



## SUPPORTING STATEMENT

In respect of a planning application for the erection of a new detached dwelling (in lieu of that approved under planning permission DC/21/05985 for the erection of 1no. dwelling and detached garage) at:

Land to the rear of Three Bridges, Ashfield Gardens,  
Norton IP31 3NQ

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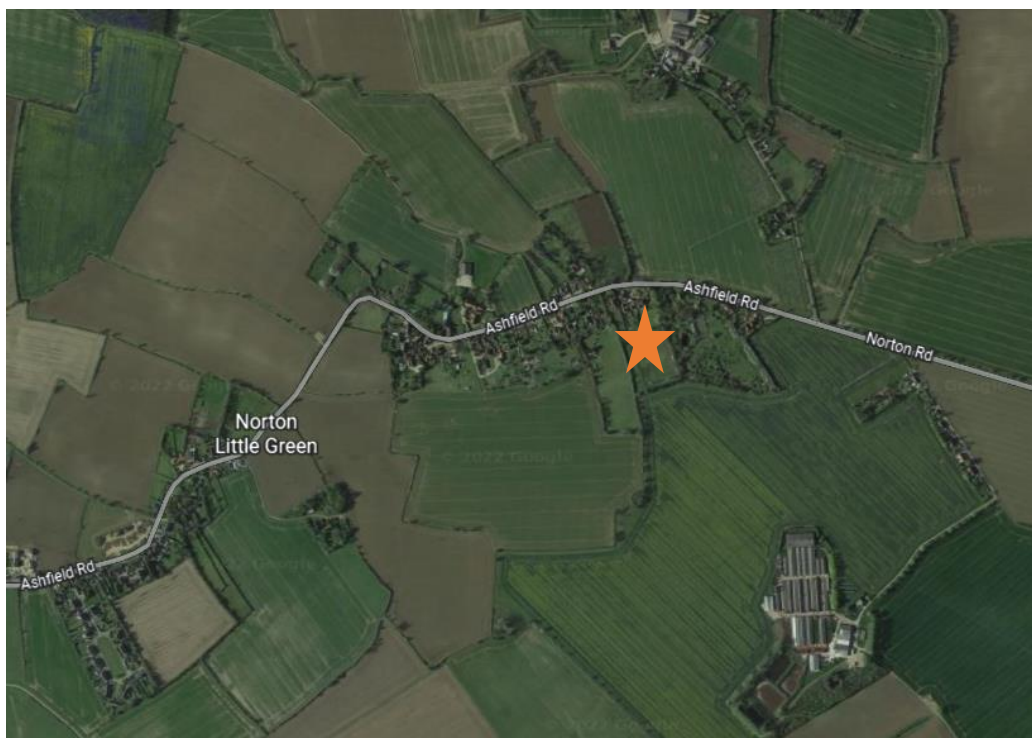
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## 1.0 Introduction

1.1 This statement is prepared in support of an application for the erection of a detached dwelling, on land rear of Three Bridges, Norton, Suffolk.

1.2 It will consider the planning policy position, referencing the existing permission, and will 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 site has previously been subject to two planning applications (of which further detail is provided in section 4 of this Planning Statement), the most recent of which remains implementable and was granted in December 2021 for the *“Erection of 1no dwelling with detached garage following demolition of existing buildings”* under reference DC/21/05985.

1.5 Prior to the submission of this application, preapplication advice has been sought from the Council and a response provided dated 20<sup>th</sup> October 2022 under Council reference DC/22/03592. The preapplication advice will be referred to wherever relevant within this statement.

