



Phil Cobbold
Planning Ltd

42 Beatrice Avenue Felixstowe IP11 9HB
info@philcobboldplanning.co.uk
www.philcobboldplanning.co.uk
01394 275431

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR OUTLINE PLANNING PERMISSION
ERECTION OF DETACHED DWELLING
LAND NORTH OF HILL HOUSE, OLD IPSWICH ROAD, YAXLEY IP23 8BX

PLANNING STATEMENT

Ref: 2824

December 2022

Phil Cobbold BA PGDip MRTPI Member of the Royal Town Planning Institute – Chartered Town Planner
Phil Cobbold Planning Ltd
Registered in England No. 09701814
Registered office 42 Beatrice Avenue Felixstowe IP11 9H

INTRODUCTION

1. This Planning Statement has been produced in support of a planning application proposing the erection of a detached dwelling with garage on land adjacent Hill House, Old Ipswich Road, Yaxley.
2. The application is submitted in outline form with all matters reserved except for access.
3. The following statement is in two parts. The first part deals with the Council's 'Local Validation Requirements' for planning applications. The second part is a Planning Statement which sets out relevant local and national planning policies and other material considerations.

LOCAL VALIDATION REQUIREMENTS STATEMENT

AFFORDABLE HOUSING

4. The scale of the proposed development is below the Government's threshold as set out at paragraph 64 of the National Planning Policy Framework (NPPF).

ARCHAEOLOGICAL STATEMENT

5. The Historic Environment Records (HER) confirm that there are no records of archaeological remains on or adjacent to the site. Therefore, it is not necessary to carry out any pre-submission investigation and there is no justification for a planning condition requiring a pre-commencement programme of archaeological work.

BIODIVERSITY SURVEY AND REPORT

6. There are no records or evidence of any protected species on or near the site.

CONTAMINATED LAND

7. The application site is accompanied by an Enviroscreen Report which confirms that the site is not contaminated.

DRAINAGE

8. The proposed dwelling will be connected to the mains sewer. Surface water drainage will discharge to soakaways.

FLOOD RISK ASSESSMENT

9. The Environment Agency (EA) flood maps confirm that the application site is situated within Flood Zone 1 (FZ1) which means that it comprises land which is not at risk of flooding from a river or other watercourse. The EA Maps also confirm that the site is not at risk of surface water flooding. The site is therefore suitable for all forms of development.

HERITAGE STATEMENT

10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty as respects to listed buildings in the exercise of planning functions. It states, *"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses ."*
11. This Heritage Statement has been produced pursuant to paragraph 194 of the National Planning Policy Framework (NPPF) which states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected by a development. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential of that impact on the significance.
12. Annex 2 of the NPPF defines 'Significance (for heritage policy)' as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*
13. Annex 2 of the NPPF defines the setting of a heritage asset as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its*

surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

14. The listing description for Valley Farmhouse is listed below.

"House. Early to mid C17, altered and extended C19 and C20. Timber frame with brick additions, all plastered. Steeply pitched black glazed pantiled roof. Large 3 cell plan, probably with a lobby entrance originally. 2 storeys and attic. Entrance now to left of centre just to right of presumed original lobby entrance between hall and parlour, recessed 6 panelled, part raised and part glazed door, doorcase with fluted pilasters and open pedimental head, 3 and 4-light C19 and C20 glazing bar flush frame casements, ground floor hoodboards. Boxed eaves. 2 large axial ridge stacks between cells, that to right is larger with 4 conjoined hexagonal shafts serving hall and service end, to left 3 conjoined hexagonal shafts serving parlour end, both rebuilt. Left gable end 2-light casements with pentice board to attic with a 3-light window, exposed plates and purlins. Right gable end ground floor entrance and 4-light casement, first floor 10-light mullion and transom leaded casement, pentice board, attic 2-light window, exposed plates and purlins. Extended to rear in C19 and C20, a continuous brick range with an almost flat roof, 2 dormers inserted in main roof. Interior: frame largely concealed, close studding evident, chamfered storey posts, service end stop chamfered cross axial binding beam and joists. First floor: a 3-light ovolo mullioned window opening, over parlour a double ovolo moulded bar stopped axial binding beam, over hall crossed ovolo moulded bar stopped binding beams, cambered collars clasp purlins".

15. The listing description is detailed and considered sufficient to describe the signature of the building.

16. Paragraphs 201 and 202 of the NPPF set out the considerations when determining applications for development affecting heritage assets.

17. Paragraph 201 states *"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) *no viable use of the heritage asset itself can be found in the medium terms through appropriate marketing that will enable its conservation; and*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably no possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use."*

18. Paragraph 202 of the NPPF states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

19. In this case it is considered that the proposed development will not cause any material harm to the elements that contribute to the significance of the listed building. The separation distance and intervening hedgerows along the frontage of Valley Farm is such that the proposal will have no material impact on the setting of the listed building.

LANDSCAPE ASSESSMENT

20. The application site does not have any special landscape designation. The site adjoins existing development. The scheme will not have any significant impact on the character or appearance of the wider landscape and consequently it is not necessary to undertake a landscape and visual impact assessment (LVIA).

PLANNING STATEMENT

PLANNING POLICY

21. 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.

22. In this case, the development plan for the area consists of the Mid Suffolk Local Plan 1998, the Mid Suffolk Core Strategy 2008 and the Mid Suffolk Core Strategy Focussed Review 2012.

23. The Council is in the process of producing a new Joint Local Plan with Babergh District Council. The emerging Local Plan (eLP) is at an early stage and therefore has limited

weight. It is nonetheless a material consideration as it illustrates the direction of travel of the Council's forward planning.

