



## SUPPORTING STATEMENT

In respect of a planning application for the erection of a single storey dwelling and detached garage with new access to Jack's Green Road at:

Land At 18 St Marys Gardens, Creeting St Mary, Suffolk,  
IP6 8LY

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## 1.0 Introduction

- 1.1 This statement is prepared in support of an application planning permission for the erection of a detached single-storey dwelling on land forming part of the curtilage of 18 St Mary's Gardens, Creeting St Mary.
- 1.2 It will consider the planning policy position and provide an overview of the relevant material considerations relating to the proposed development.
- 1.3 The first extract below shows the location of the site relative to nearby development. The second shows the immediate relationship of the site to neighbouring property.



- 1.4 The application is supported by plans prepared by Nick Peasland Architectural Services Ltd as well as the requisite supporting documents, including an Enviroscreen Report, Land Contamination Questionnaire, Flood Map for Planning Extract and the completed Planning Application Form.

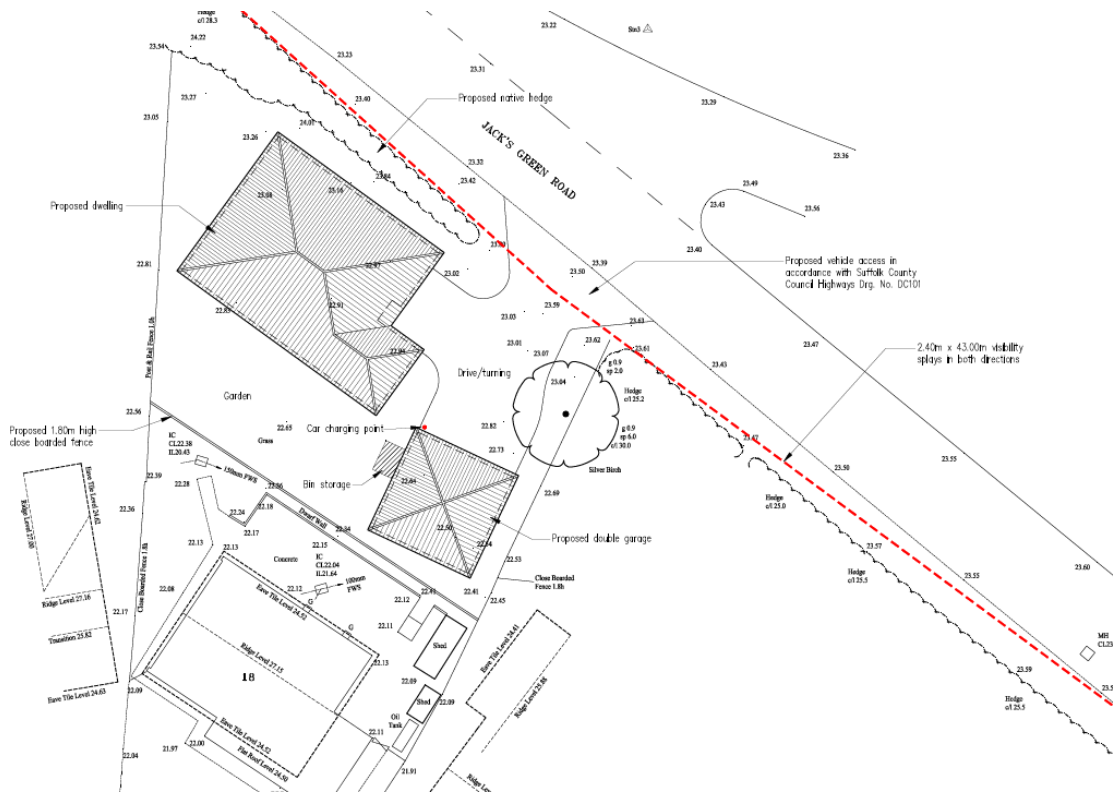
## **2.0 The Site**

- 2.1 The site consists of an area of land to the north of the bungalow known as 18 St Mary's Gardens.
- 2.2 No.18 is located within a close of single-storey dwellings, and backs onto Jack's Green Road. The site lies within the built-up area boundary of this part of Creeting St Mary.
- 2.3 Both Jack's Green Road and St Mary's Gardens are restricted to 30mph in reflection of the residential character of the area, with the 30mph zone starting some distance beyond the site in any direction.
- 2.4 The site is not constrained by any landscape designations, and does not fall within a Conservation Area. The nearest listed buildings are located some distance away and thereby would not be affected by this proposal.
- 2.5 The site falls entirely within Flood Zone 1 and is not, therefore, at risk of flooding.
- 2.6 The site lies opposite a new development of 43 dwellings (DC/22/02924) which is under construction. That development, along with new development approved recently at 33/34 St Mary's Close (DC/21/01448) and at the Breheny Site (DC/18/05612) a short distance along Creeting Road, results in urbanisation of the locality and confirms that this is a location that has been confirmed as being a sustainable location for new development.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for the erection of a detached single-storey dwelling on the land accessed from a new access from Jack's Green Road.
- 3.2 The proposed dwelling is of simple form and would be finished in red brick facades set under a pantile roof. The detached garage is proposed to be constructed of the same material palette.

3.3 The extract below is taken from the proposed layout plan and shows how the new dwelling would be accommodated on the site.



3.4 As can be seen, the garage would be sited adjacent to the dwelling, with access to the new property being provided directly from Jack’s Green Road.

