



SUPPORTING STATEMENT

In respect of a planning application for the retention and extension of the existing dwelling and the erection of a new dwelling (following the grant of planning permission to subdivide the existing dwelling into two dwellings) at:

1 Valley Lane, Wherstead, Ipswich, Suffolk, IP9 2AY

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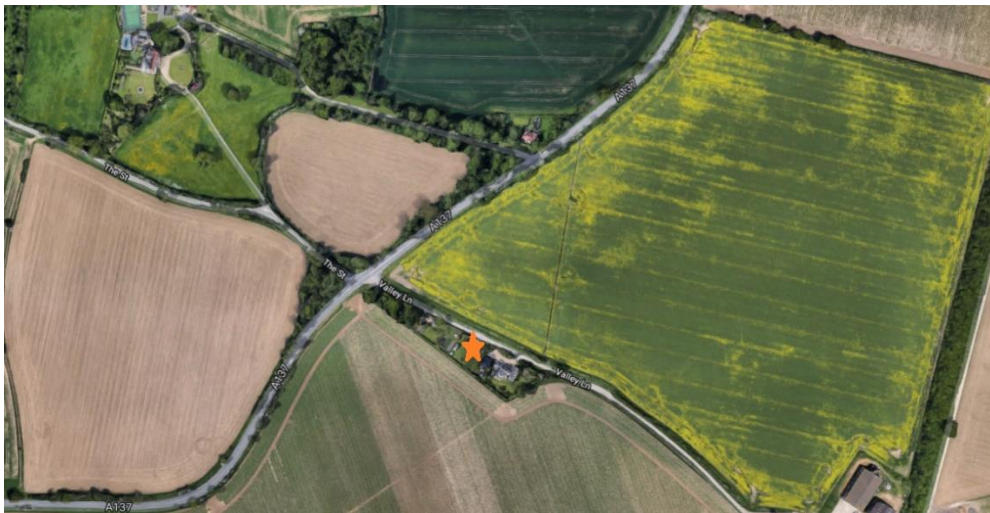
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1.0 Introduction

1.1 This statement is prepared on behalf of Freston Farming Ltd in respect of an application to construct a new dwelling on land at 1 Valley Road, Wherstead, to form two dwellings on the land, in lieu of a permission to subdivide the existing dwelling. The proposal seeks, therefore, to deliver two detached dwellings rather than the pair of semi-detached dwellings already approved under Council reference DC/21/03591.

1.2 The statement 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.



1.4 The application is also supported by the following plans and documents:

- Completed Planning Application Forms
- Traffic Report by Ian Booth Consulting Engineer
- Plan 480 101 - Block Plan and Location Plan
- Plan 480 102 - Existing Plans and Elevations
- Plan 480 103 - Proposed Plans and Elevations
- Plan 480 104A - Proposed Plans and Elevations
- Land Contamination Questionnaire
- Groundsure Homebuyers Report
- Environment Agency Flood Map for Planning Extract

2.0 The Site

2.1 1 Valley Lane is a detached bungalow set to the south side of the road. It is constructed of red brick facades set under a concrete tiled roof and include a centralised chimney stack.

2.2 The image below shows the property as viewed from Valley Lane.



2.3 The property benefits from a vehicular access located to the western end of the plot, leading to a parking and turning area set adjacent to a garage building. The roadside boundary is formed from mature hedging and pedestrian accesses are located adjacent either end of the property frontage.

2.4 The dwelling is of simple plan form and contains two bedrooms, a bathroom, lounge and kitchen/diner. A sun lounge has been erected to the rear.

2.5 The site lies within a Special Landscape Area but is otherwise unconstrained.

2.6 The building lies wholly in Flood Zone 1 and is therefore not at risk of flooding.

2.7 As detailed above, the property benefits from planning permission dating from August 2021 for the *“Erection of extension and subdivision of the dwelling known as 1 Valley Lane to form a pair of semi-detached dwellings”*.

3.0 The Proposal

3.1 The proposal seeks the following:

- The erection of a single storey extension to the rear of the existing bungalow, the formation of a new roof to the building and its retention as a single dwelling;
- A new detached dwelling;
- A new shared access and associated parking for the two dwellings.

