



WILKINSON
PLANNING

Planning Statement

SITE

Land East of Fairview, Ashbocking Road,
Hemingstone, Ipswich, Suffolk, IP6 9RP

PROPOSAL FOR

Outline - Erection of 1 no. dwelling (with
access)

PROPOSAL BY

Mr and Mrs S Boardley

August 2023

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1.0 Introduction

- 1.1 This planning appraisal is prepared for and on behalf of Mr and Mrs S Boardley in respect of;
Outline - Erection of 1 no. dwelling (with access).
- 1.2 It will consider the planning legislation including the relevant material planning considerations engaged in the proposed development.
- 1.3 The extract below shows the defined red line plan, including the site's location compared to its surroundings.

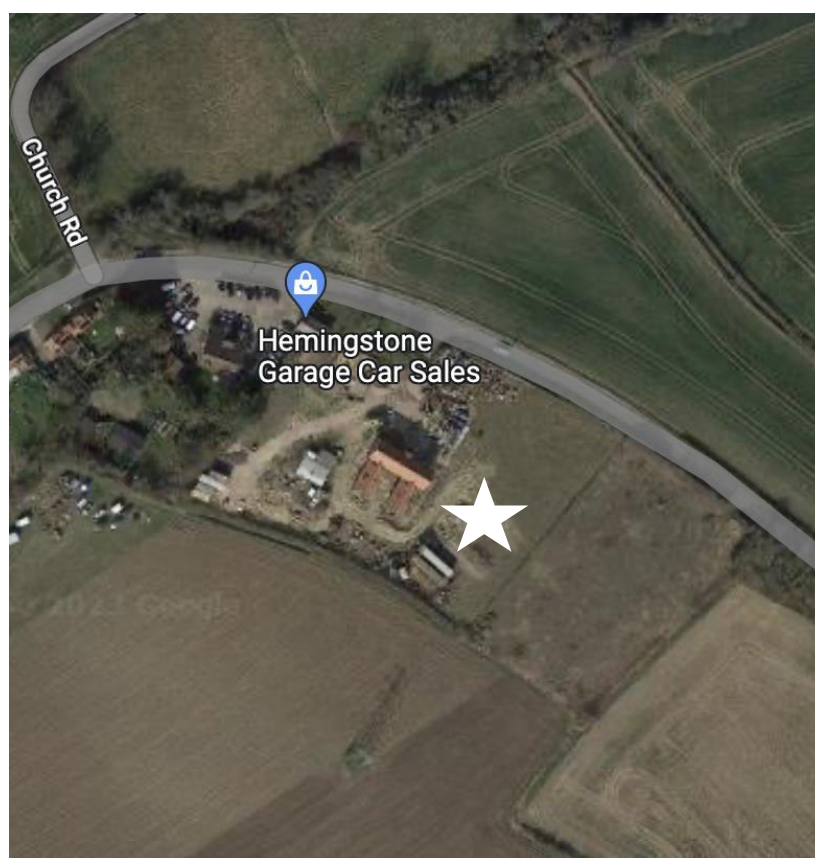


Figure 1.3.1 Aerial View

2.0 Site and Surrounding Area

- 2.1 The site is located within the Parish of Hemingstone, south of the B1078, adjacent to the host dwelling of Fairview. There are numerous dwellings to the west of the site, as well as a car

garage. The site is otherwise surrounded by agricultural land, with the highway running along the northern boundary.

2.2 The site does not contain any listed buildings and there are no designated heritage assets within the wider setting of the site. The site does not fall within a Conservation Area or an Area of Outstanding Natural Beauty, however, it is located adjacent to a Special Landscape Area. There are no trees on site and no nearby public rights of way. The site is wholly within flood zone 1 however portions of the site are at low to medium risk of pluvial flooding.

3.0 Proposal

3.1 The proposal is for; Outline - Erection of 1 no. dwelling (with access). The plans below provide context for the application:

