



WILKINSON
PLANNING

Planning Statement

SITE

Land East of 10 Gate Farm Road, Shotley, Suffolk,
IP9 1QH

PROPOSAL FOR

Outline - Erection of up to 6 no. dwellings (with
access)

PROPOSAL BY

Mr and Mrs Pack

August 2023

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1.0 Introduction

- 1.1 This Statement is produced for and on behalf of Mr and Mrs Pack in respect of; Outline – Erection of up to 6 no. dwellings (access to be considered) at Land East of 10 Gate Farm Road, Shotley, Suffolk, IP9 1QH.
- 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 extract below shows the location of the site relative to its surroundings and other nearby development.

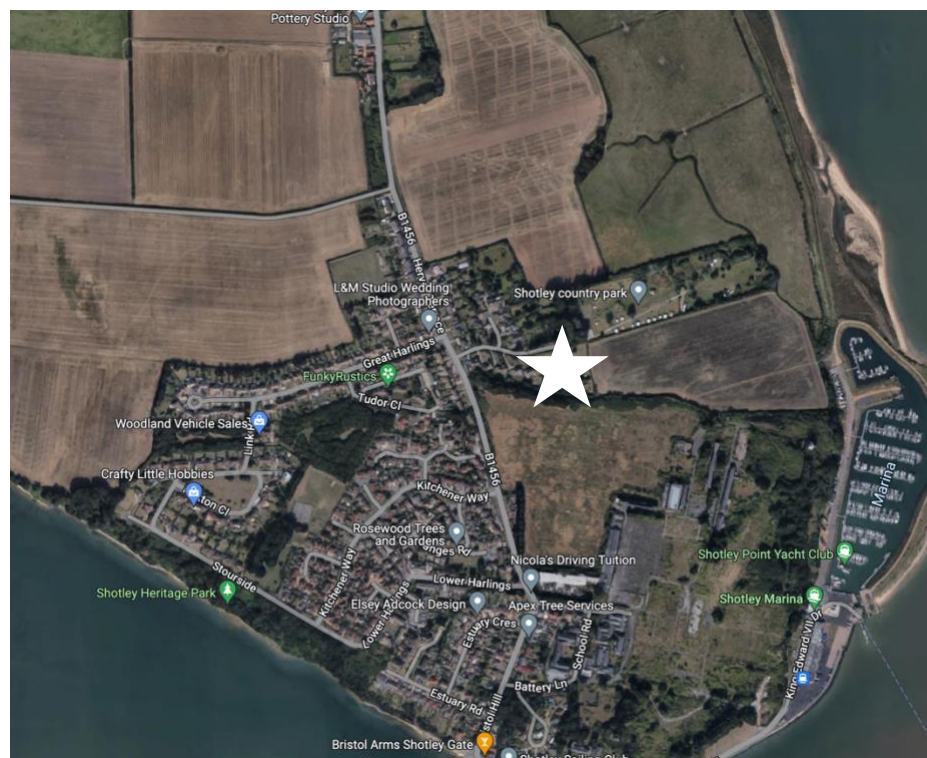


Figure 1.3.1 Aerial View

2.0 Site and Surrounding Area

- 2.1 The site extends 0.49 hectares and comprises of maintained garden land. The site is enclosed to by mature trees and hedgerows and lies to the south of Gate Farm Road. Gate Farm Road is characterised by a range of detached white brick bungalows and two-storey dwellings. Shotley Country Park (residential park homes) lies north-east of the site. To the south is the

site of former HMS Ganges naval training centre. Through the eyes of planning policy, the site is located outside of the built-up area boundary for Shotley Gate (Hinterland Village) but is east of and adjacent to it.

2.2 The site does not contain any listed buildings and there are no listed buildings nearby. The site is not within any Conservation Area but is north of the Shotley Gate Conservation Area. The site is not within any Special Landscape Area however the site does fall in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). There are no protected trees on site. There are no nearby Public Rights of Way. The site is not vulnerable to flooding. The site falls within the 13km Zone of Influence of the Stour and Orwell Estuaries Special Protection Area and Ramsar Site. There is regular bus service running Monday to Saturday from bus stops located 0.1 miles northwest and 0.2 miles southwest of the site, which connects the site to Ipswich. There is a primary school further northwest along The Street.

