

**OUTLINE PLANNING APPLICATION FOR THE ERECTION OF 7 DWELLINGS INCLUDING 2  
AFFORDABLE HOMES.  
LAND OPPOSITE NOS 5 TO 12, CHURCH ROAD, WESTHORPE.**

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PLANNING STATEMENT  
Incorporating  
HERITAGE STATEMENT &  
LOCAL VALIDATION REQUIREMENTS STATEMENT

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Ref: 2206  
February 2022

## **INTRODUCTION**

1. This statement has been produced in support of an outline planning application proposing the erection of 7 dwellings including 2 affordable homes on land on the south side of Church Road, Westhorpe.
2. The following statement is in three parts. The first part deals with the Council's Local Validation Requirements for planning applications. The second part is a Heritage Statement. The third part is a Planning Statement which sets out the relevant local and national planning policies and other material considerations.

## **PART 1: - LOCAL VALIDATION REQUIREMENTS**

### ACCESS

3. The proposed dwellings will be served by a new vehicular access which will be located centrally along the frontage of the site to enable good visibility in either direction. The frontage of the site is within the 30mph zone. A development of this scale will not generate significant levels of traffic movements. The vehicle movements associated with the development can easily be absorbed by the local road network without any material impact on highway safety.

### ARCHAEOLOGY

4. The Historic Environment Records confirm that there are no recorded archaeological finds on the application site. Consequently, there is no need to carry out any pre-commencement investigation.

### AFFORDABLE HOUSING

5. The application proposes two affordable homes. These are shown as plots 6 & 7 on the indicative layout plan. The application is below the policy threshold for affordable housing and therefore is not required to provide any affordable housing.
6. However, this application proposes two affordable homes for local people and so will provide significant social benefits. The social benefits that will arise from the provision of two affordable homes will outweigh any 'less than substantial harm' on the significance of any listed buildings in the vicinity of the site.

#### BIODIVERSITY

7. The application is accompanied by an Ecology Report produced by James Blake Associates.

#### DRAINAGE

8. The proposed dwellings will be connected to the main sewer. Surface water will discharge to soakaways. As this is an outline planning application, precise details of surface water drainage is a matter which can be dealt with by a planning condition.

#### FLOOD RISK ASSESSMENT

9. The Environment Agency Flood Maps and the Council's Strategic Flood Risk Assessment confirm that the application site is located within Flood Zone 1 (FZ1) where all types of development are acceptable. Therefore, in this case a Flood Risk Assessment is not necessary.

#### LAND CONTAMINATION

10. The application is accompanied by a Contamination Report and update.

#### LANDSCAPE IMPACT ASSESSMENT

11. The application site is not within a Special Landscape Area, Area of Outstanding Natural Beauty, Visually Important Open Space or any other area of special landscape designation. The proposed dwellings will be visible from other properties nearby, but just because something is visible doesn't mean it is harmful. It is a long-established principle of planning law that no one has a right to a view.

#### **PART 2: HERITAGE STATEMENT**

12. The application site is not in a conservation area and no Scheduled Ancient Monuments would be affected by the development.
13. There are four listed buildings nearby, Tudor Cottage and The Cottage to the west, and Lavender Cottage and Street Farmhouse to the East. All four buildings are listed grade II.

14. Tudor Cottage and The Cottage are both timber-framed properties with thatched roofs. The Cottage is situated to the rear of Tudor Cottage and is not readily visible from the highway. Both listed buildings are separated from the application site by Mulberry Cottage and Santalena. Mulberry Cottage is a 1 ½ storey infill property approved in 1997 and located less than 10m from The Cottage. Santalena is a bungalow which appears to date from the 1950's.

15. Street Farmhouse and Lavender Cottage are also timber-framed properties. Street Farmhouse is thatched, Lavender Cottage has a roof of modern pantiles. Street Farmhouse is separated from the application site by other buildings and mature trees along the site boundary. Lavender Cottage is separated from the site by the village hall.