3.5 The layout plan also confirms that visibility splays that can be achieved, demonstrating visibility of 43m in both directions can be achieved.

3.5 Private amenity space is provided to the rear of the dwelling with turning and circulation space to the front of the garage.

#### **4.0 Planning History**

- 4.1 There is no recent planning history at this site that would be relevant to this proposal.
- 4.2 As detailed above, there are many proposals for new dwellings that have been approved in the locality of the site, including:

#### **5.0 Planning Policy Context**

- 5.1 The revised National Planning Policy Framework was published in July 2021. It sets out the Government's planning policy and is a material consideration when determining planning applications.
- 5.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF.
- 5.3 In terms of Local Policy, the following policies are considered to be relevant to this proposal.

#### 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
- CS4 - Adapting to Climate Change
- CS5 - Mid Suffolk's Environment

#### Mid Suffolk Local Plan 1998

- GP1 - Design and Layout of Development
- H3 - Housing Development in Villages
- H13 - Design and Layout of Housing Development
- H15 - Development to Reflect Local Characteristics

- H16 - Protecting Existing Residential Amenity
- SB2 - Development Appropriate to its Setting
- T9 - Parking Standards
- T10 - Highway Considerations in Development

5.4 The Council is also progressing with their new Joint Local Plan (JLP) such that the policies within this emerging plan are starting to be given weight in decision-making. The following policies in that plan are also relevant to this proposal:

- SP01 – Housing Needs
- SP03 – The Sustainable Location of New Development
- LP16 – Biodiversity and Geodiversity
- LP17 – Landscape
- LP23 – Sustainable Construction and Design
- LP24 – Design and Residential Amenity

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 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”*.

6.2 Despite the LPA having, on many occasions, confirmed that their policies are not compliant with the NPPF, in making recent decisions they have sought to argue against that position. It is understood why the Council would wish to maintain a position that their policies are up-to-date, despite the fact that the documents making up their development plan are 14 years and 10 years old respectively and their emerging plan has been significantly delayed again, but to try and do so without due consideration of decisions made at appeal that come to a differing conclusion (and have done so for many years) is not a reasonable position. Indeed, it is to be

noted that until the Council became aware that their emerging plan was going to be delayed, they had not previously questioned the out-of-date nature of their policies for many years. There has been no change in circumstances that would mean those policies should suddenly be given elevated weight when they were not previously.

