



**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 ONE DWELLING  
LAND ADJACENT DOVESHILL COTTAGES, BADLEY**

---

PLANNING STATEMENT

---

Ref: 2712  
March 2023

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 9HB

## **INTRODUCTION**

1. This statement has been produced in support of an outline planning application proposing the erection of one dwelling at land adjacent Doveshill Cottages, Badley. The application is submitted with All Matters Reserved except for means of access to the site.
2. 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**

### ACCESS

3. The means of access to the site will be as shown on the submitted block plan drawing. The existing access to Doveshill Farm will be widened. A new access road will be provided along the frontage of Doveshill Farm to serve the application site. This method of access to the site has been chosen because an access directly from the site onto Badley Hill would not be able to achieve the necessary visibility splays. Therefore this proposal provides a safe method of access to and from the application site.

### 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 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. The application site part of the domestic garden of Doveshill Cottage. It is an area of maintained lawn. There are no records or evidence of any protected species or habitat on the application site.

7. It is understood that there are records of GCN present in a pond situated 100m to the North-East of the application site. The pond in question is separated from the application site by the gardens of two other properties. Any concerns the ecologists about marauding newts being impacted upon during the construction of the development could be addressed by a condition requiring protected fencing to be erected during construction.

#### CAR PARKING

8. Adequate car parking will be provided in accordance with the Suffolk Parking Guidelines.

#### CONTAMINATED LAND

9. The application site is accompanied by an Enviroscreen report and Land Contamination Questionnaire.

#### DRAINAGE

10. The proposed dwelling will be connected to the mains sewer if practical. Alternatively, a private treatment plant will be installed. Surface water drainage will discharge to soakaways.

#### FLOOD RISK ASSESSMENT

11. The Environment Agency 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 and is suitable for all forms of development.

#### HERITAGE STATEMENT

12. The application site is not within a conservation area and the proposed dwelling will not affect the setting of any listed buildings. No archaeological sites, Scheduled Ancient Monuments or any other designated heritage assets will be affected by the development.

#### **PLANNING STATEMENT**

#### PLANNING POLICY

13. 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.
14. 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.
15. The Council are in the process of producing a new Joint Local Plan with Babergh District Council. However the document is to be the subject of modifications and therefore has limited weight at this stage.
16. 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)

17. 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.
18. The application site lies outside of any current settlement boundary 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.
19. 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.
20. 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)

21. The Council's Core Strategy was published before the previous and current versions of the NPPF. The Core Strategy provides a spatial strategy and settlement hierarchy for development throughout the district. Policy CS1 of the Strategy does not include Badley on the list of settlements. 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.
22. Policy CS2 deals with development in the countryside. 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 NPPF 2018 and should be considered as being out of date.
23. 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)

24. 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.
25. 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 existing local services in nearby Needham Market.
26. Secondly, the development would meet the social role of sustainable development by providing a new self-build family home.

27. The development of the site would also accord with the environmental role of sustainable development. The site is within walking distance of local services and public transport in Needham Market. Consequently, future occupants would not be reliant on the use of the private car and the proposal would therefore help to reduce vehicular emission and mitigate climate change.
28. The site 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.
29. 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 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 80) 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.

#### Joint Babergh Mid Suffolk Local Plan

30. Proposed main modifications to the Babergh and Mid Suffolk Joint Local Plan are currently at public consultation. Consequently the emerging Local Plan (eLP) does not yet have full weight as it is not part of the development plan. However, the document does give a clear indication of the direction of travel of the Councils policies. Included within the eLP is a policy which allows "*windfall infill development outside settlement boundaries*" (policy LP01).
31. Policy LP01 states "*proposals for windfall development outside settlement boundaries where there is a nucleus of at least ten related dwellings will be acceptable subject to compliance with all the following.*"

- a. *It would not be detrimental to the character and appearance of the settlement, landscape (including the AONB), residential amenity or any heritage environmental community assets.*
- b. *It would not result in consolidating sporadic open development or result in loss in gaps between settlements resulting in coalescence and,*
- c. *The development would usually be for only one or two dwellings”.*

32. This policy clearly complies with policy LP01.

### **Planning Balance**

33. 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.

34. As the site is outside of any current settlement boundary and within the countryside, the proposal is not in accordance with the development plan taken as a whole.

35. 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.

36. 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**

37. 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.

38. The proposal accords with policy LP01 of the eLP.

39. 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.

Phil Cobbold BA PGDip MRTPI

March 2023