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**OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 6 DWELLINGS
LAND OPPOSITE NOS 5 TO 12, CHURCH ROAD, WESTHORPE.**

PLANNING STATEMENT
Incorporating
LOCAL VALIDATION REQUIREMENTS STATEMENT

Ref: 2206
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INTRODUCTION

1. This statement has been produced in support of an outline planning application for the erection of up to 6 dwellings on land on the south side of Church Road, Westhorpe.
2. The application has been the subject of positive pre-application discussions with Planning Officer Jamie Edwards (ref: DC/19/03333, date 22/08/2019). Mr Edwards advised that the principle of development on the site would be supported.
3. The following statement is in two parts. The first part deals with the Council's Local Validation Requirements for planning applications and the second part is a Planning Statement which sets out the relevant local and national planning policies and other material considerations.

PART 1: - LOCAL VALIDATION REQUIREMENTS

ACCESS

4. The proposed dwellings will be served by a new vehicular access which will be located centrally along the frontage of the site to enable good visibility in either direction. The frontage of the site is within the 30mph zone. A development of this scale will not generate significant levels of traffic movements. The vehicle movements associated with the development can easily be absorbed by the local road network without any material impact on highway safety.

ARCHAEOLOGY

5. The Historic Environment Records confirm that there are no recorded archaeological finds on the application site. Consequently, there is no need to carry out any pre-commencement investigation.

AFFORDABLE HOUSING

6. The application is below the threshold set out in the National Planning Policy Framework and therefore does not include affordable housing.

BIODIVERSITY

7. The application is accompanied by an Ecology Survey prepared by Hillier Ecology. Their report concludes that the site can be developed without affecting protected species or habitat.

DRAINAGE

8. The proposed dwellings will be connected to the main sewer. Surface water will discharge to soakaways. As this is an outline planning application, precise details of surface water drainage is a matter which can be dealt with by a planning condition.

FLOOD RISK ASSESSMENT

9. The Environment Agency Flood Maps and the Council's Strategic Flood Risk Assessment confirm that the application site is located within Flood Zone 1 (FZ1) where all types of development are acceptable. Therefore, in this case a Flood Risk Assessment is not necessary.

HERITAGE STATEMENT

10. The application site is not in a conservation area and no Scheduled Ancient Monuments would be affected by the development.
11. There are four listed buildings nearby, Tudor Cottage and The Cottage to the west, and Lavender Cottage and Street Farmhouse to the East. All four buildings are listed grade II.
12. Tudor Cottage and The Cottage are both timber framed properties with thatched roofs. The Cottage is situated to the rear of Tudor Cottage and is not readily visible from the highway. Both listed buildings are separated from the application site by Mulberry Cottage and Santalena. Mulberry Cottage is a 1 ½ storey infill property approved in 1997 and located less than 10m from The Cottage. Santalena is a bungalow which appears to date from the 1950's.
13. Street Farmhouse and Lavender Cottage are also timber framed properties. Street Farmhouse is thatched, Lavender Cottage has a roof of modern pantiles. Street Farmhouse is separated from the application site by other buildings and mature trees

along the site boundary. Lavender Cottage is separated from the site by the village hall.

14. Paragraph 195 of the National Planning Policy Framework (NPPF) states in part:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

15. In this case, the erection of the proposed dwellings would not lead to substantial harm to or loss of significance of any of the nearby listed buildings.

16. Paragraph 192 of the NPPF states:

“Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.

17. It is acknowledged that the proposed dwellings will introduce change to the surroundings of the listed buildings, but it will not result in harm to their significance. Any low-level minor harm that did arise would be outweighed by the economic, social and environmental benefits of the development as described in the following paragraphs.

LAND CONTAMINATION

18. The application is accompanied by a Phase 1 Contamination Report.

LANDSCAPE IMPACT ASSESSMENT

19. The application site is not within a Special Landscape Area, Area of Outstanding Natural Beauty, Visually Important Open Space or any other area of special landscape designation. The proposed dwellings will be visible from other properties nearby, but just because something is visible doesn't mean it is harmful. It is a long-established principle of planning law that no one has a right to a view.

PART 2: - PLANNING STATEMENT

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Plan unless material considerations indicate otherwise.
21. In this case, the Development Plan for the area comprises the Mid Suffolk Core Strategy (adopted 2008), the Mid Suffolk Core Strategy Focused Review (2012) and the Mid Suffolk Local Plan (adopted 1998).
22. Mid Suffolk and Babergh District Councils are producing a new Joint Local Plan. The document is at an early stage and has limited weight, but it is a material consideration. The emerging Draft Local Plan recognises that the policies of the current Local Plan and Core Strategy have restricted rural housing growth which is necessary to sustain local communities and proposes to address this by reinstating and, in some cases, extending the settlement boundaries removed by the 2008 Core Strategy
23. The National Planning Policy Framework (NPPF) (2018) sets out the Government's planning policies and objectives and is a material consideration. The main theme of the NPPF is to set out a presumption in favour of sustainable development.
24. The following paragraphs deal with the Local Plan and Core Strategy policies and the issue of sustainability having regard to the NPPF and other material considerations.