16. Paragraph 201 of the National Planning Policy Framework (NPPF) states in part:

*"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.."*

17. In this case, the erection of the proposed dwellings would not lead to substantial harm to or loss of significance of any of the nearby listed buildings.

18. Paragraph 202 of the NPPF states:

*"Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

19. It is acknowledged that the proposed dwellings will introduce change to the surroundings of the listed buildings and so would result in a low level of 'less than substantial harm to their significance. However the low-level of harm would be outweighed by the significant public benefits of providing two affordable homes.

### **PART 3: - PLANNING STATEMENT**

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Plan unless material considerations indicate otherwise.

21. In this case, the Development Plan for the area comprises the Mid Suffolk Core Strategy (adopted 2008), the Mid Suffolk Core Strategy Focused Review (2012) and the Mid Suffolk Local Plan (adopted 1998). Westhorpe does not have a neighbourhood Plan
22. Mid Suffolk and Babergh District Councils are producing a new Joint Local Plan. The emerging Local Plan (eLP) has recently been the subject of an Examination. The appointed Inspectors have raised concerns about the 'soundness' of the LPA's site selection process for housing allocations and has asked the LPA to review this part of the eLP.
23. The National Planning Policy Framework (NPPF) (2018) sets out the Government's planning policies and objectives and is a material consideration. The main theme of the NPPF is to set out a presumption in favour of sustainable development.
24. The following paragraphs deal with the Local Plan and Core Strategy policies and the issue of sustainability having regard to the NPPF and other material considerations.

#### MID SUFFOLK CORE STRATEGY (2008) AND CORE STRATEGY FOCUSSED REVIEW (2012)

25. The Council's Core Strategy was published before the previous and current versions of the NPPF. Policy CS1 of the Core Strategy provides a spatial strategy for development throughout the district. It states, "*The majority of new development (including retail, employment and housing allocations) will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages, in particular affordable housing*". The policy then lists what settlements are designated as towns, key service centres, primary villages and secondary villages. Westhorpe is not listed. The policy then goes on to state "*The rest of Mid Suffolk, including settlements not listed above, will be designated as countryside and countryside villages and development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy.*" By virtue of this latter requirement Policy CS1 conflicts with paragraphs 79 and 80 of the NPPF. Policy CS1 must therefore be considered as being out of date.
26. Policy CS2 deals with development in the countryside. This site is in the countryside because it is outside of any settlement boundary designated by the Mid Suffolk Local Plan. Policy CS2 is also out-of-date. This is because the NPPF does not exhort a restrictive approach to development outside settlements in the manner set out in policy CS2.

Policy CS2 obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. Therefore, policy CS2 is also contrary to paragraphs 79 and 80 of NPPF and must be considered as being out of date.

27. The Council's Core Strategy Focussed Review (CSFR) was published in 2012 in response to the publication of the first edition of the NPPF. Policy FC1 of the CSFR only repeats what was in paragraph 14 of the NPPF 2012. It is now out-of-date because of the test it employs. Policy FC1.1 of the CSFR requires that all forms of new development must conserve and enhance the local character of the different parts of the district.
28. In this case, the site surroundings do not have any special character. The site is not in a Special Landscape Area, Area of Outstanding Natural Beauty, Conservation Area, Visually Important Open Space or any other area of special landscape or townscape designation. Furthermore, there is no distinct theme or special character to the architecture of dwellings nearby. The locality contains a diverse mix of dwellings in terms of scale, age, size and materials.