3.2 In effect, the proposal seeks to deliver two dwellings on the site as an alternative to the two properties that would be delivered from subdividing the existing property.

3.3 The new access and shared parking area would be formed towards the middle of the site as previously approved, and the extension would facilitate the modernisation of the existing dwelling and, again, is as previously approved. The gardens would be subdivided to provide two useable amenity areas and deliver more useable garden spaces than would have occurred with the approved subdivision.

3.3 A new door would be inserted in the side elevation of the existing property and the existing sunroom to the rear would be removed.

4.0 Planning History

4.1 As detailed above, a previous proposal for the subdivision and extension of the property was approved under Council reference DC/21/03591. This followed a previous proposal to subdivide the dwelling which was withdrawn prior to determination.

4.2 There is no other planning history relating to this site.

5.0 Planning Policy Context

- 5.1 The National Planning Policy Framework 2021 (NPPF) contains the Government’s planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 5.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers in interpretation the NPPF.
- 5.3 The development plan for Babergh District Council consists of the saved policies of the Babergh Local Plan Alteration No.2 (2006) and the Babergh Core Strategy (2014). The following policies within these documents are considered to be relevant to this proposal.

Babergh Local Plan Alteration No.2 (2006)

- CN01 – Design Standards
- CR04 – Special Landscape Areas
- CR07 – Hedgerows
- TP15 – Parking Standards

Babergh Core Strategy (2014)

- CS01 – Presumption in Favour of Sustainable Development
- CS02 – Settlement Pattern Policy
- CS15 – Implementing Sustainable Development in Babergh
- CS18 – Mix and Types of Dwellings

- 5.4 Where relevant to the consideration of this proposal, these policies will be referred to within the ‘Planning Considerations’ section of this report.

6.0 Planning Considerations

- 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”*.

Principle of Development

- 6.2 The granting of the existing permission established the principle of the existing dwelling being subdivided to a pair of semi-detached properties. This constitutes a viable ‘fallback’ position. The consideration of a fallback position as a material consideration in reaching subsequent planning decisions was confirmed by the recent Court of Appeal decision - Michael Mansell v Tonbridge and Malling Borough Council v Croudace Portland, the East Malling Trust [2017] EWCA Civ 1314 - where 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.

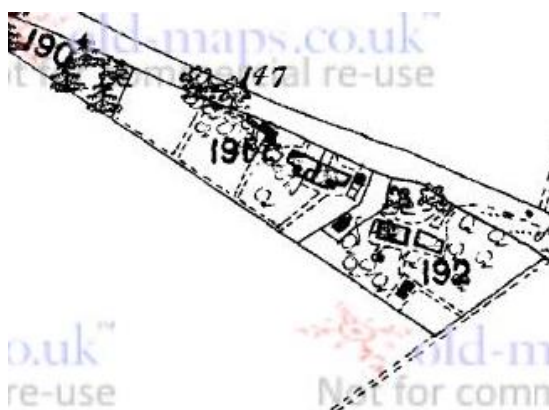
In this case, in the circumstances as they were when the application for planning permission went before the committee, it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted 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 the existing permission has been secured in this instance as recently as August 2021. The applicant would, in the event that permission is not secured for this proposal, seek to rely on that consent and create the approved dwellings on the land through implementation of the existing permission. It is, therefore, a realistic fallback position that it is considered should be given due weight in the process of making a decision on this proposal.