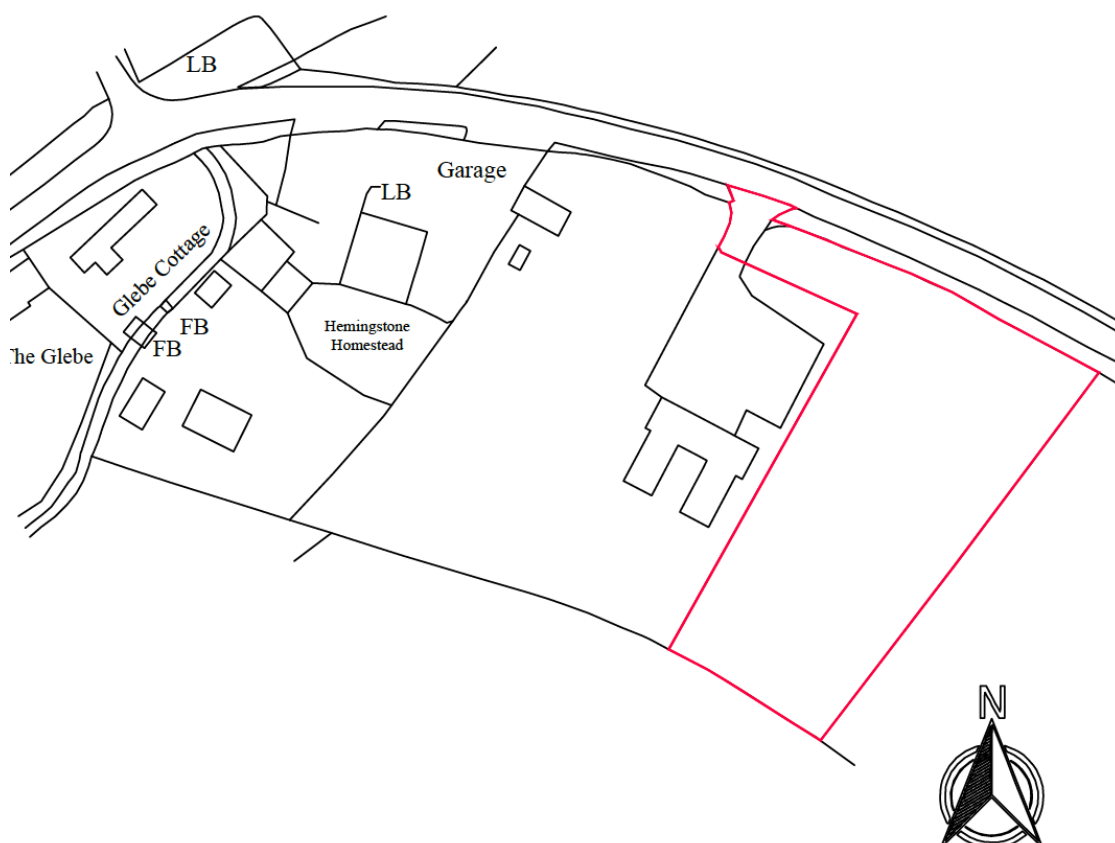


Figure 3.1.1 Site Location Plan

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

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

4.0 Planning Policy

4.1 The National Planning Policy Framework 2021 (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. 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. The policies contained within the NPPF are a however material consideration and should be taken into account for decision-making purposes.

4.2 The Council is currently in the process of preparing a new Joint Local Plan (JLP) with its partner authority, Babergh 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.

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

4.4 The site does not fall within an area designated for a Neighbourhood Plan.

4.5 The Development Plan for Mid Suffolk consists of:

Mid Suffolk Core Strategy Focused Review (2012)

- FC1 - Presumption in Favour of Sustainable Development
- FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development



Mid Suffolk Core Strategy (2008)

- CS1 - Settlement Hierarchy
- CS2 - Development in the Countryside and Countryside Villages
- CS3 - Reduce Contributions to Climate Change
- CS5 - Mid Suffolk's Environment

Mid Suffolk Local Plan (1998)

- GP1 - Design and Layout of Development
- HB1 - Protection of Historic Buildings
- H3 - Housing development in villages
- H7 - Restricting Housing Development Unrelated to the Needs of the Countryside
- H13 - Design and Layout of Housing Development
- H15 - Development to Reflect Local Characteristics
- H16 - Protecting Existing Residential Amenity
- H17 - Keeping Residential Development Away from Pollution
- CL2 - Development within special landscape areas
- CL8 - Protecting Wildlife Habitats
- CL9 - Recognised wildlife areas
- T9 - Parking Standards
- T10 - Highway Considerations in Development

Supplementary Planning Documents

- Nationally Described Space Standard (2019)
- Suffolk Guidance for Parking (2015)
- Suffolk Design Guide (2000)

National Planning Policy Framework (2021)

- Para 7: Achieving sustainable development
- Para 8: Three dimensions to sustainable development
- Para 10 – 12: The presumption in favour of sustainable development
- Para 38- Positive decision-making
- Para 47 – 50: Determination of planning applications
- Para 69 – Windfall sites
- Para 79 – Rural Housing



- Para 105 – 111: Highways impacts
- Para 126: Good design
- Para 130: Achieving well-designed places
- Para 159 – 169: Flood risk
- Para 174: Protecting the natural environment