3.0 Proposal

3.1 The proposal seeks; Outline – Erection of up to 6 no. dwellings (with access).

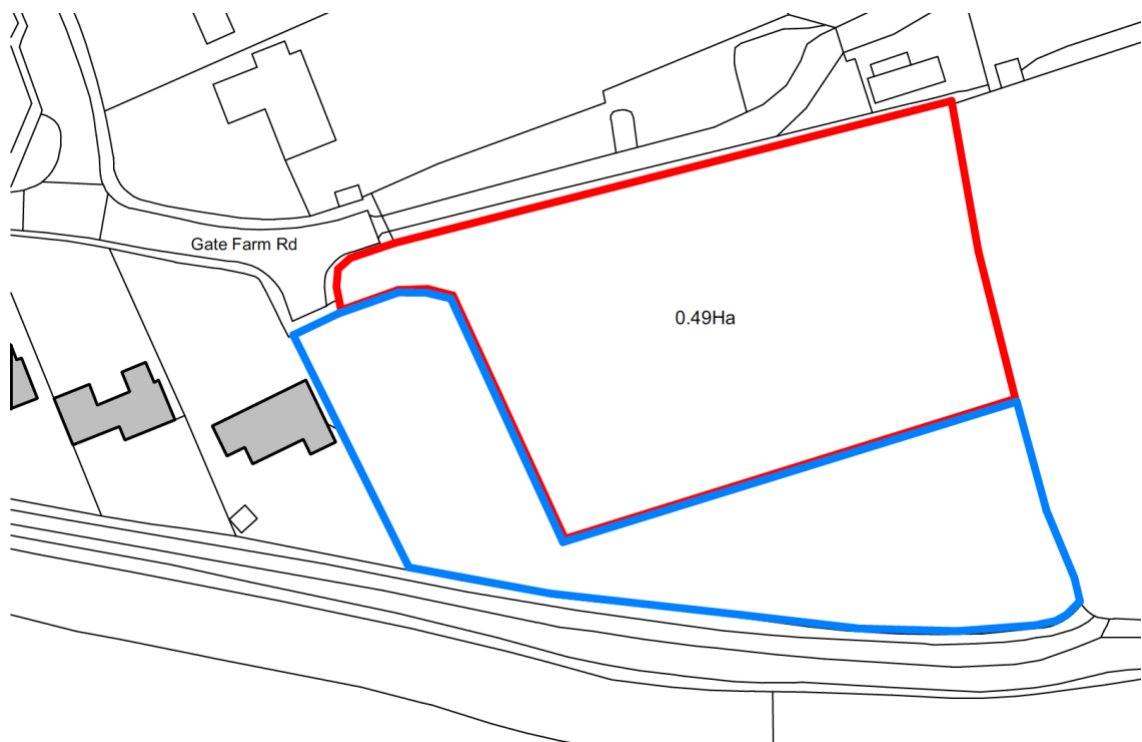


Figure 3.1.1 Site Location Plan



Figure 3.1.2 Indicative Site Plan

3.2 The application is supported by a suite of plans and documents including;

- Application Form
- Planning Drawings
- Planning Statement
- Land Contamination Report
- Ecology Report

4.0 Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with 'the Plan' unless material considerations indicate otherwise.

- 4.2 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.
- 4.3 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers in interpretation the NPPF.

Babergh Core Strategy (2014)

- Policy CS1: Applying the Presumption in Favour of Sustainable Development in Babergh
- Policy CS2: Settlement Pattern Policy
- Policy CS11: Core and Hinterland Villages
- Policy CS15: Implementing Sustainable Development in Babergh
- Policy CS18: Mix and Types of Dwellings

Babergh Local Plan Alteration No.2 (2006)

- Policy CN01: Design Standards
- Policy CR02: Area of Outstanding Natural Beauty
- Policy CR07: Landscaping Schemes
- Policy CR08: Hedgerows
- Policy TP15: Parking Standards

Draft Submission Joint Local Plan (Regulation 22) (2021)

- Babergh and Mid Suffolk Joint Local Plan Topic Paper - Settlement Hierarchy Review (November 2020)
- Infrastructure Delivery Plan (September 2020)

The Joint Local Plan carries limited weight for decision making purposes, however, it is noted that this is likely to increase as the plan progresses through examination. Unless and until all objections are resolved, it is reasonable to conclude that limited weight is attached to this new document as being part of the development plan, including any documents forming part of the evidence base. It is necessary to note the application site relative to the emerging local

plan, which identifies Shotley as a Hinterland Village given the level services, facilities and amenities available.

Supplementary Planning Guidance

- Nationally Described Space Standards (2019)
- Suffolk Guidance for Parking (2019)
- Rural Development and Core Strategy Policy CS11 (2014)
- Suffolk Design Guide (2000)

National Planning Policy Framework (2021)

- Para 7: Achieving sustainable development
- Para 8: Three dimensions to sustainable development
- Para 11 – 14: The presumption in favour of sustainable development
- Para 47 – 50: Determination of planning applications
- Para 60: Housing delivery
- Para 69: Windfall sites
- Para 79: Rural Housing
- Para 105: Transport choices
- Para 110 – 111: Highways impacts
- Para 119 – 120: Making effective use of land
- Para 130: Design quality
- Para 174: Landscape
- Para 176: AONB
- Para 181: Habitats and biodiversity

4.4 The Council is currently in the process of preparing a new Joint Local Plan (JLP) with its partner authority, Mid Suffolk District Council. The JLP is under examination as of June 2023 and shall remain ongoing. It is not presently clear whether the plan will be found sound and the recent issue of unresolved objections has raised other issues that require further modification to the Plan. It follows that only 'limited weight' should be applied to the JLP as a consideration and that it is the current development plan policies which are determinative in this case.

- 4.5 The NPPF sets out the Government’s planning policies for England and how these should be applied. Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. The NPPF goes on to state, however, that “*they are not criteria against which every decision can or should be judged*” (para. 9). The policy paragraphs, footnotes, and annexes to the NPPF should be considered as a whole. Nevertheless, the key considerations that apply to this appeal are dealt with below.
- 4.6 Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development.
- 4.7 It will be shown that the application accords with the development plan as a whole because of its compliance with the important policies for its determination. Such a view is entirely consistent with the recent *Corbett* judgment of the Court of Appeal (*Cornwall Council v Corbett* [2020] EWCA Civ 508). Thus, in accordance with NPPF para. 11(c) planning permission should be granted without delay.
- 4.8 In any event, it is evident that the most important ‘basket of policies’ CS1 and CS15 are out-of-date, and that CS2 and CS11 conflict with the NPPF. Furthermore, the LPA’s 5 Year Housing Land Supply cannot be relied upon, and with the emerging JLP still under examination, this means that paragraph 11(d) of the Framework applies, and the “tilted balance” is engaged.
- 4.9 This was similar to the finding in an appeal in Leavenheath (ref. 3298935) where it is important to set out the findings of the Inspector in relation to the locational context of the scheme in this case:

“Suitability of the Location

3. The appeal site is an area of open land with a frontage on the A134 and adjacent to Plough Lane, a narrow lane running off the main road. Leavenheath village is located on the opposite side of the A134, with smaller hamlets to the north around Harrow Street and to the south at Honey Tye. There are a small number of dwellings

immediately to the north and south of the appeal site on the same side of the main road.