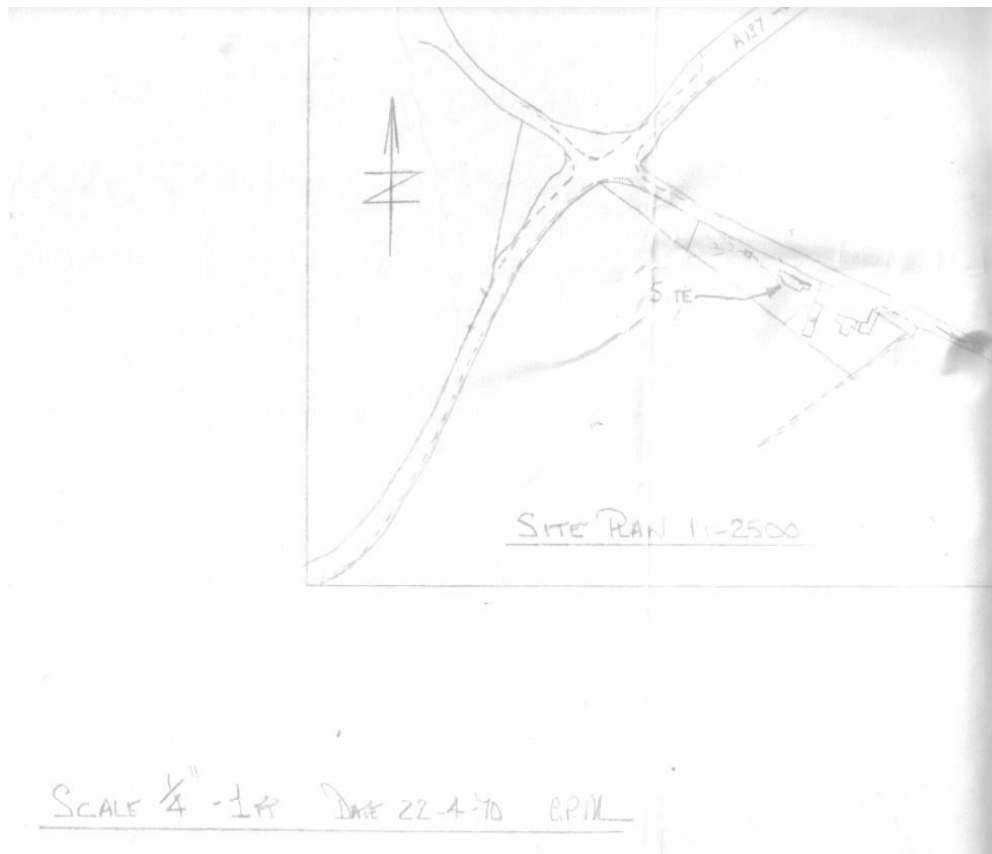
- 6.4 The proposal can, therefore, be assessed on the basis that the principle of two residential dwellings has already been established on the site. Indeed, this is a site that has historically hosted two dwellings, with the formation of a single property being a relatively recent position. Furthermore, the Council have already agreed on a number of occasions that, in cases where there are benefits/enhancements to be gained through an improved design or some other betterment resulting from a new build property/properties, then those benefits weigh in favour of a new permission being granted.
- 6.5 In considering this proposal, therefore, the key issues here will be the external effects of the proposed dwelling relative to recognised material planning considerations, and the applicant's position on these matters is set out below.

Design and Layout (Including Landscape Impact)

- 6.6 Saved policy CN01 of the Babergh Local Plan Alteration No.2 provides generic design expectations for all development proposals to address, and policy CS15 of the Core Strategy also provides criteria that also address matters such as design and landscape impact. Policy CR04 addresses the Special Landscape Area expectations for new developments and how these should be considered.
- 6.7 The proposed changes to the existing building are limited to a modest extension to the rear and a new roof over the enlarged footprint, and the building (as demonstrated by the 1882 map below) historically included rear projections such that the proposed extension does not significantly change the historic form of these properties.



- 6.8 Indeed, the image below is from the 1970 proposal to change the pair of dwellings into one dwelling. It can be seen that the building retains the rear projections at that time.



- 6.9 The proposed changes are limited in nature and would not detrimentally affect the appreciation of the site or its setting. The proposals have little effect on the Special Landscape Area and the works to the existing property would enhance its character and modernise its appearance. Indeed, as a lawful single dwelling, the proposed works are in part likely to be able to be carried out as permitted development and would not require planning permission.
- 6.10 The new access and car parking arrangements follows the approval of a similar arrangement through the previous application. These raise no new issues and are considered to be compliant with the respective development management policies in the same way that the previous proposal was found to be.
- 6.11 The site would be subdivided to retain the existing building and provide a new dwelling to the western part of the land. The new dwelling is set out in linear from fronting the road, and would read as an additional bungalow with a rooflight in the front elevation, as shown below.