4.6 The proposed development has been primarily assessed having had regard to core policies FC1, FC1.1, CS1, CS2 and H7.

4.7 This statement will consider other material planning policies in turn.

5.0 Planning History

5.1 The site is subject to planning application submission historically, including:

Application Reference: DC/18/00219 | Proposal: Demolition of existing dwelling and erection of replacement dwelling and detached cart lodge | Status: Granted

Application Reference: DC/18/04810 | Proposal: Discharge of Conditions Application for DC/18/00219 - Condition 3 (Part i) (Contamination), Condition 4 (Highways- Improvement of Existing Access), Condition 5 (Highways- Surface Water Discharge Prevention Details), Condition 7 (Highways- Safety) and Condition 9 (Landscaping Scheme) | Status: Granted

Application Reference: DC/19/01135 | Proposal: Discharge of Conditions Application for DC/18/00219 - Condition 3 (Part ii) (Contamination) | Status: Granted

Application Reference: DC/23/01675 | Proposal: Application under S73a for the Removal or Variation of a Condition following grant of DC/18/00219 dated 12/03/2018 Demolition of existing dwelling and erection of replacement dwelling and detached cart lodge. Town and Country Planning Act 1990 (as amended) To remove Condition Number 8 (Occupation Restriction - Garage) as per Planning Statement | Status: Refused

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 well related to the existing housing development adjacent to the site.

6.3 Furthermore, the presumption in favour of sustainable development is set out in policies FC01 and FC01.1 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 but is a consideration against which all proposals must be determined i.e., that the “tilted balance” is the lens through which this appeal is to be decided.

6.4 In addition, policy CS2 seeks to protect the countryside from unsustainable development operating in tandem with policy H7. Policy CS2 sets out exceptional circumstances where development is considered compatible with the countryside. Policy H7 refines this understanding setting out a strategy for assessing housing in the countryside. However, this approach is not consistent with the NPPF, which favours a more balanced approach to decision making as has been reflected in several appeal decisions affecting the LPA, not least *Woolpit* (ref: [APP/W3520/W/18/3194926](#)) which was recovered by the Secretary of State. In respect of policy CS2, paragraph 89-93 of the Inspectors Report states:

“89. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material planning considerations indicate otherwise. Whilst the RfR cites only a limited number of policies which are said to be breached I deal with all policies that have a bearing on the proposals and in line with the new approach of the NPPF 2018 identify those which are most important for determining the appeal and whether they should be considered to be out- of-date.

90. The CS was adopted in 2008 and the MSDLP in 1998. Both plans predate the publication of the NPPF 2012 and the more recent NPPF 2018. The CSFR has had little



impact on the saved or CS policies that remain in place and Policy FC1 really only and unnecessarily repeats what was in paragraph 14 of the NPPF 2012. It is now out-of-date because of the test it employs. Policy FC1.1 is policy of a very broad nature with one requirement that development must conserve and enhance the local character of the different parts of the district. It is up-to-date but is not otherwise of significance. The appeal proposal complies with these policies.

91. Policy CS1 of the CS merely sets out the settlement hierarchy. However, it includes the words “the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ... renewable energy”. By virtue of this latter requirement it offends paragraphs 77 and 78 of NPPF 2018. It perpetuates the theme of protection of the open countryside for its own sake and its limitations are inimical to the balanced approach which the NPPF 2018 exhorts. It is one of the most important policies and it is out-of-date. The appeal proposal complies with the hierarchical requirements of Policy CS1 but it conflicts with the latter part of this policy as the site is located outside the settlement boundary.

92. As the proposed development is in open countryside, it also offends the requirements of Policy CS2. Policy CS2 is a most important policy and it is out-of-date. The NPPF has never and still does not exhort a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. It is also contrary to paragraphs 77 and 78 of NPPF 2018.

93. Policy CS5 provides that all development will maintain and enhance the environment including the historic environment, and retain local distinctiveness. It requires development actually to maintain and enhance the historic environment which exceeds the statutory duty (LBA 1990) and goes further than paragraph 192 of NPPF 2018 which requires decision makers to “take account of the desirability of sustaining and enhancing the significance of heritage assets”. This is a most important policy and it is out-of-date. It does not make enhancement a requirement where no such requirement is reasonably possible or appropriate to the nature of the

proposed development. The policy also fails to acknowledge the balancing exercise which the NPPF 2018 requires to be undertaken in circumstances where the harm is less than substantial”.

6.5 This assessment of the most important policies (which are also those which are most important in this instance) identifies these as being out-of-date. As such, in accordance with paragraph 11(d) of the NPPF, the tilted balance (the presumption in favour of sustainable development) is engaged.