24. Yaxley does not have a neighbourhood Plan.
25. The National Planning Policy Framework (NPPF) is a material consideration and sets out the Government's planning policies which provide a presumption in favour of sustainable development.

DEVELOPMENT PLAN

Mid Suffolk Local Plan 1998 (MSLP)

26. The MSLP is now more than 20 years old. However, the 'saved' policies of the document will continue to remain as part of the development plan until such time as the Council adopts the new Joint Babergh Mid Suffolk Local Plan.
27. The application site lies outside of the current settlement boundary for Yaxley as designated by the Mid Suffolk Local Plan (MSLP). As the site is outside of the settlement for planning purposes, it is considered to be in the countryside. However, whilst the site may be in the countryside, it is not in an isolated location.
28. 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.
29. Policies H3 and H7 are now more than 20 years old. They do not reflect the balanced approach towards sustainable development and the provision of rural housing as prescribed by the NPPF. Policies H3 and H7 are out of date.

Mid Suffolk Core Strategy (2008) and Core Strategy Focussed Review (2012)

30. The Council's Core Strategy was published before the previous and current versions of the NPPF. The Core Strategy provides a spatial strategy for development throughout the district. Policy CS1 of the Strategy designates Yaxley as a 'Secondary Village'. Policy CS1 includes the words "the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ...". By virtue of this latter requirement Policy

CS1 conflicts with paragraphs 79 and 80 of NPPF. Policy CS1 must therefore be considered as being out of date.

31. Policy CS2 deals with development in the countryside. This site is in the countryside because it is outside of the current settlement boundary for Yaxley. Policy CS2 is also out-of-date. This is because 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 the NPPF and should be considered as being out of date.
32. 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.

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF)

33. 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.
34. The development of this site would fulfil each of the three objectives of sustainable development. Firstly, it would meet the economic role of sustainable development as future residents would help to sustain and improve the vitality and viability of all the existing local services and facilities in Yaxley and adjoining settlements.
35. Secondly, the development would meet the social role of sustainable development by providing a new family home.
36. The development of the site would also accord with the environmental role of sustainable development. The site is within walking distance of local services in the village including the Cherry Tree public house, the church, the village hall, and the local primary school which is located in the adjoining village of Mellis. The application site is also within a short distance (1.5km) of the town of Eye which benefits from a dentist, café, delicatessen, public house, butcher, hot food take-away, newsagent, post office and hardware store.

Local employment opportunities also exist on the business park located on the former airfield 1km from the site.

37. As the site is outside of the settlement boundary for Yaxley, for planning purposes it is in the countryside. Paragraph 80 of the NPPF deals with rural housing and states that in the countryside new housing should be avoided in isolated locations unless there are special circumstances.
38. The meaning of the term 'isolated' was the subject of the recent High Court Judgement relating to **Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Development Limited [2017]**. Braintree DC had applied to the High Court to quash an Inspector's decision which had allowed a development for residential development on land which was within an established group of dwellings but outside of a settlement boundary. Braintree DC claimed that the Inspector has misinterpreted paragraph 55 of the NPPF (now paragraph 79) 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 Braintree DC 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). Clearly, in this case, the proposed dwelling would not be isolated and so there is no need to demonstrate any exceptional circumstances.
39. Paragraph 79 of the NPPF acknowledges that in rural areas where there are smaller settlements, development in one village may support services in a village nearby. In this case, the development would also help to support services in Mellis and Eye and other adjoining villages.

Draft Joint Babergh Mid Suffolk Local Plan (JBMSLP)

40. The Babergh and Mid Suffolk Joint Local Plan Preferred Options consultation document identifies Yaxley as a 'Hinterland Village' and proposes significant extensions to the settlement boundary which will allow for significant housing growth within the village. The amount of land included within the extended settlement boundary would provide for 30 to 40 additional homes. The JBMSLP clearly illustrates that the Council considers Yaxley to be a sustainable location and suitable for housing growth.

Precedent

41. There are other examples in the village where planning permission has been granted for residential development on sites outside of the current settlement boundary. One recent example is **DC/19/03345** which was refused by the Council but subsequently allowed at Appeal (ref: **APP/W3520/W/19/3239180**). In allowing the Appeal the Inspector concluded that Yaxley was a sustainable location for small scale residential development. Since that decision, the Council has granted planning permission for other development in the village, including: two dwellings on land off Cherry Tree Close (**DC/20/00786**) and one dwelling on land north of Mellis Road (**DC/20/02334**). The most recent example is planning permission **DC/20/04045** approved on land immediately to the north of the application site.

Planning Balance

42. 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.
43. As the site is outside of the current settlement boundary for Yaxley and within the countryside, the proposal is not in accordance with the development plan taken as a whole.
44. However, the most important policies for determining this application, CS1, CS2, H3 and H7 are out-of-date. Therefore, the tilted balance in paragraph 11 of the NPPF is engaged and planning permission should be granted unless the application of policies in the NPPF that protect areas of assets of particular importance provide a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
45. In this case, the proposed development will provide economic, social, and environmental benefits as previously described and any impacts arising from the scheme would not significantly and demonstrably outweigh those benefits.

CONCLUSIONS

46. The Council's relevant policies for the distribution and location of new housing development are out of date and do not comply with the NPPF.

47. The emerging Babergh and Mid Suffolk Joint Local Plan indicates that the Council now considers Yaxley to be a sustainable location suitable for housing growth. Recent planning permissions for new dwellings in the village nearby reinforce this.

48. The proposed development will provide economic, social, and environmental benefits fulfilling the three objectives of sustainable development and can take place without any significant adverse impacts on any interests of acknowledged importance.

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