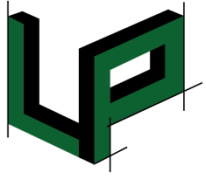


PLANNING STATEMENT

Proposed Development: Development of self-build dwelling, vehicular access, and landscaping

Site: Land North-East Of Navarac, Great Green, Thurston, IP31 3SL

March 2024



LOCUS
PLANNING

REPORT INFORMATION

Site: Land North-East Of Navarac, Great Green, Thurston, IP31 3SL

Applicant/Client: Mr and Mrs Carter

Date: March 2024

Local Planning Authority: Mid Suffolk District Council

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Introduction

- 1.0 This Planning Statement (“**Statement**”) is prepared by Locus Planning (“the **Agent**”) on behalf of Mr and Mrs Carter (“the **Applicant**”) in support of an application for full planning permission (“the **Application**”) for development comprising *inter alia* the delivery of 1 no. self-build dwelling (“the **Development**”) at Land North-East Of Navarac, Great Green, Thurston (“the **Site**”). The Application falls to be determined by Mid Suffolk District Council (“the **Council**”).
- 1.1 This Statement describes the Site and its surroundings; details the Development; and assesses it against local and national planning policy, and other material considerations that are relevant to the determination of the Application. It will be demonstrated that the Development is acceptable for reasons including its compliance with the development plan when taken as a whole; and the presence of material considerations that indicate planning permission should be granted, namely the Development’s compliance with the National Planning Policy Framework and the fallback position for the development of the Site. On that basis, the Council is invited to grant planning permission.

Site & Surroundings

- 2.0 The Site is comprised of a parcel of amenity land associated with the residential property known as Navarac; situated on the northern side of Norton Road, Great Green, Thurston. The Site is flat and generally featureless, laid to grass with hedging to the northern and western boundary. Housing lies to the north, west, and south of the Site.
- 2.1 Poplar Farm Lane, from which the Site is accessed; is an unclassified road that intersects with Norton Road in the east. Public rights of way in the form of Footpath 9 and Footpath 15 lie approximately 100m to the west of the Site.
- 2.2 For the purposes of the development plan, the Site lies within the Thurston Neighborhood Plan Area. The hamlet of Great Green; within which the Site is situated, lies outside of the Thurston Settlement Boundary. Nevertheless, Thurston Village lies close by (circa 1 mile); providing a wide range of services and facilities that support surrounding communities. Beyond Thurston, the Site has a proximal relationship to the village of Norton (circa 1 mile) and the services and facilities located there.
- 2.3 The Site is wholly within Flood Zone 1 of the Environment Agency Flood Maps, where there is a very low probability (less than 1 in 1000 annually) of flooding. The Site is not within the setting of a listed building nor is it within or adjacent to a conservation area; or any land designated locally, nationally, or internationally for its environmental quality.

2.4 As detailed in the proceeding sections of this Statement, the Site forms part of the land that benefits from an extant planning permission for the erection of a dwelling (Ref. DC/19/05155).

The Proposal

3.0 The Development is for the erection of a single-storey dwelling. Access to the dwelling is proposed via the existing site entrance from Poplar Farm Lane. The Development provides for a new access to serve those existing dwellings to the south of the Site.

Planning History

4.0 The Site is subject to the following relevant planning history:

- Ref. DC/19/05155 – Outline planning application for the ‘erection of 1 no. dwellings with provision of internal access road and landscaping’ (Planning permission granted)
- Ref. DC/22/06067 – Application for the approval of reserved matters for the ‘erection of 1 no. dwellings with provision of internal access road and landscaping’ (Undergoing determination)

4.1 The above-mentioned planning permission is extant, providing for the development of a dwelling at the Site.

4.2 Further to the above, a planning application (Ref. DC/22/00398) for the development of three dwellings adjacent to the Site is in the process of being determined by the Council. The application follows earlier grants of planning permission for the erection of three dwellings (Ref. DC/19/02224 & DC/19/03681). The aforementioned permissions are extant.

Legislation & Planning Policy Context

5.0 In determining an application for planning permission, Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to have regard to the provisions of the development plan so far as is material to the application, and to any “*other material considerations*”. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications under the planning Acts be determined in accordance with the development plan unless material considerations indicate otherwise. Thus, the development plan is the starting point, but not the end point, for decision taking.

- 5.1 It is for the decision-maker to decide whether a factor is a material consideration and “*it must be a factor which has some weight in the decision-making process*” and the test applied should be an objective one and the considerations chosen must be “*rationally related to land use issues*”.¹
- 5.2 The National Planning Policy Framework (“the **NPPF**”) is a material consideration and must be taken into account for decision making purposes in accordance with those duties as set out. Where demonstrated; a fallback position for the development of a site is a material consideration.