4. Policy CS2 of the Babergh Core Strategy & Policies (2014) (the CSP) sets out the settlement pattern with regard to the plan's development strategy to 2031. Leavenheath is identified as a Hinterland Village, which together with the other listed villages in this category, will accommodate some development to help meet the needs within them. However, the appeal site is located within the countryside outside the settlement boundary where Policy CS2 says that development will only be permitted in exceptional circumstances subject to a proven justifiable need.

5. Policy CS2 requires all proposals within Hinterland Villages to be assessed against Policy CS11 of the CSP. Policy CS11 also includes the requirement that development proposals should meet a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan/neighbourhood plan. The Council indicates that the proposal for the large three bedroom properties does not meet a proven local need.

6. I am not aware that a neighbourhood or community plan exists for Leavenheath and no other evidence is provided about need. The proposal is for two dwellings and in such circumstances where there is no local evidence related to need in the form of a neighbourhood plan or other published needs survey, some flexibility should be applied. I am also mindful that the National Planning Policy Framework (the Framework), which is a material consideration, does not preclude residential development in these circumstances where there is no proven need.

7. Policy CS15 includes the requirement that development should seek to minimise the need to travel by car. Leavenheath has a village hall, but no other services or facilities required for day-to-day needs. Permission has been granted recently for a community village shop at the Hare & Hounds Public House at Harrow Street to the north of the appeal site¹. While this is not within close walking distance, there is a footpath alongside the main road and this facility would reduce otherwise longer journeys to provide for day-to-day needs.

8. *The nearest core villages, which provide a wider range of services and facilities, are Boxford, which is just over three miles to the north, and Nayland, which is just over two miles to the south-east. Access to these settlements would not involve significant travel distances within the context of a rural setting, although such journeys are most likely to be undertaken by private vehicle than by walking or cycling. However, the Framework recognises that opportunities to maximise sustainable travel solutions will vary between urban and rural areas, and this should be taken into account in decision-making².*

9. *There is a bus stop around 250 metres from the appeal site on the eastern side of the A134, which provides services to Colchester and Sudbury. While the main parties have different views about the extent of services to and from this stop, there is some evidence of regular if infrequent services that would provide a sustainable alternative to private vehicle use for some journeys.* *I do not consider that crossing the A134 in this location is a barrier to use of this bus service, particularly as visibility is good and this will already occur for some existing residents. While there is a bus stop on High Road, there is little evidence about the service it provides and the lack of a footpath along the road makes it less easily accessible from the appeal site. Bus services can be changed or removed, as the Council contends, but conjecture about the future sustainability of such services cannot have a determinative bearing on the decision in this case.*

10. *There is a policy conflict due to the proposal's location outside defined settlement boundaries and I acknowledge the intention behind Policy CS2 to focus development within settlements. However, the appeal site is close to dwellings within Leavenheath and to other residential properties on the same side of the road and Plough Lane. Therefore, two further dwellings would not add significantly to the journeys that already occur from the nearby village and other nearby dwellings outside the settlement. There are some opportunities to use public transport from this location and a new village shop is likely to be provided relatively close to the site. Moreover, Policy CS15 allows some flexibility in its application by recognising the scale and nature of a particular proposal and the Framework does not preclude residential development in the circumstances of this case. Therefore, in the particular*

circumstances of this case, for the reasons given, no material harm would result from the two dwellings.

11. Accordingly, I conclude that the location would not be unsuitable for the proposed development and, consequently, there is no conflict with Policies CS11 and CS15 (xviii) of the CSP, as referred to above. Any such conflict with Policy CS2 of the CSP is outweighed by the considerations set out above for the reasons given. The Council also refers to the proposal being contrary to other criteria in Policy CS15, relating to the local economy, provision and retention of services and addressing climate change. However, no further details or evidence is provided with regard to this policy conflict and, as already noted, Policy CS15 recognises that the scale and nature of a particular proposal will have a bearing. As such, based on the appeal submissions, I find that the provision of two dwellings would not result in any direct conflict with these elements of Policy CS15. In addition, there is no conflict with the Framework.”

4.10 The above appeal decision is important because in that case, where it could be shown that the location of development was suitable, the benefits of housing were considered to be overriding to the fact that the site was in the countryside. Those considerations apply in this case.

4.11 The courts have explained how the “tilted balance” operates in such circumstances. For example, in the case of *Cheshire East vs SSCLG* (2016) EWHC 571 (Admin), Mr. Justice Jay stated:

“Another way of putting the matter is that the scales, or the balance, is weighted, loaded, or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts.”

4.12 As the sustainability section of this statement will explain, the proposal can avoid adverse effects and therefore there is no policy basis to disapply the tilted balance in this case. The opportunity to make a contribution to the housing shortfall in the plan area, in the short term, is a very important benefit in socio-economic terms alongside its ecological and energy efficiency credentials.

4.13 An assessment of the proposal under the above policy context is detailed below and in consideration of the planning matters material to this application. It will be demonstrated that the proposed development not only adheres to the development plan as a whole first and foremost, but also adheres to the policies of the NPPF. Planning permission should be granted without delay where there are overriding benefits in allowing development to proceed.

5.0 Planning History

5.1 The site has not been subject to any planning application submission in the past, but has been subject to pre app under reference DC/22/03678.