6.6 A relevant example is *Little Finborough* (ref: [APP/W3520/W/20/3252793](#)). In this appeal, the Inspector considered the nature of policies CS1, CS2 and H7 in light of the national drive for housing, stating at paragraph 22:

“22. The appellant has referred to an appeal decision³ which found that CS Policies CS1 and CS2 are out-of-date. I have no substantive reasons to reach a different conclusion, as these policies adopt a prohibitive approach to housing in rural areas which is inconsistent with the Framework’s balanced approach. LP Policy H7 is similarly prohibitive in comparison with the Framework and thus it is also out-of-date.”

6.7 The Inspector also discusses the suitability of sites which have a close physical relationship with the existing settlement, acknowledging that the harm from heavy reliance on using a private motor vehicle is limited when considering the rural nature of the locality.

6.8 The Inspector identified that the appeal site in that instance was near to Stowmarket which has a range of services and facilities which would be accessed via private motor vehicle. The Inspector states:

“10. Paragraph 103 of the Framework sets out that patterns of growth should support its transport objectives, which includes the promotion of walking, cycling and public transport. However, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case, some trips to services and facilities could be made by walking and cycling. In addition, the site is within a short travelling time of Stowmarket by private motor vehicles. The level of



harm generated by the movements of the occupiers of the dwelling would therefore be limited.”

6.9 The Inspector goes on to say:

“26. Nevertheless, the proposal would contribute to housing supply, which is supported by the Framework, albeit the benefit would be limited in the absence of a housing supply shortfall and as one dwelling is proposed. In addition, the future occupiers would be able to support the local community and services in nearby settlements in accordance with paragraph 78 of the Framework, even if they are likely to rely on private motor vehicles to do so in many cases.”

6.10 Whether the LPA choose to agree or not, it would appear that the sustainability of the site in locational terms, falls squarely on the test of isolation, and whether the site is locationally acceptable for the proposed end use, and whether there are overriding benefits which outweigh the harms (if any).

6.11 The Applicants’ view is that the definition provided by the Oxford English Dictionary is useful, which states that “overriding” means: ‘to prevail over, dominate; to outweigh, outnumber’. It is simply the case that accounting for any identified harms, if the benefits to accrue would outweigh them then development should be permitted to proceed having regard to the three objectives of sustainable development which are effectively described under policy CS1. Such a balance would be positively applied and entirely consistent with the NPPF; this Statement demonstrates how that test is met. “Overriding” should not set an artificially high threshold as this would plainly conflict with the NPPF where under national policy it is only in acute circumstances that exceptional justification is needed; it is precisely that: an exception, not a general rule. Such an exceptional circumstances test does exist for new isolated homes in the countryside (as per paragraph 80 of the NPPF) but that test does not engage here due to the proximity of the site to the village.

6.12 The appeal decision makes it abundantly clear that paragraph 105 of the NPPF is integral to

6.13 It is all the more evident that the proposal should succeed, given the Council’s stance towards the applicants’ dwelling (situated directly west of the application site) which was approved. In



that application (ref: DC/18/00219), the application site was considered to be garden land, as defined by the site location plan.

- 6.14 In any event, because of the questionable nature of the core ‘basket of policies’, the presumptive tilt of paragraph 11(d) of the NPPF and policy CS1, “the tilted balance” is engaged. As the Little Finborough appeal Inspector found, this automatically presents that any harms would have to significantly and demonstrably outweigh the benefits in order to disapply that presumption.
- 6.15 There are clear concessions by the LPA which confirm that the development plan is out-of-date, and sites should be approved even if the site is served by a limited number of services and facilities.
- 6.16 The proposal is located close to local services and facilities. 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.
- 6.17 As this Statement sets out, the Applicant is of the firm opinion that the proposal would be:
- Sustainable in its performance, function and efficiency (held by reserved matters)
 - Immediately adjacent to built form
 - Flanked by a new build dwelling
 - Presents limited encroachment into the open countryside
 - Well enclosed by established mature hedgerows and trees
- 6.18 There is therefore a nugatory level of harm (at best) when framed against the ‘principle of development’ policies, which must be framed against not only the very important benefit of housing in the face of a national housing crisis, but also the following sustainable benefits as summarised:
- 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
- Ultrafast broadband potential
- Renewable technologies which would facilitate low-carbon development

6.19 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.

6.20 Highways

6.21 Policy T10 and paragraph 110 of the NPPF confirm 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

6.22 From the main body of the site, sufficient space can be provided to allow vehicles 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 T10 and paragraph 110 of the NPPF.

