



SUPPORTING STATEMENT

In respect of a planning application for the erection of
a detached 3-bedroom dwelling and cartlodge
(amended scheme to DC/19/01906) at:

Opposite Tye Farm (Jail Farm Barn), Crowcroft Road,
Nedging With Naughton, Suffolk, IP7 7HR

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1.0 Introduction

- 1.1 This statement is prepared in support of an application for the erection of a detached dwelling on a parcel of land opposite Tye Farm, Nedging with Naughton.
- 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 nearby development.

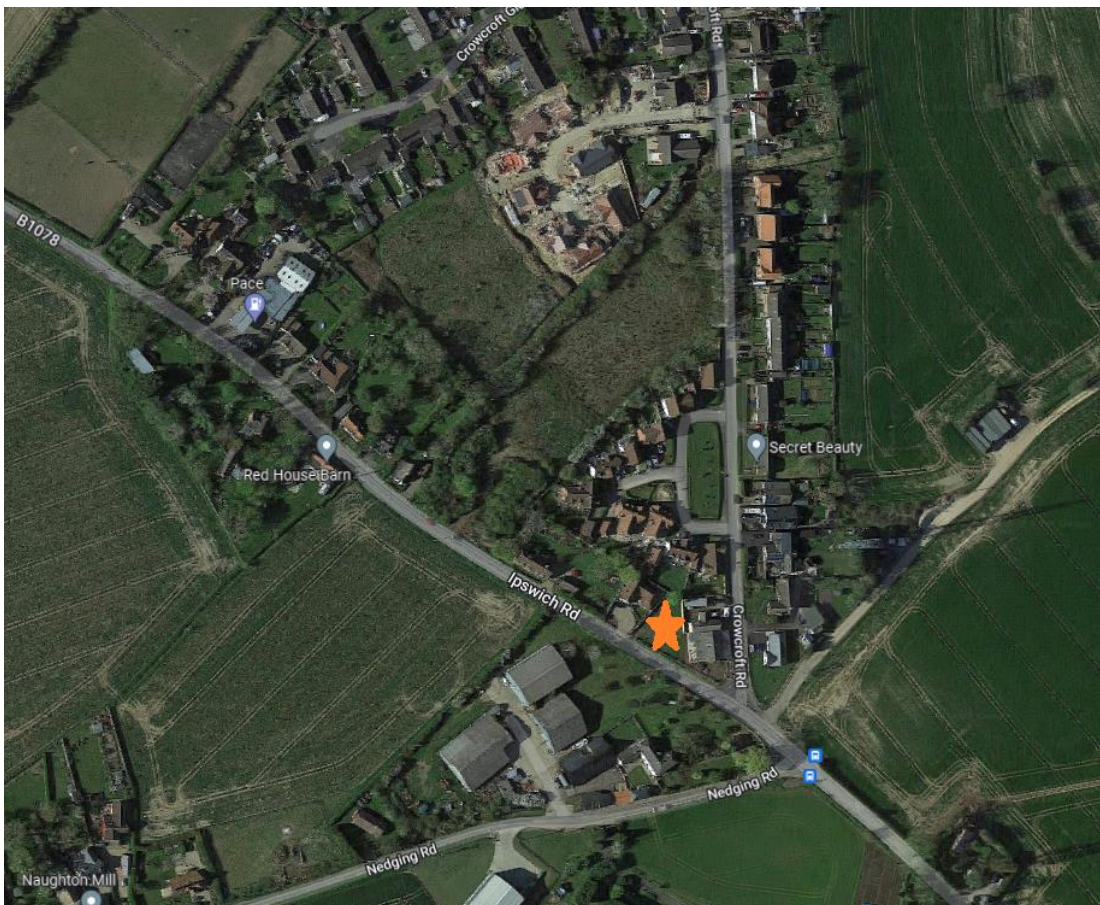


Image 1: Location Plan

- 1.4 The land currently benefits from planning permission for the erection of a 3-bedroom bungalow that was approved as part of an application that also approved the conversion of the adjacent barn (application reference DC/19/01906). The application seeks permission only for changes to the approved dwelling.