#### MID SUFFOLK LOCAL PLAN 1998

29. The site is outside of but adjacent to the settlement boundary for Westhorpe as designated by the 1998 Local Plan. As the site is outside of the settlement boundary, for planning purposes it is considered to be in the countryside. Nevertheless, whilst the site may be in the countryside, it is not in an isolated location.
30. Policy H3 of the MSLP concerns housing in villages and states that development within villages will take the form of infilling within the settlement boundary. Policy H7 states that there will be a strict control over new housing in the countryside and that new housing will normally form part of existing settlements. Policies H3 and H7 are now more than 20 years old. They do not reflect the balanced approach towards sustainable development and the provision of rural housing as prescribed by the NPPF and the Government's Planning Practice Guidance (PPG).

#### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

31. The NPPF sets out the Government's planning policies and is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF describes the objectives of sustainable development as economic, social and environmental.

32. The development of this site would meet each of those three objectives of sustainable development. Firstly, it would meet the economic objective of sustainable development as the new residents would help to sustain and improve vitality and viability of local services in nearby Bacton. This is an important consideration as paragraph 79 of the NPPF states "...Where there are groups of smaller settlements, development in one village may support services in a village nearby".
33. Secondly, the development would meet the social objective of sustainable development by providing a range of new family homes including two affordable homes.
34. The development of the site would also accord with the environmental objective of sustainable development. The site is within a very short distance of a wide range of services in Bacton, these include; primary school, doctor's surgery, village store, post office and public house.
35. It is acknowledged that future residents would, to some extent, be reliant on the car. However, paragraph 105 of the NPPF recognises that "*..opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in plan-making and decision-making*".
36. Paragraph 80 of the NPPF deals with rural housing and states that local planning authorities should avoid 'isolated' homes in the countryside unless there are special circumstances. The NPPF does not define the term 'isolated'. However, the meaning of the term 'isolated' was the subject of the recent High Court Judgement relating to **Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Development Limited [2017]**. Braintree DC had applied to the High Court to quash an Inspector's decision which had allowed a development for residential development on land which was within a group of dwellings but outside of a settlement boundary. Braintree DC had claimed that the Inspector has misinterpreted paragraph 55 of the NPPF (now paragraph 80 of NPPF) as the meaning which should be given to the term "isolated homes" was "homes which were remote from services and facilities". The Judgement of Mrs Justice Lang was that the Council were wrong and that the term 'isolated' should be given its ordinary objective meaning of "far away from other places, buildings, or people; remote" (Oxford Concise English Dictionary). The High Court Judgement was subsequently upheld in the Court of Appeal. Clearly, in this case, the proposed dwellings would not be isolated and so there is no necessity to demonstrate any exceptional circumstances.

37. Consequently, future residents of the dwellings would not be wholly reliant on the use of private car for access to services. The site is also just 250m from bus stops in Westhorpe Road is served by route 387 which provides 3 services per day to Bacton and Stowmarket
38. The matter of access to public transport and reliance on the private car was also considered by Mrs Justice Lang in her judgement. At paragraph 28 of her decision, she acknowledged that *"in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services"* and *"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."*
39. With regards to the meaning of the presumption in favour of sustainable development, paragraph 11 of the NPPF2 states:

*"For decision takers this means where ... the policies which are most important for determining the application are out-of-date, granting 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".*

40. In this case, the policies which are most important for determining the application (CS1, CS2, FC1, H3 and H7) are out of date and the proposed development would not conflict with any policies which protect areas or assets of particular importance as the application site is not in an area protected from development. Furthermore, the scheme will bring with it economic, social and environmental benefits as previously described and there would be no adverse impacts arising from the development which would significantly and demonstrably outweigh those benefits.

## **CONCLUSIONS**

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (As amended) requires planning decisions to be made in accordance with development plan unless material considerations indicate otherwise.



42. In this case, the Council does not have a NPPF compliant development plan. The Council's relevant planning policies are out of date and consequently planning permission should be granted in accordance with the presumption in favour of sustainable development prescribed by the NPPF.

43. The proposed development will generate economic, social and environmental benefits fulfilling the three objectives of sustainable development without causing any significant and demonstrable impacts on any interests of acknowledged importance.

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