6.0 Material Planning Considerations

6.1 Principle of Development

6.2 At a local level, policy CS1 identifies a settlement hierarchy to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. Whilst through the eyes of planning policy the site is technically located in the countryside, the site is bound north and west by residential development, with consented development south forming part of the HMS Ganges redevelopment. The site is therefore well related to established settlement.

6.3 Furthermore, the presumption in favour of sustainable development is set out in policy CS1 of the development plan and seeks to replicate the terms of the presumption as found within paragraph 11 of the NPPF. It is clear, therefore, that the presumption is set out within the development plan and, as such, the application of the presumption is not simply weighed as a material consideration within the NPPF but is a consideration against which all proposals must be determined. The LPA cannot choose not to apply it because they consider they have a Five Year Housing Land Supply, as that test does not exist in policy. The development plan has primacy, and the LPA would be incorrect in law if they chose not to apply it.

6.4 **Policy CS2** designates Shotley as a Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances

subject to a proven justified need. However, this approach is not consistent with the NPPF, which favours a more balanced approach to decision making.

- 6.5 This has been reflected in several recent planning appeal decisions affecting the LPA and was notably the view expressed by the Secretary of State in Long Melford, Suffolk (reference: APP/D3505/W/18/3214377) which was recovered by the Secretary of State and issued on 1st April 2020. In respect of policy CS2, paragraph 166 of the Inspectors Report states:

“It’s development management test for development in the countryside is out of date as the Council accepts that the requirement to demonstrate exceptional circumstances for development in the countryside conflicts with the NPPF. That conflict means that the policy must have the weight afforded to it reduced. To reduce the weight to the policy from substantial to significant as a result of the lack of a five year supply, which is the Council’s approach, shows that it affords too great a weight to the policy with its defective development management test. The NPPF does not contain a blanket approach to development in the countryside, still less does it impose a test of exceptional circumstances for such development”.

- 6.6 These appeal decisions follow on from a materially consistent scheme for 4 no. dwellings in Greenlawns Bonsai Nursery, Boxford (reference: APP/D3505/W/19/3240526) issued on 11th March 2020. At paragraph 24, the Inspector states:

“I have identified conflict with Policy CS2 of the Core Strategy. However, this is a restrictive policy that offers support to development in the countryside only in exceptional circumstances. It is not wholly consistent with the Framework in terms of its approach to rural housing. Indeed, the Framework is less restrictive and sets out that housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Thus, the fact that the site is located outside of any defined settlement boundary is not a determinative factor in this case and I apportion limited weight to the proposal’s conflict with Policy CS2.”

- 6.7 This is emphasised further through concessions by Officers in Delegated Reports. A scheme issued on 3rd July 2020 in Hadleigh (reference: DC/20/01467) states:

“The application site is situated outside the settlement boundary however it is within close proximity to Hadleigh itself which is a Town and therefore has sufficient facilities and services to meet daily needs. Whilst it is noted that there is no pavement/footpath and that the road which serves the existing residential properties is 40mph and other parts the national speed limit of 60mph, however the proposed dwelling would be in a similar situation the existing neighbouring properties adjacent to the site and along Stone Street”.

- 6.8 It is clear therefore that if a proposal is of a ‘similar situation’ to existing neighbours, that the principle is acceptable even if there is no pavement or footpath serving the site.
- 6.9 There is therefore a consistent pattern of limited weight attributed to policy CS2 by the LPA and Inspectors, including concerns around the LPA’s 5 Year Housing Land Supply position, which one may consider to be marginal at best. The fact that the location of the application site is outside of the defined settlement boundary prescribed by policy CS2, is not a determinative factor in the consideration of this proposal, and there is nothing to suggest otherwise.
- 6.10 **Policy CS11** seeks to provide greater flexibility in the location of new housing development in Core and Hinterland Villages. The site is an edge of settlement location where the criteria set out at policy CS11 are engaged.
- 6.11 Policy CS11 states that development in Core and Hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement, and which score positively when assessed against policy CS15, relevant to the scale and location of the proposal.
- 6.12 It is therefore necessary to perform the test of policy CS11:
- i) the landscape, environmental and heritage characteristics of the village;
- 6.13 Gate Farm Road, within which the site is located, is characterised by a relatively linear run of property extending down from the main road running through Shotley known as Hervey Terrace. Two-storey dwellings flank the western boundary, with more two-storey units

located beyond these immediate environs north and south. The adjacency of neighbouring development means the site does not appear isolated in a visual sense. The site is certainly not considered to form part of the open countryside, contrasting vividly with the open agricultural fields further out from the village centre, and the coastline. The site is very much part of the built form of the locality.

- 6.14 The inevitable urbanising effects of built form would be mitigated by a bespoke landscaping scheme at reserved matters. As such there would be no anticipated detrimental adverse effects on the landscape as a whole, as a result of the proposed development. In considering effects upon landscape character, what amounts to a limited change on a small part of a view (as receptors travel along Gate Farm Road and / or the PROW to the south), the site would not detrimentally or materially affect the experience of the landscape. The development will not appear isolated in a visual sense, owing to the enclosed nature of the north, south and western boundaries set amongst established built form and garden land.

ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);

- 6.15 Whilst the site is within the Suffolk Coast and Heaths AONB, the site is well located adjacent to existing development and would be integrated within it, contained within established soft landscape boundaries, such that the overall visual and landscape impacts are minimised.
- 6.16 The scheme will be read as a logical addition owing to the settlement pattern of this part of the village, continuing the linear pattern of development, but not extending as eastwards as the park home site northeast.
- 6.17 Moreover, there is a genuine choice of transport modes with a regular bus service running from bus stops near to the site, further connecting the site to neighbouring villages and Ipswich. Whilst Shotley itself only has a public house, sailing club, heritage park and museum, a short distance northwest (1 mile) within Shotley is a post office, public house, primary school, garage, takeaway and GP surgery. As per CS11 and paragraph 79 of the NPPF, development in one settlement may support and be supported by services and facilities within other nearby settlements, which in the case of local policy are those settlements within the same functional cluster (Holbrook).