2.0 The Site

- 2.1 The site is located on the northern side of Ipswich Road and was described within the 2019 planning application as:

“The site is located at the junction of Ipswich Road (B1078) and Crowcroft Road and to the south of Wattisham Airfield. The application site is roughly triangular in shape and is currently occupied by an existing barn which has seen extensive modification, although is now showing minor signs of disrepair and neglect. The barn was subject of an application for prior approval (B/15/00843) under Class Q of Part 3, Schedule 2 of the General Permitted Development (England) Order 2015 (as amended), which was granted in 2015. The prior approval has not been completed and is therefore considered to be lapsed. However, it is considered that another application on the barn would be likely to be successful. The remainder of the site is laid to grass and scrub.

The development proposed on site, is the change of use and conversion of the barn to a four bedroomed dwelling along with the erection of a three bedroomed bungalow.

The predominant character of the surrounding area is residential, with linear, two storey development particularly common although two cul-de-sac developments are noted. Built form typically is constructed in brick and render as well as red pantiles and brown concrete roof tiles. Large agricultural field patterns are noted to the west, east and south, while Wattisham Airfield is to the north”

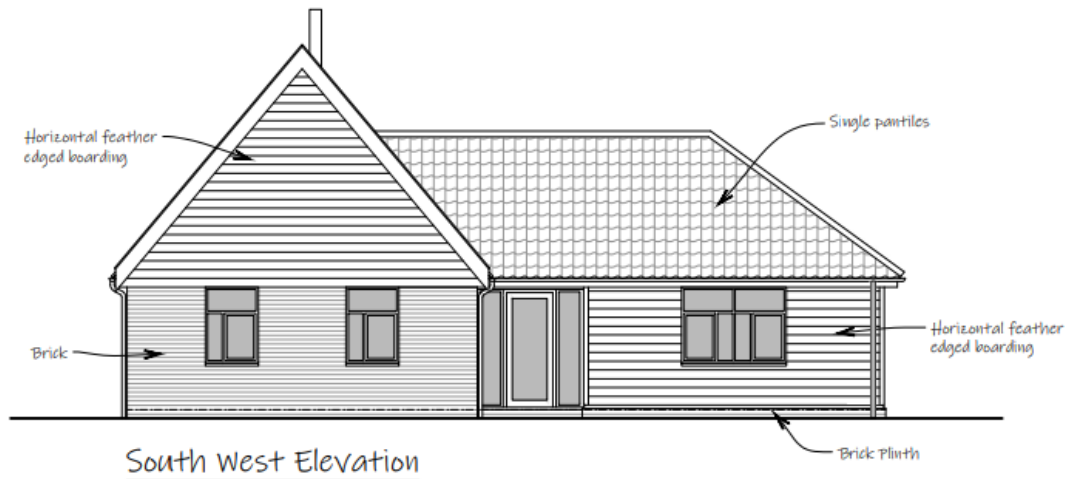
The site adjoins the Nedging Tye BUAB”.

- 2.2 The above provides an accurate overview of the site and, given that the site is known to the Council through recent applications, no further assessment of the site and surroundings is necessary.
- 2.3 The extract provided at paragraph 1.3 above shows the location of the site relative to the settlement of Nedging Tye and to adjacent development.