6.3 This point was the subject of consideration through a recent appeal (Appeal Ref: APP/W3520/W/22/3291011 - Land South of Mill Road, Wyverstone, IP14 4SE dated 27<sup>th</sup> April 2023). In reaching a decision to issue a full award of costs against the Council, an Inspector found that:

*“4. The Council in its evidence reversed a previously accepted position that its locational policies, in particular CS1 and CS2 of the Core Strategy (September 2008) were out-of-date, having been found so at appeal in 2019 (APP/W3520/W/18/3194926). It also sought to distinguish the current appeal from others by pointing to differences in its housing land supply position at the time, and to the cumulative effect of these schemes in terms of creating an unsustainable pattern of development.*

*5. The sites in question are immediately opposite the appeal site, and therefore of no material difference to the appeal site in terms of the distance to the nearest services. The Council failed to explain this inconsistency with its previous decisions where it took a supportive position on accessibility. These were material considerations to which the Council failed to have proper regard.*

*6. In addition, the Council set aside its previous acceptance that certain development plan policies were out-of-date, stating in its Statement of Case that ‘The current adopted local policies used to determine this application are fit for purpose [...] and do not conflict with the NPPF (July 2021).’ These policies were found to be out-of-date on the basis of inconsistency with the Framework, rather than solely by reason of a lack of a five year housing land supply. As such, this inconsistency still holds, regardless of the Council’s improved housing position, and there was no cogent argument advanced by the Council for its complete reversal of position in this respect. The Council also asserted the site was ‘isolated’ in terms of the Framework, contrary to the position established by the Court of Appeal in Braintree<sup>1</sup> and ignoring the several other dwellings close to the site on Mill Lane.*



*7. Ultimately, the Council's evidence amounts to brief, vague assertions of generalised concerns regarding cumulative impact which were not supported by substantive evidence of excessive levels of development in the countryside or resultant harm. Moreover, it failed to take into account relevant material considerations or satisfactorily explain its departure from previous positions in terms of accessibility and the status of relevant development plan policies. This constitutes unreasonable behaviour contrary to the basic guidance of the PPG and the applicant has been faced with the unnecessary expense of contesting the first main issue of the appeal".*

6.4 The Council's policies are out-of-date. The above decision confirms policies CS1 and CS2 remain out-of-date and the unsubstantiated attempts by the Council to alter this position are unjustified. As policy H7 has also been found to be out-of-date, along with aspects of policy CS5, it is clear that the suite of policies relating to rural housing cannot be relied upon as reason to refuse planning permission as a matter of principle.

6.5 The NPPF takes a more flexible approach NPPF to new development in the countryside than the manner in which the development plan approaches such proposals, and this proposal should thereby be considered in light of the three objectives of sustainable development (economic, social and environmental) set out in paragraph 8 of the NPPF. For these reasons, in taking a decision on the proposal, the LPA should grant permission unless:

*"i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

6.6 The site lies within a cluster of properties in the countryside. Paragraph 78 of the NPPF identifies that:

*"78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable*

*housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this”.*

6.7 At paragraph 79, the NPPF states that:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.*

6.8 In addressing the principle of development here, it is noted that the recent decision at 33/34 St Mary’s Close confirmed that:

*“As the site falls within the built-up area boundary of Creting St Mary and could reasonably accommodate one dwelling, the principle of development is likely to be acceptable, subject to finalised designs. As the site is garden land, the final design needs to account for spatial constraints to avoid overdevelopment. The development would represent a form of infill development which is considered appropriate in a village setting”.*

6.9 This proposal is for a detached dwelling, and is thereby a suitable infill development where it is clear the principle of development is not at question here. The emerging plan does not change the settlement boundaries and, as such, what follows is an assessment of the relevant material considerations that are to be taken into account in the determination of this application.

#### Sustainability

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

- 6.11 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.
- 6.12 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”*.
- 6.13 Notwithstanding that a proposal in this location would contribute to enhancing and maintaining services in this village and neighbouring areas, including Needham market and Stowmarket, 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.
- 6.14 The delivery of a new single-storey 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. Therefore, it is considered that the proposal meets the social objective of sustainable development. Furthermore, 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 permission be granted. 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.