## **2.0 The Site**

2.1 In responding to the preapplication advice request, the Planning Officer identified the site as:

*“Three Bridges lies on the southern side of Ashfield Gardens. The application site forms a parcel of land to the rear of Three Bridges. The application site comprises redundant brick, cladded and rendered single storey buildings. There is an existing driveway which serves both the existing dwelling of Three Bridges together with the existing outbuildings. The surrounding area is medium density residential with a mixture of dwelling types. To the south are agricultural fields”.*

2.2 The site is well known to the LPA, having been the subject of two recent (approved) planning applications. The land that is the subject of this application comprises a parcel of maintained grassland/lawn to the rear of the dwelling with the new dwelling sited a short distance to the east of the approved dwelling.

2.3 The site lies within Flood Zone 1, is not within any designated landscapes, is not within close proximity to any noise generating uses, benefits from existing vehicular access and is not known to be contaminated.

## **3.0 The Proposal**

3.1 The proposal seeks planning permission for a new detached dwelling in lieu of the previously approved dwelling achieved via the approval of application DC/21/05985.

3.2 The proposal seeks to revise the siting and proposed design of the dwelling. The proposed dwelling would be part single storey and two-storey and modern in design. It would be located towards the northern end of the site, with a detached garage on the western boundary at the end of the existing driveway.

3.3 As can be seen from the submitted plans, whilst the proposed dwelling is of modest scale, it would fit comfortably within the plot. The proposed Gross Internal Area (GIA) would be

approximately 264 square metres, therefore this proposed dwelling would be no larger in terms of GIA than the dwelling previously approved under extant permission DC/21/05985.

- 3.4 The new dwelling would be approached from the existing access, which would lead to a manoeuvring area adjacent to the property. An enlarged curtilage area would be formed to provide a more appropriate and proportionate garden space to accompany the new dwelling.

#### **4.0 Planning History**

- 4.1 Planning permission was granted on 18th August 2021 for the *“Conversion, alteration and extension of existing buildings to form a detached dwelling”* under reference DC/21/03505.

- 4.2 As detailed above, a subsequent planning application was then made in lieu of application DC/21/03505. The second planning permission was dealt with under application reference DC/21/05985 and proposed the *“Erection of 1no. dwelling with detached garage following demolition of existing buildings”*. It was granted in December 2021.

- 4.3 The pre-application advice sought a view from the LPA as to the acceptability of replacing the existing permission(s) with a new dwelling on a slightly differing part of the site and with a dwelling of differing form and appearance. The Planning Officer has confirmed that the principle of development is acceptable.

#### **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 Mid Suffolk consists of the saved policies of the Mid Suffolk Local Plan 1998 and the Core Strategy and its associated Focussed Review document. The following policies from these documents are

Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

- FC1 - Presumption in Favour of Sustainable Development
- FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development
- CS1 - Settlement Hierarchy
- CS2 - Development in the Countryside and Countryside Villages
- CS3 - Reduce Contributions to Climate Change
- CS4 - Adapting to Climate Change
- CS5 - Mid Suffolk's Environment

Mid Suffolk Local Plan 1998

- GP1 - Design and Layout of Development
  - H7 - Restricting Housing Development Unrelated to Needs of Countryside
  - H13 - Design and Layout of Housing Development
  - H14 - A range of house types to meet different accommodation needs.
  - H15 - Development to Reflect Local Characteristics
  - H16 - Protecting Existing Residential Amenity
  - H17 - Keeping Residential Development Away From Pollution
  - SB2 - Development Appropriate to its Setting
  - T9 - Parking Standards
  - T10 - Highway Considerations in Development
- 5.5 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 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 most recent permission DC/21/05985 for the erection of 1no. dwelling (in lieu of an earlier permission for the conversion of existing buildings to a dwellinghouse) clearly demonstrates the principle of development is acceptable and constitutes a viable ‘fallback’ position.
- 6.3 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, "... "fallback" 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".*

- 6.4 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 within the last 12 months, December 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 dwelling 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.