The Development Plan

- 5.3 The development plan documents of consequence to the Application comprise the following:
- Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) (“**JLP**”)
 - Thurston Neighbourhood Plan (2019) (“**TNP**”)
- 5.4 For the determination of the Application, the relevant policies are considered to be:

JLP

- SP01 – Housing Needs
- SP03 – The Sustainable Location of New Development
- SP09 – Enhancement and Management of the Environment
- LP15 – Environmental Protection and Conservation
- LP16 – Biodiversity and Geodiversity
- LP17 – Landscape
- LP24 – Design and Residential Amenity
- LP29 - Safe, Sustainable and Active Transport

TNP

- Policy 1 – Thurston Spatial Strategy
- Policy 2 – Meeting Thurston’s Housing Needs
- Policy 4 – Retaining and Enhancing Thurston Character Through Residential Design
- Policy 8 – Parking Provision
- Policy 9 – Landscaping and Environmental Features
- Policy 11 – Provision for New Wildlife in New Development

The NPPF

¹ R (Kides) v South Cambridgeshire District Council and Others [2002] EWCA Civ 1370

5.5 The NPPF (2023) 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. The NPPF goes on to state, however, that *‘they are not criteria against which every decision can or should be judged’* (Paragraph 9). The policy paragraphs, footnotes, and annexes to the NPPF should be considered as a whole.

5.6 Paragraph 8 of the NPPF identifies three overarching objectives in order to achieve sustainable development. These objectives are interdependent and should be pursued in mutually supportive ways:

‘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 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.’

5.7 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (11.c)).

5.8 An assessment of the proposal under the above policy context is detailed below and in consideration of the planning matters material to the Application. It will be shown that the scheme accords with the development plan when taken as a whole because of its compliance with the most important policies for its determination. Such a view is entirely consistent with the *Corbett* judgment of the Court of Appeal.² Thus, in accordance with Paragraph 11(c) of the NPPF, planning permission should be granted without delay. Notwithstanding the scheme’s compliance with the development plan, it will also be shown that other material considerations indicate planning permission should be granted.

Planning Assessment

Fallback Position

² *Cornwall Council v Corbett* [2020] EWCA Civ 508.

- 6.0 An important case in relation to whether a fallback position for the development of a site can be treated as a material consideration is summarised in the case of Michael Mansell v Tonbridge and Malling Borough Council v Croudace Portland, the East Malling Trust [2017] EWCA Civ 1314. In considering a fallback position the decision maker must properly identify whether there is a “real prospect” of such a fallback being carried out should planning permission for the proposed development be refused. In terms of the requirement for a “real prospect” it is clear that it does not have to be probable or likely and a possibility will suffice.
- 6.1 In relation to the Application, outline planning permission for the development of a dwelling at the Site remains extant and capable of lawful implementation. Accordingly, noting the possibility that exists, the aforementioned planning permission constitutes a “fallback position” and thus a material consideration.
- 6.2 In this case, the Development would also lead to the delivery of a dwelling. The approach to the Development largely replicates that which has already been deemed to be suitable by the Council. The consequence of such factors being that, realistically, the Council is needing only to turn its mind to the suitability of the revisions, namely the redefined plot boundaries and the alternative access arrangement proposed. It is our case that such changes do not give rise to harm beyond any matters already considered in the granting of the previous planning permission. Furthermore, a betterment can be achieved through the ecology measures proposed whilst the Development would deliver a more comprehensively planned scheme when viewed holistically with the development proposed adjacent to the Site.

The Development Plan & NPPF

Provision of Housing & Location of Development

- 6.3 The Site lies outside of the defined settlement boundaries. In such locations, Criterion b) of JLP Policy SP03 permits development where compliant with a made neighbourhood plan; that plan comprising in this instance the TNP.
- 6.4 Policy 1 of the TNP does not preclude development outside of the settlement boundary. Therefore, the Development’s location beyond the settlement boundary does not amount to a direct conflict with Policy 1. Viewed holistically, the proposal will contribute toward housing need in both Thurston and the wider District, as envisaged by TNP Policy 2, whilst delivering a high-quality building that would not adversely impact the rural character of Thurston; nor result in the loss of best and most versatile agricultural land. The Development would remain compliant with Policy 1 when taken as a whole and Policy 2, responding favorably to the local housing needs identified by the policy, and as a result, compliance with Policy SP01 is demonstrated. The Development is found to comply with the TNP and thus, accords with Policy SP03.
- 6.5 In respect of the NPPF, the Development would contribute an additional dwelling toward the supply of homes. Noting the adjacency of existing housing, the Development would not represent an ‘isolated’ home in the countryside whilst

the proposed dwelling, on account of its proximal relationship to Thurston and Norton, would contribute to the vitality of the surrounding rural community. The Development would not, therefore, conflict with Paragraphs 82-84 of the NPPF.