6.18 Appearance, scale and layout are reserved matters. The indicative layout shows that the proposal is sensitively considered, with a quantum of development that is balanced and deliverable, reflective of adjacent development. The site is contained at its northern, southern and western extremity, and could be enhanced with the addition of landscaping, especially along the eastern boundary which can be secured through planning condition. Moreover, the materials, colours and external lighting, which are key considerations for development within the AONB could be carefully considered and delivered in a sympathetic manner within a reserved matters submission.

iii) site location and sequential approach to site selection;

6.19 The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the settlement boundary which would enable a development of a scale commensurate with the proposal. There are no other brownfield sites being promoted for development within or around the locality of this scale. Case Law handed down by the Courts through *R (on the application of East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin) has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier.

iv) locally identified need - housing and employment, and specific local needs such as affordable housing;

6.20 It is not reasonable for a proposal of this nature and extent to present a full Local Housing Needs Assessment (LHNA) consisting of primary and / or secondary source data. It is not proportionate for a proposal of this scale to be expected (in each and every case) to provide a LHNA. Such requirement would be entirely unreasonable. Certainly, this is the view shared by Officers in Delegated Reports throughout the District for schemes of a materially consistent nature.

6.21 A materially consistent Hinterland Village proposal was approved by the LPA on 3rd August 2020 for a site in *Hitcham* (reference: DC/20/01794). The Delegated Report states:

6.22 *“In the absence of such a statement, the application submission has not adequately demonstrated how the proposal would meet this element of Policy CS11. However, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that counter-balances to some extent this policy conflict. The absence of a supporting needs assessment is therefore not, in its own right, fatal to the application”*

6.23 The stance taken by the LPA is apparent in numerous Delegated Reports. Another example (again, a proposal of a materially consistent Hinterland Village nature and extent) can be found in *Elmsett (reference: DC/19/01949)* where the Officer states:

6.24 *“The relevance of a housing needs survey to a two dwelling development is very limited. In strict policy terms there is a conflict however it is not fatal to the application”.*

6.25 Nonetheless, whilst the applicant is evidently not required to present a LHNA, there is no reason to suggest that the proposal couldn't meet the identified needs of the locale. The mix, type and size of the housing development will be expected to reflect established needs in the District through policy CS15 also, secured by reserved matters.

6.26 The modest proposal offers the opportunity to provide a sought after homes of a desirable form, which are suitable for young, middle aged or elderly occupants. The proposal clearly connects with the expectations of policy CS18 and would make a positive contribution to the overall thrust of providing local needs housing required at a national level.

v) locally identified community needs; and

6.27 It is not reasonable for a proposal of this nature and extent to present a full Locally Identified Community Needs Assessment (LICNA) consisting of primary and / or secondary source data. Such requirement would be entirely unreasonable, and this is the view shared by Officers in Delegated Reports throughout the District for schemes of a materially consistent nature. Nonetheless, the development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local

services and facilities. In this regard, despite the absence of a LICNA, the proposal delivers abundant benefits through CIL.

vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.

- 6.28 The availability of transport connections and key services is a clear indicator that the site is well served. It is considered that the cumulative impact of the development can be accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village or wider locality.

Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed and where the proposed development:

i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;

- 6.29 The modest scale of development is consistent with that of neighbouring development. The setting of the village will not be overwhelmed or adversely impacted in a visual sense and any potential impacts could in any event be mitigated through appropriate scale and landscaping delivered at reserved matters.

ii) is adjacent or well related to the existing pattern of development for that settlement;

- 6.30 As noted above, the site relates very well to the existing development pattern, sitting amongst the rhythm of established built form.

iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;

- 6.31 As noted above, the proposal delivers sought after housing of a desirable form. Shotley Parish Council have not progressed a Neighbourhood Plan upon which to assess the site against.



iv) supports local services and/or creates or expands employment opportunities; and

6.32 The development would sustain employment opportunities through the construction phase and will enhance the spending power of the village through the introduction of new residents. Local services will be supported through occupation of the units.

v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster”.

6.33 The modest scale of development will ensure there will be no adverse cumulative impact on the village or other nearby settlements. The proposal will not compromise other approved developments either.

6.34 **Policy CS15** is a detailed policy setting 19 criteria as to how sustainable development will be implemented in Babergh. The proposal has been assessed against these criteria and is compliant with the policy taken overall (bearing in mind not all of the criteria are applicable to the application given its outline nature).

6.35 This statement has already considered other inter-alia policies which overlap with elements of policy CS15. The scheme scores extremely well against the policy CS15, for which the key considerations can be summarised:

- The proposal would provide work for contractors before, during and after the construction period, thereby providing positive economic impacts through local spend within the community (criterion iii of CS15).
- The proposed development would enhance spending power locally and would support local services, facilities and amenities, and protecting the economic and social vitality of the rural community (criterion v of CS15).
- The application site is near to bus stops running regular services into Ipswich, making public transport readily available and convenient (criterion iv of CS15).
- The application site is not vulnerable to flooding from any source. It is therefore considered that the application site is sequentially appropriate for residential development (criterion xi of CS15).

- During construction, methods will be employed to minimise waste (criterion xiv of CS15).
- The proposed dwellings would be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).

