design, and landscaping as necessary, to ensure no significant impact on the street scene or the wider countryside. This is a neutral impact, attracting weight neither in favour or against the scheme.
18. The proposal would convey benefits including the contribution future residents would make to the local economy, as well as temporary employment during construction, in line with paragraph 79 of the Framework. Overall, there would be modest socio-economic benefits.
19. Taking all these matters into account, the identified harm would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole. The presumption in favour of sustainable development as set out in paragraph 11 of the Framework applies and is a material consideration.
20. Therefore, in this case, the presumption in favour of sustainable development is a material consideration of sufficient weight to indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Other Matters

21. Allowing this appeal would not prejudice the Council's position with regard to the reserved matters where the relationship with neighbouring properties could be fully assessed as and when details are sought. Based on the nature of the site, the quantum of development proposed, and the relationship with Chapel Cottage, I am satisfied that reasonable levels of privacy and access to light could be achieved for neighbouring occupiers.
22. Concerns raised regarding the inadequacy of local infrastructure to accommodate the demands of future residents of the appeal scheme is not supported by detailed evidence. Therefore, I am not persuaded that the additional trips arising from occupiers of the two dwellings proposed either alone or in combination with other recent developments locally would lead to unacceptable highway safety impacts, nor that residual cumulative impacts on the road network would be severe. Finally, the significance of listed buildings in the area would not be harmed due to the distance of the site from the nearest heritage assets.

Planning Conditions

23. The Council have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance (PPG). As a result, I have amended some of the conditions for clarity, accuracy and conciseness.
24. I have attached conditions relating to the submission of reserved matters along with associated time limits. I have also attached a condition approving the submitted site plan and a further condition limiting the parameters of the development to that applied for so that it is clear what has been approved.
25. I have adapted the Council's suggested landscaping conditions so that any vegetation planted would have to be replaced for the first 5 years, as this to my mind is a more reasonable timescale than the 10 years suggested by the Council. I have also included a requirement within the condition to identify

retained trees and hedgerows, and details of biodiversity enhancement. This is so that priority can be given to retaining important landscape features where possible and to ensure that biodiversity enhancement is embedded into the landscaping scheme, in accordance with paragraph 175 of the Framework⁴. The Council also suggests that the condition should include a requirement to provide a 5m wide landscape buffer. However, it has not been explained to me why a landscaping strip of that exact width would be necessary as the extent of landscaping required would largely depend on the layout, appearance and scale of the development, details of which are as yet unknown. Therefore, I have not included this in the condition.

26. The appellant confirms that the site would be drained via soakaways, but no details have been provided. Therefore, a condition is attached requiring drainage details to be submitted alongside the layout at reserved matters stage.
27. The Council suggests the removal of permitted development rights in relation to additional floors, outbuildings, walls and fences but given that the scale and layout of the development is not for consideration at this stage and is therefore unclear, the reason for such a condition has not been justified. The PPG states that such conditions may not pass the test of reasonableness or necessity. Therefore, I have not attached a condition.
28. Full details of the site access and layout would be required at reserved matters stage. Therefore, conditions relating to visibility and parking/manoeuvring are not necessary at outline. However, a condition is necessary requiring the submission of refuse storage facilities in the interests of the character and appearance of the area.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed.

M Woodward

INSPECTOR

⁴ Which requires that development contributes to the natural environment by minimising impact and providing net gains

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at Scale 1:1250.
- 5) The development hereby approved shall comprise up to a maximum of 2 dwellings.
- 6) The development shall be carried out in accordance with the 'Conclusions and Recommendations' set out in the *Phase 1 Geo-Environmental Desk Study and Preliminary Assessment - Report No. P0123/R01 Issue 1*. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 7) The application for the approval of the reserved matters for landscaping pursuant to Condition 1 shall include:
 - Spread, girth and species of all existing trees, shrubs and hedgerows detailing all those to be retained.
 - A Biodiversity Enhancement Plan.
- 8) All hard and soft landscape works shall be carried out in accordance with the approved details of a subsequent reserved matters approval within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The application for the approval of reserved matters for layout pursuant to Condition 1 shall include foul and surface water drainage details.