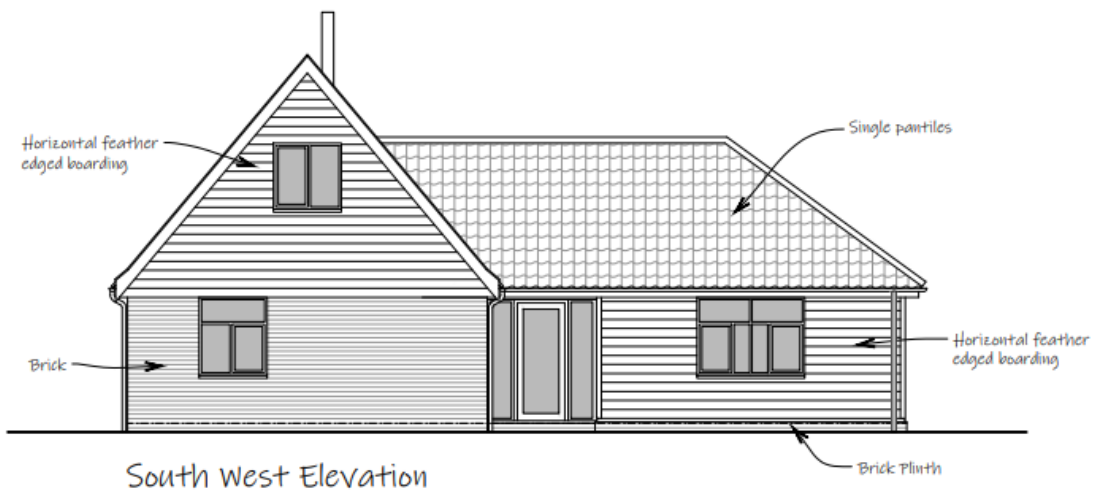
3.0 The Proposal

3.1 The application seeks planning permission for the erection of a detached three bedroom dwelling on this land in lieu of the bungalow previously approved.

3.2 The extract below shows the previously approved bungalow, being the elevation that would front Ipswich Road.



3.3 By comparison, the extract below shows the dwelling as now proposed.



3.4 The primary changes are to the ground floor fenestration and the insertion of rooflights and a gable window to provide first floor accommodation. The size, height and footprint of the dwelling remains as previously approved, such that these are mainly visual changes.

4.0 Planning History

- 4.1 As detailed at paragraph 1.4 above, planning permission was granted in 2019 for a new bungalow and cartlodge on this site. Two applications for minor amendments to that permission (dating from 2021 and 2022 respectively) have subsequently been approved also.
- 4.2 There is no other planning history directly that is considered to be relevant to this proposal, ., though it is noted that an application for a larger dwelling on this site was withdrawn prior to determination in 2018.

5.0 Planning Policy Context

- 5.1 The revised National Planning Policy Framework was published in July 2021. It sets out the Government’s planning policy and is a material consideration when determining planning applications.
- 5.2 The NPPF is wide ranging and LPAs are required to be proactive in making planning decisions and apply a presumption in favour of sustainable development. The NPPF also sets out other key principles that developments should seek to meet, including:
- the need to increase the supply of new housing in well-connected locations;
 - ensuring good standards of sustainable design for new development that will function well;
 - adding to the overall quality of an area;
 - optimising site potential;
 - responding to local character and reflecting the identity of local surroundings;
 - creating safe and accessible environments, and;
 - being visually attractive as a result of good architecture and appropriate landscaping.
- 5.3 At the heart of the NPPF is the presumption in favour of sustainable development. It identifies that *“For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay;*
or
- *where there are no relevant development plan policies, or 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”.*

5.4 In terms of Local Policy, the following policies are considered to be relevant to this proposal;

Babergh Local Plan Alteration No. 2 (2006)

- CN01 – Design Standards
- CN06 – Listed Buildings
- HS28 – Infilling/Groups of Dwellings
- TP15 – Parking Standards – New Development

Babergh Core Strategy (2014)

- CS1 – Applying the Presumption in Favour of Sustainable Development in Babergh
- CS2 – Settlement Pattern Policy
- CS3 – Strategy for Growth and Development
- CS11 – Strategy for Development for Core and Hinterland Villages
- CS15 – Implementing Sustainable Development in Babergh
- CS18 – Mix and Types of Dwellings

5.6 These policies will be referred to throughout this statement wherever relevant to the consideration of this proposal.

6.0 Planning Considerations

Principle of Development

6.1 Paragraph 10 of the revised 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 The principle of development has already been established here. As set out above, as of June 2019 the Council have agreed the details of a new bungalow on the land, and that permission is extant and can be relied upon. That approval secures the principle of residential development on this land, and the proposal equates, therefore, to no more than a differing proposal for a very similar dwelling on the land. There is, thereby, a ‘fallback position’ that can be relied upon. In the case of *Michael Mansell v Tonbridge and Malling Borough Council v Croudace Portland, the East Malling Trust [2017] EWCA Civ 1314* the judge found that;

“The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar. Three things can be said about it:

(1) Here, as in other aspects of the law of planning, the court must resist a prescriptive or formulaic approach, and must keep in mind the scope for a lawful exercise of planning judgment by a decision-maker.