6.36 The environmental aspects relating to sustainable drainage (criteria x and xii of CS15), the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be discussed later in this statement.

6.37 The scheme cannot be considered ‘isolated’ based upon the precedent set within the District, but also when applying Case Law precedent:

Braintree District Council v Secretary of State for Communities and Local Government & Others [2018] EWCA Civ 610

6.38 A High Court judgment dated 15th November 2017 has shed light on the correct interpretation of the NPPF when it comes to determining whether a development is isolated. It related to a case at Wethersfield in the district of Braintree. The following is a concise summary taken from the Planning Resource website (note that reference to Paragraph 55 should now be read as Paragraph 80):

“Developer Granville Developments had been refused planning permission to build the new homes off Lower Green Road, Blackmore End, Wethersfield, but successfully appealed to a planning inspector who granted consent in February this year. He found that, even on the most favourable interpretation, the area’s deliverable sites for new housing fell well below the five-year supply required by the National Planning Policy Framework (NPPF). The development would not cause material harm to the character and appearance of the area and, although it was not within an established settlement boundary, there were a number of houses nearby and the bungalows could not be viewed as isolated dwellings in the countryside. In challenging the inspector’s decision, Braintree District Council argued that he had wrongly interpreted the NPPF. Given the paucity of services and amenities in the area, residents of the bungalows would be required to rely heavily on their cars and the new dwellings would clearly be isolated, it argued. Mrs Justice Lang noted that the word isolated is not defined in the NPPF. However,

in dismissing the council's appeal, she found that the council's interpretation was too restrictive. She noted that there were existing dwellings to the north and south of the development site - which was originally home to agricultural buildings that had been demolished. There was also a home to the west, on the other side of a road. In his decision, the inspector had also justifiably focused on the economic benefits of the scheme in providing work for local builders and the likelihood that two new households would give their custom to local businesses”.

6.39 Specifically, Mrs Justice Lang concluded (paragraphs 28 and 29):

“28. NPPF 55 cannot be read as a policy against development in settlements without facilities and services since it expressly recognises that development in a small village may enhance and maintain services in a neighbouring village, as people travel to use them. The PPG advises that “all settlements can play a role in delivering sustainable development in rural areas”, cross-referencing to NPPF 55, “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. NPPF 17 penultimate bullet point identifies as a core planning principle to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. But as the PPG states, NPPF 29 and 34 recognise that 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 scale of the proposed development may also be a relevant factor when considering transport and accessibility. As Mr Dagg rightly pointed out, the policy in NPPF 17 in favour of focusing development in locations which are or can be made sustainable applies in particular to “significant development”.²⁹ For these reasons, I agree with the Defendants that the Claimant was seeking to add an impermissible gloss to NPPF 55 in order to give it a meaning not found in its wording and not justified by its context.”

6.40 The decision of Mrs Justice Lang was the subject of reference to the Court of Appeal by Braintree District Council, and Lord Justice Lindblom (on 28th March 2018) upheld the decision. Therefore, it follows that if the development is not isolated in the ordinary meaning of the word, paragraph 80 of the NPPF is not engaged.

- 6.41 At a national level, 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”*.
- 6.42 Paragraph 60 is a clear mark of Government’s drive to provide housing; *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 6.43 Paragraph 69 clearly sets out that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and that local planning authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements.
- 6.44 Paragraph 105 holds relevance and importance in the overall consideration of this application; *“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.”*
- 6.45 Paragraph 119 provides commentary to this effect, stating that; *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*.
- 6.46 The direction of policy at a national level is clear in encouraging sustainable forms of small-scale rural developments, helping to maintain housing supply and enhancing the vitality of rural communities.

6.47 The proposal is located as to enable future occupiers access to local services and facilities. On that basis, the application is therefore also consistent with the most important policies.

6.48 Within the above context the principle of development is satisfactory having regard to the relationship of the site to an existing settlement and the overall spatial strategy of local planning policy. It should be common ground that the “tilted balance” applies.

6.49 The applicants are of the firm opinion that the proposal is:

- Sustainable in its performance, function and efficiency (held by reserved matters)
- Immediately adjacent to established settlement
- Presents limited encroachment into the open countryside
- Well enclosed by established mature hedgerows and trees

6.50 Overall, therefore, the principle of development is satisfied and would accord with the development plan. This is because overriding benefits allow for development to proceed. For all of these reasons, the applicant considers that the proposal has demonstrated qualities that accord with development plan and the flexible approach advocated by the NPPF, and that the balance would fall in favour of this proposal.

6.51 Sustainability

6.52 Paragraph 8 of the NPPF sets out three dimensions for sustainable development:

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

6.53 It is a well settled principle that the test of connectivity considers two main aspects, being:

- The relationship to existing built development,
- The relationship to facilities and services, and their accessibility

6.54 The relationship to existing built development - The site is situated closely related to built form, to the north and west along Gate Farm Road. The site is therefore considered inherently sustainable by virtue of its superior relationship to existing built development. As such, and in consideration of the extent of the defined site outline, the proposal is spatially related, and could strengthen the settlement pattern through reserved matters.

6.55 The relationship to services, facilities and amenities, and their accessibility - Within the nearby area there are a number of essential services, facilities and amenities. Paragraph 105 of the NPPF also recognises that options to utilise sustainable transport options will vary between urban and rural areas.

6.56 The site is closely connected to the Shotley. The site is well served by available public transport, owing to the bus stops near to the site. Furthermore, there is nothing before the LPA to suggest that cycling would not be a feasible mode of active transport either.