- 10) Prior to the occupation of the development the location and design of refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The approved refuse storage facilities shall be implemented before the development is brought into use.

END OF SCHEDULE

Appendix 2 – Listing Details for 198 The Street

198, THE STREET

Overview

Heritage Category:
Listed Building

Grade:
II

List Entry Number:
1352113

Date first listed:
14-Jun-1987

Statutory Address:
198, THE STREET

Map



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The above map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1352113.pdf](#) (http://mapservices.HistoricEngland.org.uk/printwebservicehle/StatutoryPrint.svc/318423/HLE_A4L_Grade|HLE_A3L_Grade.pdf)

The PDF will be generated from our live systems and may take a few minutes to download depending on how busy our servers are. We apologise for this delay.

This copy shows the entry on 15-Oct-2020 at 10:02:52.

Location

Statutory Address:

198, THE STREET

The building or site itself may lie within the boundary of more than one authority.

County:

Suffolk

District:

Mid Suffolk (District Authority)

Parish:
Thornham Magna

National Grid Reference:
TM 10390 70966

Details

THORNHAM MAGNA THE STREET (WEST SIDE) TM 17 SW 3/79 No.198 -- II

House. Early C16 origins, largely rebuilt late C17, altered and extended C20. Timber frame, plastered. Thatched roof. Originally a small 2 bay open hall, no surviving traces of service or solar bays, floor and stack inserted. 1 storey and attic. Entrance towards left, a boarded architraved door, a 3- light glazing bar casement, an internal axial ridge stack at left end. Right gable end has 3 lights in attic, exposed plates and purlins. 1 storey pantiled outbuilding to rear right. Interior: tension bracing in walls from former open truss posts with mortices for original arched braces, inserted floor has a stop chamfered cross axial binding beam, end walls rebuilt and reroofed in C17, cambered collars clasp purlins.

Listing NGR: TM1039070966

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number:
279535

Legacy System:
LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

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**Appendix 3 – Planning Application DC/20/04979 Environment Agency
Comments**

-----Original Message-----

From: Ipswich, Planning <planning.ipswich@environment-agency.gov.uk>

Sent: 12 November 2020 13:38

To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>

Cc: Robson, Liam <Liam.Robson@environment-agency.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/20/04979

FAO - Masha Kavyani

Hello Masha

We have had a look at this application, although a very small part of the application sight is in flood zone 3, all the buildings are located in flood zone 1 and thus this is covered by local flood risk standing advice - note 8 of the attached. We have no further comments to make regarding this application.

Pat

**Appendix 4 – Planning Application DC/20/04979 Environmental Health
Officer Comments**

From: Andy Rutson-Edwards <Andy.Rutson-Edwards@baberghmidsuffolk.gov.uk>

Sent: 10 November 2020 16:44

To: Mahsa Kavyani <Mahsa.Kavyani@baberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>; BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>

Subject: DC/20/04979

Health - Land Contamination

APPLICATION FOR PLANNING PERMISSION - DC/20/04979

Proposal: Full Planning Application - Erection of 2No dwellings (following demolition of existing);

Erection of bridge to provide vehicular access to The Street.

Location: The Bungalow, The Street, Thornham Magna, Eye Suffolk IP23 8HB

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

- 1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.*
- 2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.*
- 3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.*
- 4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.*
- 5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.*
- 6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.*

7. *Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.*
8. *Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.*
9. *Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.*
10. *A photographic record will be made of relevant observations.*
11. *The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: • re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or • treatment of material on site to meet compliance targets so it can be re-used; or • removal from site to a suitably licensed landfill or permitted treatment facility.*
12. *A Verification Report will be produced for the work.*

Andy

Andy Rutson-Edwards, MCIEH AMIOA

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

Tel: 01449 724727

Email andy.rutson-edwards@baberghmidsuffolk.gov.uk

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