(2) The relevant law as to a "real prospect" of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery (see, in particular, paragraphs 17 to 30 of Sullivan L.J.'s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in R. (on the application of Kverndal) v London Borough of Hounslow Council [2015] EWHC 3084 (Admin) , at paragraphs 17 and 42 to 53). As Sullivan L.J. said in his judgment in Samuel Smith Old Brewery, in this context a "real" prospect is the antithesis of one that is "merely theoretical" (paragraph 20). The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice" (paragraph 21). Previous decisions at first instance, including Ahern and Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & C.R. 61 must be read

with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, "... "fall back" cases tend to be very fact-specific" (ibid.). The role of planning judgment is vital. And "[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge's response to the facts of the case before the court" (paragraph 22).

(3) Therefore, when the court is considering whether a decision-maker has properly identified a "real prospect" of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

In this case, in the circumstances as they were when the application for planning permission went before the committee, it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan, in particular policy CP14 of the core strategy. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law".

- 6.3 In this respect, whilst the judge found that it is not always necessary for permission to have been granted for the 'fallback' development, it is clear that in the case of this proposal planning permission has recently been secured. A detailed design has been prepared and agreed and it is, therefore, a realistic fallback position that should be given due weight in the process of making a decision on this application.

- 6.4 The proposal should be assessed on the basis that residential development has been established on the site and it is considered that this holds considerable weight given the applicant's intentions to rely on it. The proposal is simply a revised scheme and should be considered as such.
- 6.5 In considering this proposal, therefore, the key issues here will be the effect of the proposed changes on the local environment, on the character of the building and other material considerations relating to the impact of the use (irrespective of whether they were already considered under the previous applications). These matters are considered in more detail below.

Design and Layout

- 6.6 Saved policy CN01 sets out the criteria that the Council expects all new development to meet in terms of their design and layout.
- 6.7 Paragraph 126 of the NPPF (2021) identifies that *"The creation of high quality beautiful and sustainable 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"*.
- 6.8 As the extracts in paragraphs 3.2 and 3.3 show, there is no physical change in the size of the dwelling or its footprint. The same materials are proposed such that the only visual changes would be the changes to windows, including that within the gable end and set within the roofslope.
- 6.9 When considering the design of the dwelling in 2019, the Planning Officer concluded that:

“Architectural form and design detailing is traditional. The single storey scale is a respectful and sympathetic design approach, one that will not appear overly prominent, and one that assimilates well with the character of the locale”.

- 6.10 Whilst the proposal is not technically single-storey now, the scale and height of the building remains so. The front facing gable window would look onto the road, and rooflights are sited at a level in the roof so as to preclude views into neighbouring property. The changes to the design and layout are, therefore, not such that would warrant a differing conclusion to be reached. There is no sound reason to raise objection to this proposal based on the minor nature of the alterations proposed.
- 6.11 All other aspects of the proposal also remain as approved, including the parking provisions, access arrangements and amenity areas.

Consideration against Policy CS11

- 6.12 In light of the continued delay in the progression of the Joint Local Plan (JLP), the provisions of policy CS11 remain valid to the consideration of this proposal given the site’s current position outside of the settlement boundary of a Hinterland Village.
- 6.13 The matters listed in Policy CS11, which proposals for development for Hinterland villages must address, are considered in turn below. These include all of the criteria for Core Villages and additional matters also.

The landscape, environmental and heritage characteristics of the village

- 6.14 Residential development of the site raises no heritage concerns owing to the separation distance to the nearest designated heritage asset. Landscape harm will be very limited given the visually contained nature of the site adjacent to existing dwellings. The site essentially reads as an infill plot, with existing development enclosing it to three sides and the road to the south. The dwelling will be appreciated in the context of the existing dwellings along Ipswich Road and will be seen only in a built up context, with the adjacent properties all being of larger scale in any event.