6.57 Economically, the proposal would generate a benefit for local trade before, during and after construction. Furthermore, there will be a positive benefit through support of local amenities, facilities and services available from future owner / occupiers. Financially, the proposal would contribute to Council Tax. The dwellings proposed would also hold potential to be ‘work from home’ enabled, through a high-speed broadband network and devoted home workspace.

6.58 Socially, the proposal yields positive benefits through the creation of a healthy and functionally sound dwellings which are conducive for day-to-day living, with positive interaction within the immediate and surrounding areas. Positive contribution to the local community can in some instances stimulate stronger communities. The space provided will

enable good domestic enjoyment without materially hindering or oppressing the social enjoyment experienced by neighbouring property. The proposal provides a contribution to much needed housing of a desirable form, including affordable housing units.

6.59 Environmentally, the site benefits from connections. The proposal does not offer a materially harmful character area or residential amenity intrusion. The proposed works will exceed current Building Regulations standards, embedding positive measures to reduce carbon emissions and energy usage.

6.60 The proposal carries the opportunity to incorporate the following sustainable benefits:

- Grey water filtration units
- Swift bricks
- Hedgehog friendly fencing
- Triple glaze windows and doors
- High performance insulation (GWP less than 5)
- Energy efficient integrated appliances
- Solar energy
- Air / Ground source heat pumps
- Electric vehicle charging points
- Renewable technologies which would facilitate low-carbon development

6.61 Notwithstanding the limited harm this scheme would create, these benefits are considered to go a significant way in offsetting any limited environmental harm that may occur. As such, any harm would not significantly and demonstrably outweigh the benefits of the scheme.

6.62 The proposal reflects the essence of paragraph 8 of the NPPF, and is therefore considered economically, socially and environmentally sustainable.

6.63 Highways Access, Parking and Safety

6.64 Paragraph 110 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. The courts have held that

the principle should not be interpreted to mean anything other than a severe impact on highway safety to be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*), which this proposal does not create.

6.65 Highways safety is an integral aspect of the scheme. Certainly, from assessment of the plans, and the nature and extent of the access / egress, the applicant is of the sound opinion that a safe access / egress can be achieved on site. The site would benefit from an established access point, with visibility splays which surpass the minimum LLHA requirements.

6.66 From the main body of the site, sufficient space can be provided to allow a vehicle to manoeuvre within the site and re-enter the highway in a forward-facing gear so as not to create unacceptable highways risk, in accordance with policy TP15.

6.67 The spatial parameters of the site mean an appropriate level of parking provision in accordance with policy TP15 and Suffolk County Council Parking Guidance (2019) could be provided on site at the reserved matters stage.

6.68 The proposal responds well to policy TP15, paragraphs 110 and 111 of the NPPF, and the Parking Standards, all underpinned by Case Law. There is nothing before Officers to suggest the scheme should be refused upon highways grounds.

6.69 Landscape

6.70 Policy CR04 seeks to maintain or enhance the special landscape qualities of the area, through design of the site so as to harmonise with the landscape setting.

6.71 As discussed earlier in this statement, the site is well related to built-form and as such the urbanising effects of development could be adequately managed through reserved matters. The site's location and size would ensure any subsequent scheme would be designed to sympathise with the surroundings and would not result in any overriding landscape or streetscape harm. The site would be enclosed very well.

6.72 There are no nearby trees protected by Tree Preservation Orders (TPOs) and the site is not within a Conservation Area. Whilst proposed landscaping is not a consideration at this stage,

there is nothing to suggest the scheme should be refused on landscape matters arising from the proposed development.

7.0 Other Matters

7.1 Whilst this application does not attract the detailed consideration of design and layout, residential amenity, landscaping, ecology and biodiversity, or flood and water, it is a prudent exercise to consider the detailed potential of the site deliverable through a reserved matters application.

7.2 Design, Layout and Character Impact

7.3 Policy CN01 and HS28 seek to encourage good design and layout in new development. The LPA will grant permission for proposals which meet the design criteria. Furthermore, the NPPF places a strong emphasis on good design, in particular through Chapter 12 'Achieving well-designed places' containing a number of policies which can support the delivery of good design and stating that planning decisions should ensure that developments at Paragraph 130; "*are visually attractive as a result of good architecture*". Consideration must also be afforded to the NDSS.

7.4 Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey new build. It is also noted that the application site is visually unconstrained, with varying design precedent offered nearby. In terms of layout, consideration must be afforded as to the effectiveness of the site inclusive of: built form, access, private amenity space and landscaping. The site is readily capable of accommodating the amount proposed, with good spatial integration.

7.5 Delivery of an acceptable design and layout is an entirely realistic prospect which would remain within the control of the LPA at reserved matters.

- 7.6 At this stage the proposal responds favourably to policies CN01, HS28, Chapter 12 of the NPPF, and the NDSS. There is little before the LPA to suggest the scheme should be refused upon design and layout grounds.
- 7.7 Residential Amenity
- 7.8 Policy CN01 seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Paragraph 130 of the NPPF also holds regard to the protection and preservation of residential amenity, which the scheme wholly delivers. Whilst nobody has a right to keep the existing view from their home, the applicant acknowledges that the LPA will consider the effect the proposal may have on the outlook from principal windows of neighbouring property. In this instance, existing residential amenity for neighbours is protected and preserved. In any event, appropriate mitigation could be applied.
- 7.9 Heritage
- 7.10 The site is not constrained by any Conservation Area and / or Listed Building consideration. The works would not impact upon the setting of a Conservation Area or heritage assets within the locality, therefore determination does not involve heritage assessment.
- 7.11 Ecology and Biodiversity
- 7.12 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*".
- 7.13 There are no recordings of protected species or their habitats, within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of ecology or biodiversity.
- 7.14 Guidance on the conservation of protected species is given in ODPM Circular 06/2005. At Paragraph 99 the Circular advises that the presence or otherwise of protected species, and

the extent to which they might be affected by the proposed development, must be established before planning permission is granted. However, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place before the permission is granted.