- 6.5 The proposal can, and should, therefore be assessed on the basis that a residential use has been established on the site. 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 resulting from a new build property, then those benefits weigh in favour of a replacement property.
- 6.6 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/Landscape Character

- 6.7 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 6.8 Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 6.9 The starting point for considering this proposal was a detailed appraisal of the site, its setting and the wider landscape character by Roger Balmer Design (RBD) such that the applicant was in a fully informed position prior to the work to design the dwelling. The appraisal made by RBD identified that there was an opportunity to make better use of the site and to provide a dwelling with a better relationship with the site boundaries and with a more modern design which would utilise solar shading.
- 6.10 The result is that this proposal provides a design response that engages with the character of the landscape and provides an improved position on site and better design. The overall size of dwelling has been kept to the same Gross Internal Area of approximately 264 square metres, although as aforementioned it is of a more modern and contemporary design to that

previously approved. The proposal is considered to fully comply with the Council's design and landscape policies (namely CS5, GP1 and H15).

- 6.11 The approach taken here, is, therefore, 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

- 6.12 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).
- 6.13 The proposal does not engage any heritage assets or their settings. As such, the proposal is not harmful to any matters of historic interest.

#### Highway Safety and Parking

- 6.14 Policy T9 and T10 requires development to be delivered with safe and sufficient highways access and function.
- 6.15 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.
- 6.16 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 change to these provisions means that there is no sound reason to object to this proposal on any such grounds.

- 6.17 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

- 6.18 Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents.

- 6.19 Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.

- 6.20 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.

- 6.21 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. Given the separation distances involved, the proposed dwelling would cause no loss of privacy with neighbouring dwellings, particularly Three Bridges to the north, in any event, as part of the proposal additional landscaping will be planted, with particular attention to the northern boundary where a 5m wide zone of planting is proposed. This was noted in the preapplication response, where the Planning Officer noted that *“Consideration is required in respect of the relationship with the neighbouring properties to the north. The landscaping plan should assist in mitigating any impacts, as well as the siting on the plot”*.

- 6.22 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

- 6.23 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.
- 6.24 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

- 6.25 The existing permissions demonstrate 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.

### Ecology and Biodiversity

- 6.26 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*". The applicant has engaged an ecologist in respect of the use of the existing building by bats and mitigation and compensation provisions are included with this application.
- 6.27 The ecological and biodiversity aspects of the proposal have thereby been addressed through this proposal.

### Sustainable Development

- 6.28 Paragraph 8 of the NPPF outlines the three pillars of sustainable development that schemes should seek to deliver. The proposal is also considered relative to these three objectives below.

- 6.29 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.
- 6.30 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”*.
- 6.31 Notwithstanding that a proposal in this location would contribute to enhancing and maintaining services in Norton and neighbouring areas, including Elmswell, Thurston and Pakenham, 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.
- 6.32 Furthermore, the delivery of a new dwelling 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.

- 6.33 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 incorporation of renewable energy provision, and would be constructed utilising water efficient taps, showers and toilets, and energy efficient white goods. Electric vehicle charging provision is also included.
- 6.34 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. With this in mind, the proposal is considered to offer environmental gains that would support the environmental objective of sustainable development.
- 6.35 Important environmental matters such as highway safety, residential amenity, land contamination, drainage and flood risk have all been considered in respect of the previous applications/permissions 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 a single dwelling in lieu of the previous permission granted, the applicant considers that there are no reasons to take a differing view in respect of this proposal.
- 6.36 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 Mid Suffolk Core Strategy (2008), its Focused Review in 2012 and the saved policies in the Mid Suffolk Local Plan (1998). In light of this application relating to a proposal for new housing, important considerations in determining this application are 1) that there is an extant fallback position on the site for a new dwelling, and 2) that the most important policies for determining this proposal are out-of-date and, therefore, the presumption in favour of sustainable development is engaged.
- 7.4 In light of this, the proposal has 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. 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. The site is located in an accessible location and, 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 Norton being no different.
- 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 a dwelling in

a location that has not been found suitable for such development, with permission having already been granted for a single dwelling 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 dwelling 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 this new dwelling would contribute 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.