- 6.15 The development will not appear isolated, with the lack of landscape harm comprising a planning benefit.

The locational context of the village and the proposed development

- 6.16 The site is well related to neighbouring development and as such will read as forming part of the village. The village benefits from some amenities and the principle of development has already been established.

- 6.17 Given the siting of the plot adjacent to the settlement boundary, and its position adjacent to numerous residential properties, it is well established that this part of the village is considered a sustainable location for residential development. In light of the recent decisions allowing residential development in the vicinity of the site, it is concluded that refusing the application on grounds relating to sustainability is not a defensible proposition.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 6.18 The development will help contribute to and maintain the Council's housing land supply, providing a modest property of three bedrooms, fully in accordance with the demonstrated need in the Babergh district.

Locally Identified Community Needs

- 6.19 The proposal does not propose a locally identified community need development. It must, however, be recognised that the scale of development is a significant inhibiting factor in this regard and any assessment in respect to community needs must be considered in this context.

Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 6.20 The SPD which accompanies policy CS11 identifies, at paragraph 13, that *"cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account"*.
- 6.21 Policy CS11 requires the cumulative impact of development both within the Hinterland Village in which the development is proposed and the functional cluster of villages in which it is located, to be a material consideration when assessing proposals under the policy. It is evident that there has been much some limited development approved in the village over the last few years, however, there is no evidence that the cumulative impact is harmful to the village or surrounding area.
- 6.22 For the reasons set out above, the development proposal has addressed most of the matters identified in Policy CS11 to the satisfaction of the local planning authority. As such, the proposal can be said to broadly comply with Policy CS11.

Sustainable Development

- 6.23 With regards to the three strands of sustainability (economic, social and environmental) the proposal is considered to meet all three strands.
- 6.24 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. It is, therefore, considered that the economic objective of sustainable development is met by this proposal.

- 6.25 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”*.
- 6.26 The accessibility of this site has already been recognised through the grant of planning permission for a new dwelling on the site in 2019. It has been found that the site is in an accessible location that would offer some opportunity for travel by alternative methods of transport. 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.
- 6.27 Furthermore, 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. The proposal’s contribution to the Council’s housing supply should not be underestimated. The applicant intends 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.
- 6.28 With regards to the environmental elements of the proposal, the proposed dwelling would be built to current Building Regulations standards which embed positive measures to reduce carbon emissions and energy usage. The proposal would also offer opportunities to provide an environmentally sustainable development through the utilisation of water efficient taps, showers and toilets, and energy efficient white goods.
- 6.29 Biodiversity enhancements have already been secured and discharged as a condition of the previous permission. With this in mind, the proposal is considered to offer environmental gains that would support the environmental objective of sustainable development.

- 6.30 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.

Highway Safety

- 6.31 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.
- 6.32 Paragraph 111 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. Visibility in both directions is considered suitable for the speed limit. The access is as previously agreed and demonstrates that safe access can be provided to the site.
- 6.33 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

- 6.34 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 130 of the NPPF (2021) so 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 applicants acknowledge 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 dwellings.
- 6.35 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.

Flood and Water

6.36 The whole of the site is shown on the Environment Agency flood maps as being within Flood Zone 1, so the vulnerability is considered to be low.

6.37 The site can accommodate appropriate drainage solutions to serve the proposed dwelling.

7.0 Planning Balance

7.1 The proposal seeks planning permission for the erection of a detached dwelling and cartlodge on the site of a previous approval for a bungalow. The proposed changes are minor in nature and offer no change to the footprint, height or overall scale of the dwelling proposed to be built here.

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 permission already exists here for the construction of a new dwelling.

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. 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 and those nearby. It is also the case that the social aspect of this proposal will be strengthened by the 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 construction of the dwelling would include significant insulation and energy efficient white goods and lighting;
- The build would include water efficient showers and toilets;
- The introduction of ecological enhancements can be accommodated on the site.

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 new single storey dwelling would contribute to the district's housing supply whilst meeting 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.