North East Elevation

- 6.12 To the rear, dormer windows are proposed to enable the delivery of first floor accommodation within the roofspace and views can be taken across the countryside to the rear.
- 6.13 As the image above shows, the dwelling is of traditional form and utilises a palette of materials that are appropriate to the rural setting. It is a simple yet attractive dwelling that would give rise to little impact on the surroundings, particularly given the retention of trees and hedging on the site. In light of this, there would be no harm caused to the SLA or to the immediate landscape around the site. The proposal complies with policies CN01, CS15 and CR04.
- 6.14 The approach taken here is also in accordance with the principles of good design set out in the NPPF, which seeks (paragraph 130) to ensure that planning policies and decisions ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

Heritage Impacts

- 6.15 The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings (Sections 16 and 66).
- 6.16 The proposal does not engage any heritage assets or their settings. However, it is to be recognised that as part of the preparation of the evidence base to underpin the emerging Wherstead Neighbourhood Plan, consideration was given to the inclusion of the property on the list of buildings of local heritage interest (essentially classifying it as a non-designated heritage asset). Whilst the building was not subsequently included as such, and the proposal is not thereby harmful to any matters of historic interest, there is merit in the retention of the building as a single dwelling and the resultant improvements to it that are being sought.

Highway Safety and Parking

- 6.17 Policy T9 and T10 requires development to be delivered with safe and sufficient highways access and function.
- 6.18 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, or the residual cumulative impacts on the road network would be severe.
- 6.19 On-site parking is provided in accordance with the requirements of the Suffolk Adopted Parking Standards SPD (2015), ensuring future residents are provided with on-site parking provision, thus avoiding parked vehicles on the public highway. The access and turning arrangements have previously been approved such that the absence of any significant change to these provisions means that there is no sound reason to object to this proposal on any such grounds.
- 6.20 As such, the proposal can be seen to meet the requirements of the development plan and the NPPF insofar as it relates to highway safety and parking.

Residential Amenity

- 6.21 Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.22 The property is of a scale that will ensure that the proposal would not give rise to any overlooking of neighbouring property. Furthermore, the spacing between the proposed dwelling and existing properties means that the proposal would not give rise to loss of light to neighbouring occupants nor would the proposal have an overbearing impact on any adjoining land.
- 6.23 Occupants of the new dwelling would benefit from private amenity space that is set well away from any road/noise generating use and is private. As such, the proposal would offer good quality amenity space in line with the aims of paragraph 130 of the NPPF.

Flood Risk and Drainage

- 6.24 The site lies wholly in Flood Zone 1 and is thereby outside the designated Flood Zones 2 and 3. Suitable drainage can be designed to ensure that the development does not increase the risk of flooding elsewhere by use of soakaways (if ground conditions permit) or SUDS designed systems.
- 6.25 As such, there is no identifiable restraint upon the delivery of drainage for both surface and foul water that would prevent planning permission being granted in this regard.

Land Contamination

- 6.26 The existing permission demonstrates that the site can be developed for a single dwelling without risk from land contamination. There are, therefore, no grounds to reach a differing conclusion in this case. The new dwelling is sited within the garden of the existing dwelling and the requisite Groundsure report and Land Contamination Questionnaire are submitted in support of the proposal.

Ecology and Biodiversity

- 6.27 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "*competent authorities*" (public bodies) to "*have regard to the Habitats Directive in the exercise of its functions*". There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.
- 6.28 Guidance on the conservation of protected species is given in ODPM Circular 06/2005. At Paragraph 99 the Circular advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted.
- 6.29 The ecological and biodiversity aspects of the proposal have been addressed through the existing permission. There is no change in circumstances here that would warrant a differing conclusion at this stage.

Sustainable Development

- 6.30 Paragraph 8 of the NPPF outlines the three objectives of sustainable development that schemes should seek to deliver. The proposal is also considered relative to these three objectives below.
- 6.31 From an economic aspect, the construction of works to deliver two dwellings 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 properties 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.
- 6.32 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".