6.23 The spatial parameters of the site mean an appropriate level of parking provision in accordance with policy T9 and Suffolk County Council Parking Guidance (2019) could be provided on site at the reserved matters stage. The Officer raised concern in the pre-app response regarding the proposed visibility splays. The proposal would utilise an existing access points and therefore the precedent for this has been set. The level of 'intensification' would not alter the visibility splay, and the resultant intensification of the proposal would not give rise to adverse highways risk. The spatial alignment of the access is capable of accommodating the proposed end use.



6.24 The proposal responds well to policies T9 and T10 paragraphs 105, 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.

6.25 Flood and Water

6.26 The site is set within Flood Zone 1 and is therefore at the lowest risk of fluvial flooding however, parts of the site are located at a low to medium risk of pluvial flooding.

6.27 Portions of the site are at a medium risk of pluvial flooding (1 in 100 years). The proposed dwelling would be sequentially sited in an area that is at the lowest risk from all forms of flooding in accordance with policy CS4, and paragraphs 162 and 167 of the NPPF. There would be no vulnerable uses located in the small area of the site vulnerable to pluvial flooding. The dwelling would be served by safe access and escape routes in a flood event. Any hardstanding would be constructed from permeable materials and the dwelling itself would not increase flood risk elsewhere in accordance with paragraph 159 of the NPPF.

6.28 The adjacent proposal (ref: DC/18/00219) for a replacement dwelling did not require a site-specific Flood Risk Assessment and so it is not considered reasonable for this submission to be supported by such evidence. This was not required by the LPA and so it would be unnecessary to require one now.

6.29 Whilst the application is considered 'minor', on site attenuation and surface water management / disposal is nonetheless provided, ensuring that the sites 'sealed surfaces' are properly managed. The applicant is fully aware of their obligation to comply with Part H (Drainage and Disposal) of the Building Regulations 2010.

6.30 Sustainability

6.31 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.”

- 6.32 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.
- 6.33 Socially, the space provided will enable good domestic enjoyment without materially hindering or oppressing the social enjoyment experienced by locals.
- 6.34 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.
- 6.35 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.
- 6.36 The proposal reflects the essence of paragraph 8 of the NPPF, and is therefore considered economically, socially and environmentally sustainable.

6.37 Design and Layout

6.38 Policies CS5, GP1, H13 and H15 work inter alia to encourage good design and layout in new residential development that responds to and harmonises with the character of the locality. 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 Nationally Described Space Standard (NDSS).

6.39 Based on the quantum of development and location of the site, there is nothing before the LPA to suggest that a development that sympathetically responds to the rural character of the locality, details will be confirmed regarding layout at reserved matters stage. Certainly, the proposal would make effective use of land through a logical development.

6.40 Residential Amenity

6.41 Policies H16 and H17 seek to ensure that development will protect the amenity of neighbouring properties 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.

6.42 Whilst there are no detailed considerations of design at this stage, the applicant has nonetheless demonstrated that 1 no. dwelling could be accommodated on site in a manner that respects nearby amenity by way of achievable separation distances and layout.

6.43 Landscaping

6.44 The proposal is adjacent to a Special Landscape Area. Policy CL2 of the Local Plan works to safeguard the landscape quality of the district. The proposal will be designed sensitively at reserved matters stage, with due consideration made to the hard and soft landscaping as a fundamental feature of the overall site.



6.45 Ecology and Biodiversity

6.46 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*".

6.47 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.

6.48 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.

6.49 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.

6.50 The site presents no ecological concern. The applicant acknowledges their duty to adhere to the Habitat Regulations 2017.

6.51 Land Contamination

6.52 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 Envirosearch Report submitted.

7.0 Planning Balance

- 7.1 The proposal seeks planning permission for; Outline - Erection of 1 no. dwelling (with access). The Applicants acknowledge the LPA’s position concerning planning conditions and welcomes discussion around agreement of conditions.
- 7.2 The site is within close proximity to a highly sustainable town and would maintain the vitality of the Parish. The introduction of built form to the application site would be read coherently, without undue harm to the character and appearance of the area.
- 7.3 The public benefits outweigh and override – in the parlance of policy – the harms (notwithstanding the nugatory nature of such harm justified by this statement):

Benefit	Weight
Social	
1 no. dwelling	Substantial
CIL contributions Increase in social cohesion	Significant
Economic	
Increased 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 sustainable and efficient dwelling	Significant

- 7.4 The appeal accords with the development plan taken as a whole. The application of the policies of the NPPF reinforce the direction of the development plan to grant planning permission without delay.

7.5 For all these reasons, the proposal is considered to be acceptable, and it is therefore respectfully requested that the Inspector allow the appeal and grant planning permission in the terms requested.