Landscape

- 6.6 Although within the countryside (outside of the settlement boundaries), the Site is comprised of amenity land associated with an existing dwellinghouse. In this regard, the Site is of a domestic appearance and largely featureless; being of limited landscape quality and contribution to the surrounding rural landscape. Accordingly, the Development of the Site would not encroach into the open countryside whilst it will be viewed within the context of existing housing. Thus, the Development will conserve the landscape character of the area in accordance with JLP Policy LP17, TNP Policy 9, and Paragraphs 135 and 180 of the NPPF.

Design & Residential Amenity

- 6.7 The proposed dwelling is of an appropriate design that responds positively to the scale and appearance of adjacent dwellings. Noting the relationship between the Site and neighbouring properties, including separation distances and intermediary features, the Development would not pose an unacceptable impact on residential amenity. Likewise, the dwelling complies with space standards whilst there would be adequate private amenity space for the future occupiers of the Development with sufficient space for the drying of clothes, private sitting etc. Accordingly, the Development complies with above JLP Policies LP24 and LP15, TNP Policy 4, and Paragraphs 131 and 135 of the NPPF.

Transport

- 6.8 The Site is in a rural location within a primarily rural district, where sustainable transport solutions are more limited in comparison to the urban areas. The corollary being that the opportunities to promote and utilise these modes of transport can equally be limited. As will be the case for the majority of residents in the surrounding community; it is acknowledged that future occupiers of the Development are likely to be largely reliant on private car. In this regard, noting the Site's proximal relationship to Thurston and Norton, and that the Development is for a single dwelling and thus, not 'significant'; the number of private car journeys made by future occupiers would be low whilst journeys are capable of being a short distance. Nevertheless, in respect of the alternative modes of transport available to occupiers, there remains an extensive network of surrounding public rights of way that are accessible from the Site. Furthermore, due to the distances involved, cycling remains a viable option; whilst the regular rail service operating from Thurston offers an attractive mode of transport. Importantly, the service would enable journeys to higher order settlements such as Bury St Edmunds, Cambridge, and Ipswich to be made without the total reliance upon private car.

- 6.9 Taking the foregoing into consideration, although somewhat limited, there remain opportunities for future occupiers of the development to utilise sustainable transport solutions. Through the incorporation of effective cycle storage, and electric vehicle charging points, the Development will seek to promote the use of more sustainable transport solutions. As such, noting the scale of development and the rural context within which the Site sits, the Development would not conflict with JLP Policy 29, TNP Policy 4, nor Paragraph 109 NPPF.

Access & Parking

- 6.10 The proposed methods of access are considered to be satisfactory to serve the Development, giving rise to an acceptable impact on the highway network with respect to capacity and safety. Sufficient parking and manoeuvring space is demonstrated on the proposed plans, in accordance with the local parking standards. Accordingly, the Application complies with JLP Policy LP29, TNP Policy 6, and the NPPF.

Land Contamination & Pollution

- 6.11 The application is supported by land contamination assessment and questionnaire. The historic use of the site indicates that there are unlikely to be sources of pollution or contamination that would pose an unacceptable risk or result in an adverse impact on future occupiers. The Application would therefore remain compliant with JLP Policy LP15 and Paragraph 189 of the NPPF.

Biodiversity

- 6.12 The Application is supported by a Preliminary Ecological Appraisal. Subject to the proposed precautionary and enhancement measure, there would be no adverse impact upon priority or protected species. Net gains in biodiversity can also be secured through the proposed measures. The Application therefore complies with JLP Policy LP16, TNP Policy 11, and Paragraphs 180 and 186 of the NPPF.

Scheme Benefits

- 6.13 The development would provide for a new high-quality dwelling, where housing is of itself an important benefit. There would be opportunities to secure net gains to biodiversity.
- 6.14 The construction phase of the development will stimulate the local economy through the employment of construction workers and sourcing of building materials. The occupation of the development will provide further spend within the locality and support the vitality of surrounding communities. As a small scheme, it is capable of being delivered quickly which is an important benefit recognised by the NPPF (Paragraph 70).
- 6.15 All of the above carry an important weighting in the planning balance.

Planning Balance & Conclusion

- 7.0 At the heart of the balancing exercise to be undertaken is section 38(6) of the *Planning and Compulsory Purchase Act 2004* which 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, determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the *Town and Country Planning Act 1990* reinforces that due regard must be paid to such considerations.
- 7.1 For the reasons set out within this Statement, the proposal is found to be in accordance with development plan when taken as a whole. In such circumstances, planning permission should be granted without delay. Beyond the development plan, other material considerations indicate planning permission should be granted in this instance, namely the development's compliance with the NPPF and the benefits arising from the development; and the fallback position for the development of the Site presented by an extant planning permission. On that basis, the Council is invited to approve the Application.