- 6.33 Notwithstanding that a proposal in this location would contribute to enhancing and maintaining services in Wherstead and neighbouring areas, including Tattingstone, Bentley and Ipswich, the PPG advises that *"all settlements can play a role in delivering sustainable development in rural areas"*, cross-referencing to NPPF 80, *"and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided..."*. Moreover, in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services. At paragraph 105 of the NPPF, it identifies that *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*. The general policy in favour of locating development where travel is minimised, and use of public transport is maximised, has to be sufficiently flexible to take account of the differences between urban and rural areas. The dwelling is to be located on a site where the principle of residential development has already been established. The social sustainability of the site has, therefore, been established.
- 6.34 Furthermore, the delivery of two dwellings to the market would help to meet housing need in the locality and would help to boost the supply of housing required by the NPPF. 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 a permission be secured. 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.
- 6.35 With regards to the environmental elements of the proposal, the proposed dwelling would be built to current Building Regulations standards which have recently changed and now embed significant positive measures to reduce carbon emissions and energy usage. The proposal

would also offer opportunities to provide an environmentally sustainable development through the incorporation of renewable energy provision, including the use of solar panels on the south facing roof, and would be constructed utilising water efficient taps, showers and toilets, and energy efficient white goods. Electric car charging provision will be delivered in accordance with the Council's current expectations.

6.36 Biodiversity improvements can be offered in terms of the provision of log piles, swift bricks and bird boxes on the site which will actively encourage biodiversity on the land. This will be supported by new native landscape planting and the retention of existing mature planting. With this in mind, the proposal is considered to offer environmental gains that would support the environmental objective of sustainable development.

6.37 Important environmental matters such as highway safety, residential amenity, land contamination, drainage and flood risk have all been considered in respect of the existing permission on the site. The Council have accepted that a dwelling can be accommodated here without giving rise to concerns in respect of these matters. As the proposal relates to two dwellings in lieu of the previous permission granted for two dwellings, the applicant considers that there are no reasons to take a differing view in respect of this proposal.

6.38 As such, it is considered 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 Planning Officers alike.

7.0 Planning Balance

7.1 As identified through the course of this statement, there are a number of issues which the LPA will need to balance in reaching a decision on this proposal. This section of this statement seeks to work through these matters and balance them in a manner that is consistent with how both Planning Inspectors and the Council's Planning Officers have carried out the balancing exercise in respect of recent applications that bring about similar considerations.

- 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 Local Plan Alteration No.2 (2006) and the Babergh Core Strategy 2014. In light of this application relating to a proposal for new housing, an important consideration in determining this application is that there is an extant fallback position on the site for two dwellings.
- 7.4 In light of this, the proposal has been assessed against the three objectives of sustainable development. In respect of the economic objective, the applicant recognises that there would be modest benefits from the construction of the new dwelling/extension to the existing property and from the contribution made by future occupants into the local economy. However modest that may be, the proposal is 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. In the absence of any social detriment, the proposal must also be considered to be socially sustainable. A modest increase of homes in rural areas can assist the social stimulus of a village, with Wherstead being no different, noting that there is no increase in housing numbers due to the existing permission in any event.
- 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 on offer. The application does not propose new dwellings in a location that has not been found suitable for such development, with permission having already been granted for two dwellings on the site.

- 7.7 In this regard, and in the absence of any recognisable detriment to matters such as heritage assets, land contamination, biodiversity, highway safety, residential amenity or flood risk, the proposal is found to be environmentally sustainable also.
- 7.8 This is particularly the case when the environmental benefits of the scheme are considered. These include:
- The construction of the dwellings would include significant insulation and energy efficient white goods, and would include water efficient showers and toilets;
 - The introduction of ecological enhancements is proposed on the site;
 - The proposal brings about the opportunity to provide new landscape planting.
- 7.9 These benefits are considered to go a significant way to offsetting any limited environmental harm that may be considered to be 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 two dwellings would contribute much needed modest properties to the districts housing supply. 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.
- 7.10 In light of this, and taking account of all the considerations set out above, it is hoped that the LPA will support this sustainable development by granting planning permission in the terms requested.