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TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR OUTLINE PLANNING PERMISSION
ERECTION OF DETACHED SELF-BUILD DWELLING AND GARAGE
LAND ADJACENT MAGPIE LODGE, MAGPIE GREEN, WORTHAM, IP22 1RG.

PLANNING STATEMENT
Incorporating
VALIDATION REQUIREMENTS

Ref: 2723
August 2022

INTRODUCTION

1. This statement has been produced in support of an outline planning application for erection of a detached self-build dwelling and garage on land adjacent Magpie Lodge, Magpie Green, Wortham.
2. The application site is in outline form with all matters reserved except for means of access to the site.
3. The following statement is in two parts. The first part deals with the Validation Requirements for planning applications and the second part is a Planning Statement which sets out the relevant local and national planning policies and other material considerations.

PART 1: - VALIDATION REQUIREMENTS

ARCHAEOLOGY

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

AFFORDABLE HOUSING

5. The scale of the development is below the threshold for the provision of affordable housing.

BIODIVERSITY

6. There are no records or evidence of any protected species on the site. The application site forms an area of maintained grassland which is used as extended garden for Magpie Lodge. Part of the site is used for growing vegetables.

DESIGN AND ACCESS STATEMENT

Scale, layout and appearance

7. The proposed dwelling will reinforce the existing linear pattern of development nearby. The dwelling will be of local vernacular design and will incorporate the use of building materials traditional to Suffolk.

Access

8. The dwelling will be served by a new vehicular access constructed to DM01 standard.

Landscaping

9. No details of landscaping are provided as this is an outline planning application. Landscaping will be a 'reserved matter'.

DRAINAGE

10. The proposed dwelling will be connected to the main sewer if available, alternatively a private treatment plant will be installed. Surface water will discharge to soakaways.

FLOOD RISK ASSESSMENT

11. 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.

HERITAGE STATEMENT

12. Magpie Green does not have a conservation area and there are no listed buildings in the immediate vicinity of the site. Consequently, the proposed development will have no effect on any heritage assets.

LAND CONTAMINATION

13. The application is accompanied by a completed copy of the Council's Land Contamination Questionnaire and an Enviroscreen Report. The application site is not contaminated.

PLANNING STATEMENT

14. 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.
15. 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).
16. Mid Suffolk and Babergh District Councils are producing a new Joint Local Plan. The emerging Local Plan recognises that the policies of the current Local Plan and Core Strategy have restricted rural housing growth which is necessary to sustain local communities. The new Local Plan proposes to address this by reinstating the settlement boundaries removed by the 2008 Core Strategy, introducing new settlement boundaries for smaller settlements, and introducing a policy which allows infill development in the countryside.
17. 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.

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

18. 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. Wortham is listed as a secondary village, however Magpie Green is not listed as a settlement. 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.

19. 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 2018 and must be considered as being out of date.

20. 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.

MID SUFFOLK LOCAL PLAN 1998

21. The site is not within the settlement boundary for Wortham as designated by the 1998 Local Plan. It is therefore in the countryside.

22. 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 are out of date.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

23. 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.

24. 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 and facilities. 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". This proposal would help to support services in Wortham and Redgrave.
25. Secondly, the development would meet the social objective of sustainable development by providing a new self-build family home. Furthermore, an additional dwelling in Magpie Green will help to maintain a vibrant community.
26. The development of the site would also accord with the environmental objective of sustainable development. The site is a short car journey from a good range of local services in Wortham and Redgrave. Services and facilities in Wortham include village store and tea shop, primary school, public house, church and village hall with sports pitches. Redgrave benefits from a community shop, public house and a village hall.
27. It is acknowledged that future residents would be reliant on the private 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*". This has been reflected in a number of local appeal decisions where Inspectors have opined that the number of vehicular trips associated with one or two dwellings do not undermine the objectives of sustainable development.
28. 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 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 2021) 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 dwelling would not be isolated and so there is no necessity to demonstrate any exceptional circumstances.

29. 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.*"

30. Furthermore, paragraph 105 of the NPPF states also states "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 proposal does not represent significant development, it is for a single dwelling.

JOINT BABERGH & MID SUFFOLK LOCAL PLAN (JBMSLP)

31. As previously stated, the emerging JBMSLP does not yet form part of the development plan. It is nonetheless a material consideration as it provides a clear indication of the direction of travel of the Council's forward planning.

32. The new Local Plan proposes to designate Magpie Green as a 'Hamlet'.

33. Policy LP01 of the new Local Plan is relevant. This policy states that infill development within Hamlets may be acceptable subject to 5 criteria. This proposal accords with the criteria for the following reasons.

- a) The erection of a single dwelling would not be detrimental to the character and appearance of the settlement, landscape, residential amenity or any heritage, environmental or community assets.
- b) The proposal would not result in the loss of an important gap, and it would not have an adverse impact on the local context.
- c) The application proposes a single dwelling.

- d) The site is not within an Area of Outstanding Natural Beauty (AONB).
- e) The new dwelling will incorporate sustainable construction techniques and renewable energy technologies.

CONCLUSIONS

- 34. 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.
- 35. In this case, the Council's current development plan policies are out of date and therefore planning permission should be granted in accordance with the presumption in favour of development prescribed by the NPPF.
- 36. The proposed development will generate economic, social, and environmental benefits fulfilling the three objectives of sustainable development set out in the NPPF without causing any significant and demonstrable impacts on any interests of acknowledged importance.

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