



Planning Department  
Babergh District Council  
Endeavour House  
Russell Rd  
Ipswich  
IP1 2BX

27<sup>th</sup> November 2023

Dear Sirs

**APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A DETACHED DWELLING (RESUBMISSION OF PREVIOUSLY REFUSED PROPOSAL UNDER DC/23/03363) AT OLD WELL COTTAGE, POWNEY STREET, MILDEN, IP7 7AL**

I am instructed to make an outline planning application for the erection of a detached dwelling on land at Old Well Cottage, Powney Street, Milden, Ipswich, Suffolk, IP7 7AL. This letter provides an overview of the proposal and assesses the relevant planning considerations, with particular regard to the recent refusal of permission issued under Council reference DC/23/03363 on 12<sup>th</sup> September 2023.

Background

As detailed above, a previous application for this development was refused by notice dated 12<sup>th</sup> September 2023. The reason for refusing that application was cited as:

*“The proposal fails to accord with the developments permitted within the countryside, contrary to Policy CS2 of the Babergh Core Strategy (2014). Furthermore, the development fails to comply with the requirements of Paragraph 8 of the NPPF (2021), with the proposed development not considered to form sustainable development, with particular regard to the poor connectivity to services. The proposed development is situated on land outside of the*

*built-up area boundary, with limited access to basic services, with roads leading away from the site being typified as having no footpaths and no streetlights, making it unsuitable and undesirable for a pedestrian to access the very limited services within relative proximity, and unsuitable for those that use wheelchairs and pushchairs to access basic services. This creates a heavy reliance on private car use which would not promote healthy living or sustainable transport, contrary to Policy CS15 of the Babergh Core Strategy (2014), and Paragraphs 8, 79, 80, 92, 106, 119, 122, 126, 127 and 174 of the NPPF; as well as Policy SP03 of the emerging Babergh and Mid Suffolk Joint Local Plan”.*

Following that determination, the Council have subsequently adopted Part 1 of their Joint Local Plan. Policies CS2 and CS15 no longer for part of the development plan and, due to comments made during the course of the determination of that previous application as to compliance with emerging policies, the application is now resubmitted for consideration against the new development plan.

### The Planning Position

When considering the previous application, the Planning Officer considered the compliance of the proposal with the emerging policies of the JLP.

*“In respect of the Council’s emerging Joint Local Plan (JLP), in a letter dated December 2021 the Inspector agreed to split the plan into Part 1 and Part 2, factoring into account the Councils housing land supply. Part 1 contains strategic and local policies and continues to progress towards adoption, retaining the existing settlement boundaries and hierarchy. Part 2 would contain a new settlement hierarchy, settlement boundaries, and allocations and is to be brought forward later.*

*Whilst Part 1 of the plan is not yet determinative, its weight as a material planning consideration is considered to now hold ‘added weight’. It is however important to note that the JLP is not currently adopted and so does not form part of the development plan.*

*Policy SP03 of the emerging Joint Local Plan sets out the criteria for the sustainable location of new development, showing a direction of travel away from the CS11 approach, accommodating development within the existing settlement boundaries and in accordance with Neighbourhood Plans in an appropriate plan led fashion. Given the settlement boundaries have not been revised under Part 1 of the JLP coupled with the fact that Mildon does not*

*currently benefit from a settlement boundary, the site is not considered to accord with policy SP03.*

*Although at this time the site is not located within the settlement boundary, policy LP01 accommodates proposals for windfall infill developments of one or two dwellings outside of settlement boundaries where there is a nucleus of at least 10 well related dwellings – subject to certain criteria.*

*The site would be located amongst a grouping of more than 10no. dwellings, although this is predominantly formed by way of linear development to the west of Powney Street with the exception of ‘Conifers’ directly adjacent the site and some dwellings to the north some distance from the site. Whilst details of the appearance, layout, landscaping and scale are currently reserved, it is considered that in principle the siting of a dwelling at the site would not appear unduly out of character with the surrounding area, nor result in a detrimental impact to residential amenity or any heritage, environmental or community assets. The site is situated between existing dwellings and thus is not considered to result in sporadic or ribbon development. Whilst the development of the site would detriment the visual gap between Old Well Cottage and St Esha Cottage, it is considered the sufficient space would be available as to not result in coalescence.*

*It is therefore considered that the proposal is likely compliant with policy LP01 of the JLP. However as previously addressed, whilst the policies within Part 1 of the JLP currently hold ‘added weight’, the JLP is not currently adopted and so does not form part of the development plan. The compliance with the ‘added weight’ of policy LP01 is not considered to outweigh non-compliance with policies CS2 and CS15 of the Babergh Core Strategy (2014) and the NPPF”.*

The situation set out in the last paragraph of the quoted text has now changed. The JLP has now been adopted, policies CS2 and CS15 have fallen away, and we have a position where policy LP01 is now a primary policy. The Planning Officer has considered the proposal relative to the provisions of policy LP01 and found this proposal to be compliant with it.

Policy SP03 sets out the approach to the sustainable location of new development. It provides that

*“Outside of the settlement boundaries, development will normally only be permitted where:*

- a) the site is allocated for development, or*
- b) it is in accordance with a made Neighbourhood Plan, or*
- c) it is in accordance with one of the policies of this Plan listed in Table 5; or*
- d) it is in accordance with paragraph 80 of the NPPF (2021)".*

Within Table 5, policy LP01 is listed as one of the exceptions. As such, where compliance with policy LP01 can be demonstrated it can be seen that a site would be considered to be a sustainable location for new development. Indeed, existing dwellings here support Monks Eleigh village shop/post office 1.8 miles away (accessible via bike 11mins/walking 42mins) and there is a buoyant community hub, Mildens Pavilion, serving Mildens Cricket club and which hosts regular events, along with the local church. School transport is offered to local schools, and there is a bus stop in Mildens utilising the "Connecting Communities" initiative promoted by Babergh District Council.

The application is now resubmitted with the expectation that the proposal will again be found to be compliant with this policy and, therefore, will be approved on that basis. There has been no change to the site or proposal that would warrant a differing conclusion being reached, and the only change here is the favourable change in planning policy that would now result in a determination that the proposal complies with the development plan.

It is thereby respectfully requested that planning permission is thereby granted for this proposal to allow the applicant to progress with the development.

Please do let me know if there is any additional information required prior to determining the application, and I look forward to receiving your decision in due course.

Yours faithfully

Ben Elvin MSc MRTPI  
Ben Elvin Planning Consultancy Limited.