- 6.15 With regards to the environmental elements of the proposal, the proposed dwellings would be built to the current, and recently updated, 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 (including air source heat pumps), and would be constructed utilising water efficient taps, showers and toilets, and energy efficient white goods.
- 6.16 Given the siting of the dwelling on existing garden land within the settlement boundary, the proposal also aligns with the environmental aspects of the NPPF which seek to make the most efficient and effective use of land, especially in already built up areas.
- 6.17 As such, it is felt 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.

#### Design and Layout

- 6.18 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.
- 6.19 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.

- 6.20 The application proposal results from a robust assessment of the site and surroundings. The proposal reflects the form and scale of the surrounding development, and has been designed to sit comfortably within this context. It reflects the evolved pattern of development, and would provide an active frontage to Jacks Green Road.
- 6.21 Both the existing and new properties would have useable garden space, dedicated parking areas and road frontages. The site can accommodate all of the required infrastructure, including bin storage and electric vehicle charging. The proposal would not, thereby, constitute an overdevelopment of the site.
- 6.22 The proposal has thereby demonstrated compliance with the aforementioned design policies.

#### Highway Safety and Parking

- 6.23 Policy T9 and T10 requires development to be delivered with safe and sufficient highways access and function.
- 6.24 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.
- 6.25 The proposal seeks new access directly from Jack's Green Road where there is excellent visibility in both directions and splays of 2.4m x 43m are indicated on the submitted layout plan. These splays are reflective of those agreed in respect of the new access from Jack's Green Road that serves the two new dwellings recently approved at 33/34 St Mary's Close. They are therefore safe and suitable for all users
- 6.26 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 turning space is functional and enables vehicles to enter and exit in a forward gear.

- 6.27 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

- 6.28 Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
- 6.29 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.
- 6.30 The layout of 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.
- 6.31 Occupants of the property would benefit from private amenity space that is not overlooked and which would be set away from the road. As such, the proposal would offer good quality amenity space in line with the aims of paragraph 130 of the NPPF.

#### Landscape Impact/Trees and Biodiversity

- 6.32 The site is not constrained by any specific landscape designations, and there is nothing to suggest there would be any harmful landscape impacts resulting from this proposal given its residential setting.
- 6.33 The removal of hedging to the site boundary will be replaced by a new native hedge along the front of the dwelling to the inner edge of the visibility splay.
- 6.34 The new dwelling would be seen as a continuation of the built form along this part of the road and would not intrude in any longer views of the site from the wider countryside.

### Heritage Impacts

- 6.35 The proposal would not affect the setting of any listed buildings and is not within a Conservation Area.
- 6.36 The proposal would not, therefore, give rise to any harm to heritage assets.

### Flood Risk and Drainage

- 6.37 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.
- 6.38 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

- 6.39 The application is supported by the Council's Land Contamination Questionnaire and an Envirosearch report which demonstrate that the development is not at risk from land contamination.

## **7.0 Planning Balance**

- 7.1 The proposal seeks planning permission for the erection of a detached single-storey dwelling with new access on this underused parcel of land set adjacent to other residential properties in the settlement boundary.
- 7.2 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.

- 7.3 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.
- 7.4 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). Policies in the emerging Joint Local Plan are also relevant, despite it being unclear what weight is currently being given to them. In light of this application relating to a proposal for new housing, an important consideration in determining this application is that the site lies within the settlement boundary where the principle of development is not at question.
- 7.5 The proposal has, therefore, 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.
- 7.6 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 Creting St Mary being no different.
- 7.7 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. In this regard, and in the absence of any



recognisable detriment to matters such as heritage assets, land contamination, biodiversity 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 use of renewable technologies would facilitate a low-carbon development;
- The construction of the dwelling would include significant insulation and energy efficient white goods, and would include water efficient showers and toilets;
- The proposal makes efficient reuse of land within the settlement boundary, reducing the need to deliver housing in more environmentally sensitive areas.

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 a modest dwelling to the market would contribute to the district's 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.