7.15 Nonetheless, the applicant has demonstrated commitment to protecting and preserving ecological and biodiversity value through the scheme proposed. The scheme accords with the aims of paragraph 170 of the NPPF which seeks to conserve and enhance biodiversity and the natural environment.

7.16 The applicant acknowledges their duty to adhere to the Habitat Regulations 2017.

7.17 Flood and Water

7.18 At a national level, paragraphs 161 – 162 of the NPPF state:

“All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding land from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.”

7.19 Paragraph 162 states:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

7.20 The applicant acknowledges the amended wording of the NPPF (2021) insofar as development is required to consider the future flood risk management needs from “*all sources of flood risk*”. Essentially, both fluvial and pluvial flood risk assessments are considered to be important at a national planning policy level, but this is not reflected at a local planning policy tier. Whilst fluvial flood risk modelling has been undertaken within the area by the LLFA, pluvial flood risk modelling has not. There is no pluvial data publicly available upon which to assess sites against.

7.21 Accordingly, there is little before the LLFA to refuse this application upon, in light of the revised wording within the NPPF and the pure fact that no pluvial flood risk modelling data is in the public domain.

7.22 Vulnerable uses are not proposed in any surface water flood zone area, therefore the risks of flooding are considered to be low. The site is capable of accommodating the potential sealed surfaces, which would fall outside of the modelled surface water flood area, with attenuation measures to ensure that the wider flood and water network isn’t adversely affected.

7.23 There is nothing before the LPA or LLFA to suggest a flood and water compliant scheme couldn’t be delivered.

7.24 Land Contamination

7.25 There is no known land contamination issue, with an extremely low contamination potential. The site is not considered to present risk to future owner / occupier through land contamination as outlined in the Phase I Land Contamination Report.

7.26 Delivery and Construction

7.27 The deliverability of a development is an important factor in an assessment as to its sustainability (in terms of its benefits) and in terms of its contribution to the supply of housing land in the District.

7.28 The NPPF defines deliverable:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years” and; “Sites with outline planning permission... should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”.

7.29 The NPPG gives further guidance on those considerations under the chapter heading ‘*Housing and economic land availability assessment*’ and includes three, important concepts; suitability, availability, and achievability. Whilst primarily aimed at aiding the plan-making process, the principles are no less useful when considering the deliverability of this development. The NPPG also identifies information relating to site viability, ownership constraints or infrastructure provision, and a statement of common ground between the LPA and the developer confirming the anticipated build-out rates.

7.30 The site is considered to be suitable for development, providing significant benefits including housing land. There is strong potential for landscaping and high quality design, all within an accessible location reducing the need to travel by private car compared to more remote areas of the District, and net gains for ecology and biodiversity. There is a reasoned expectation that the development would make a valuable and positive contribution to the housing land supply in the short term and at an expeditious rate.

7.31 Construction Management



7.32 Turning to the construction implications of the proposed development, the arrival of construction vehicles and materials is likely to have a temporary impact on the road network that surrounds the site. It is recommended that the developer produce a detailed Construction Management Plan (CMP) in conjunction with any contractors and sub-contractors employed on the site prior to construction commencing. A competent contractor will have a better idea of the actual site constraints and necessities post detailed design than can be described at this stage. This CMP should be agreed with the LLHA and take into account that:

- Parking on the Gate Farm Road by vehicles associated with the construction of the development should not be permitted for the duration of the working day. Similarly parking in surrounding streets, should also not be permitted. It is therefore recommended that an allowance is made for these vehicles within the site during the construction phase.
- It is recommended that deliveries are, where possible, delivered in bulk to site and from a single supplier.
- Facilities should be provided on site to allow wheel cleaning before vehicles exit the site. This should assist in the control of dust and dirt from leaving the site.

8.0 Planning Balance

8.1 The proposal seeks planning permission for; Outline - Erection of up to 6 no. dwellings (with access). The applicants acknowledge the LPA's position concerning planning conditions and welcomes discussion around agreement of conditions.

8.2 Whilst the development plan is the starting point, it is not the end point. Policy supports the principle of development as underpinned by planning appeal precedent and Case Law handed down by the courts, with demonstrable social and environmental benefits accruing. The site is preferentially located with a physical and functional relationship to the established settlement within the immediate area, and is within good access to a range of essential services, facilities and amenities as presented.

8.3 Sites which provide a ‘close functional relationship’ should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a 5 Year Housing Land Supply, or not. Whilst this statement has clearly justified engagement of paragraph 11(d), this appeal signifies that if the LPA were to disagree, that planning permission should still be granted given the material factors in play. There is no reason to undermine the principle of development established on site in light of the material planning considerations engaged by the proposal. The public benefits include:

Benefit	Weight
Social	
6 no. dwellings	Substantial
CIL contributions Increase in social cohesion	Significant
Economic	
Significant spending power generated by the development Council Tax Creation of jobs Increase in supply chain Increase in construction employment before, during and after development	Significant
Environmental	
Ecology and biodiversity net gains Enhanced landscaping Advanced landscaping Highly performance units	Significant

Figure 8.3.1 Public Benefits

8.4 The proposal is a wholly deliverable prospect, making effective use of land, without undue harms. The scheme is robustly supported at a local and national level offering a sustainable scheme which is heavily aligned to local and national planning policies.

8.5 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.