MID SUFFOLK CORE STRATEGY (2008) AND CORE STRATEGY FOCUSED REVIEW (2012)

25. The Council's Core Strategy was published before the previous and current versions of the NPPF. Policy CS1 of the Core Strategy provides a spatial strategy for development throughout the district. It states, "*The majority of new development (including retail, employment and housing allocations) will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages, in particular affordable housing*". The policy then lists what settlements are designated as towns, key service centres, primary villages and secondary villages. Westhorpe is not listed. The policy then goes on to state "*The rest of Mid Suffolk, including settlements not listed above, will be designated as countryside and countryside villages and development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy.*" By virtue of this latter requirement Policy CS1

conflicts with paragraphs 77 and 78 of the NPPF. Policy CS1 must therefore be considered as being out of date.

26. Policy CS2 deals with development in the countryside. This site is in the countryside because it is outside of any settlement boundary designated by the Mid Suffolk Local Plan. Policy CS2 is also out-of-date. This is because the NPPF does not exhort a restrictive approach to development outside settlements in the manner set out in policy CS2. Policy CS2 obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. Therefore, policy CS2 is also contrary to paragraphs 77 and 78 of NPPF and must be considered as being out of date.

27. The Council's Core Strategy Focussed Review (CSFR) was published in 2012 in response to the publication of the first edition of the NPPF. Policy FC1 of the CSFR only 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 of the CSFR requires that all forms of new development must conserve and enhance the local character of the different parts of the district.

28. In this case, the site surroundings do not have any special character. The site is not in a Special Landscape Area, Area of Outstanding Natural Beauty, Conservation Area, Visually Important Open Space or any other area of special landscape or townscape designation. Furthermore, there is no distinct theme or special character to the architecture of dwellings nearby. The locality contains a diverse mix of dwellings in terms of scale, age, size and materials.

MID SUFFOLK LOCAL PLAN 1998

29. The site is outside of but adjacent to the settlement boundary for Westhorpe as designated by the 1998 Local Plan. As the site is outside of the settlement boundary, for planning purposes it is considered to be in the countryside. Nevertheless, whilst the site may be in the countryside, it is not in an isolated location.

30. Policy H3 of the MSLP concerns housing in villages and states that development within villages will take the form of infilling within the settlement boundary. Policy H7 states that there will be a strict control over new housing in the countryside and that new housing will normally form part of existing settlements. Policies H3 and H7 are now 20 years old. They do not reflect the balanced approach towards sustainable

development and the provision of rural housing as prescribed by the NPPF and the Government's Planning Practice Guidance (PPG).

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

31. The NPPF sets out the Government's planning policies and is a material consideration in the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF describes the objectives of sustainable development as economic, social and environmental.
32. The development of this site would meet each of those three objectives of sustainable development. Firstly, it would meet the economic objective of sustainable development as the new residents would help to sustain and improve vitality and viability of local services in nearby Bacton. This is an important consideration as paragraph 78 of the NPPF states "...Where there are groups of smaller settlements, development in one village may support services in a village nearby".
33. Secondly, the development would meet the social objective of sustainable development by providing new family homes. This is an important consideration given the Council's long history of undersupply with regards to its 5 year housing land supply.
34. The development of the site would also accord with the environmental objective of sustainable development. The site is within a very short distance of a wide range of services in Bacton, these include; primary school, doctor's surgery, village store, post office and public house.
35. It is acknowledged that future residents would, to some extent, be reliant on the car. However, paragraph 103 of the NPPF recognises that "*..opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in plan-making and decision-making*".
36. Paragraph 79 of the NPPF deals with rural housing and states that local planning authorities should avoid 'isolated' homes in the countryside unless there are special circumstances. The NPPF does not define the term 'isolated'. However, the meaning of the term 'isolated' was the subject of the recent High Court Judgement relating to **Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Development Limited [2017]**. Braintree DC had applied to the High Court to quash an Inspector's decision which had allowed a development for residential development on land which was within a group of dwellings but outside

of a settlement boundary. Braintree DC had claimed that the Inspector has misinterpreted paragraph 55 of the NPPF (now paragraph 79 of NPPG 2018) as the meaning which should be given to the term "isolated homes" was "homes which were remote from services and facilities". The Judgement of Mrs Justice Lang was that the Council were wrong and that the term 'isolated' should be given its ordinary objective meaning of "far away from other places, buildings, or people; remote" (Oxford Concise English Dictionary). The High Court Judgement was subsequently upheld in the Court of Appeal. Clearly, in this case, the proposed dwelling would not be isolated and so there is no necessity to demonstrate any exceptional circumstances.

37. The matter of access to public transport and reliance on the private car was also considered by Mrs Justice Lang in her judgement. At paragraph 28 of her decision, she acknowledged that "*in rural areas, where public transport is limited, people may have to travel by car to a village or town to access services*" and "*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.*"

38. With regards to the meaning of the presumption in favour of sustainable development, paragraph 11 of the NPPF2 states:

"For decision takers this means where ... the policies which are most important for determining the application are out-of-date, granting permission unless (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or, (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole".

39. In this case, the policies which are most important for determining the application (CS1, CS2, FC1, H3 and H7) are out of date and the proposed development would not conflict with any policies which protect areas or assets of particular importance as the application site is not in an area protected from development. Furthermore, the scheme will bring with it economic, social and environmental benefits as previously described and there would be no adverse impacts arising from the development which would significantly and demonstrably outweigh those benefits.

CONCLUSIONS

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (As amended) requires planning decisions to be made in accordance with development plan unless material considerations indicate otherwise.
41. The Council's relevant planning policies are out of date and consequently planning permission should be granted in accordance with the presumption in favour of sustainable development prescribed by the NPPF.
42. The proposed development will generate economic, social and environmental benefits fulfilling the three objectives of sustainable development without causing any significant and demonstrable impacts on any interests of acknowledged importance.

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