

## **Committee Report**

**Item No:** 5

**Reference:** B/17/01103

**Case Officer:** John Davies

**Ward:** Long Melford.

**Ward Member/s:** Cllr Richard Kemp. Cllr John Nunn.

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### **Description of Development**

Erection of 4 no. dwellings and construction of new vehicular access

### **Location**

Newmans Lodge, Bury Road, Alpheton, Sudbury CO10 9BP

**Parish:** Alpheton

**Site Area:** 0.1 ha

**Conservation Area:** No

**Listed Building:** No

**Received:** 02/05/2017

**Expiry Date:** 06/07/2017

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**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr & Mrs Weeks

**Agent:** Lee French

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to drawing number 1528/16/01B received 02/05/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 1528/16/01B - Received 02/05/2017

Existing Site Plan 1528/16/01B - Received 02/05/2017

Proposed Site Plan 1528/16/01B - Received 02/05/2017

Proposed Plans and Elevations 1528/16/02 - Received 02/05/2017

Sectional Drawing Existing and Proposed Street Elevations and Site Sections 1528/16/03 - Received 02/05/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/16/01354	Erection of 4 dwellings and access to highway.	Withdrawn 02/12/2016
B/16/00570	Change of use of land from farmland to domestic garden.	Granted 22/06/2016
B/15/01333	Change of use of land from garden to holiday accommodation (mobile home unit).	Withdrawn 26/10/2015

### **All Policies Identified As Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

#### **Babergh Local Plan Alteration No.2 2006**

CN01 - Design Standards  
HS28 - Infilling/Groups of dwellings  
TP15 - Parking Standards - New Development

#### **Babergh Core Strategy 2014**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS15 - Implementing Sustainable Development

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### **List of other relevant legislation**

- Human Rights Act 1998
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

### **Details of Previous Committee / Resolutions and any member site visit**

None

### **Details of any Pre Application Advice**

None

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Alpheton Parish Council**

Comment as follows;

“Safety - The Council has concerns that there will be three more exits onto a very busy main road, plus there are issues about the visibility from those exits. The plan shows trees, plants etc either side of the driveways which also perhaps need a wider splay.

Size of development - there is concern that four houses on this plot is over-development. Is four semi-detached houses acceptable to the planners?

Design - The proposed appearance of the houses is different from that of the majority of the street. Is red facing brick in keeping with the design of the village as it evolves? All houses visible from the main road have been rendered. Even Newman's Lodge is part-rendered. “

##### **Environmental Health - Land Contamination**

Objects as submission does not include a BS10175 compliant Phase 1 ground investigation.

##### **SCC - Highways**

No objection subject to various highway conditions.

#### **B: Representations**

None received.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

### **1. The Site and Surroundings**

- 1.1 The proposal site comprises a parcel of garden land, currently serving a residential property known as Newman's Lodge fronting Bury Road in the village of Alpheton. The site lies within the Countryside, outside of the defined Settlement Boundaries and within a Special Landscape Area. The site is bounded by agricultural land to the north, Newman's Lodge to the south and west and the highway to the east.

### **2. The Proposal**

- 2.1 The application seeks full planning permission for the erection of four dwellings. The scheme comprises a pair of two storey semi-detached dwellings designed in a cottage style with each unit providing three bedrooms.
- 2.2 Each unit would have two parking spaces located either to the front or side of the dwelling with rear garden spaces.
- 2.3 Each unit would be two storeys in height with a ridge level of around 7 metres.
- 2.4 Proposed facing materials are red brick with slate roofs.

### **3. National Planning Policy Framework**

- 3.1 The National Planning Policy Framework (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.
- 3.2 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. The National Planning Practice Guidance (NPPG) defines the statutory development plan as the plan for the future development of an area, consisting of development plan documents adopted by local planning authorities, including any 'saved' policies from plans that are otherwise no longer current.
- 3.3 The proposal therefore stands to be assessed against the adopted development plan, unless material considerations, including National Policy, indicate otherwise.

### **4. Core Strategy**

- 4.1 Policy CS2 of the Core Strategy identifies a settlement hierarchy so as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement/areas within the district, with Towns/Urban areas representing the most preferable location for development, followed by the Core then Hinterland Villages.
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- 4.2 The Countryside, for the purposes of Policy CS2, is defined as those areas outside the towns/urban areas and Core and Hinterland Villages. The Countryside is identified as the least preferable location for development, with development permitted only in exceptional circumstances subject to a proven justifiable need.
- 4.3 Policy CS15 of the Core Strategy requires development within the district to demonstrate the principles of sustainable development. The Policy identifies a number of criteria as to apply it within the local context, including that new development should ensure an appropriate level of services, facilities and infrastructure are available to serve the proposed development and that development should seek to minimise the need to travel by car.
- 4.4 The overall thrust of the policies contained within the development plan, when taken as a whole, presents a presumption in favour of sustainable development (see Policy CS1 and Objectives of the Core Strategy).

## **5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan**

- 5.1. Not relevant

## **6. Saved Policies in the Local Plans**

- 6.1 Saved policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and construction materials for the location. Saved Policy HS28 covers Infill development and states the circumstances where infill development would be refused. Policy TP15 states that development will be assessed having regard to adopted parking standards.

## **7. The Principle of Development**

- 7.1 Paragraph 197 of the NPPF states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development, as outlined in paragraph 14 of the Framework, which should be seen as a golden thread that runs through the planning system.
  - 7.2 The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
  - 7.3 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
  - 7.4 The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position.
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The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

- 7.5 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'
- 7.6 The Council adopted its Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
- 7.7 A summary of the Babergh 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
  - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 7.8 Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, *social and environmental considerations and indicates that planning should seek gains in relation to each element. These dimensions give rise to the need for the planning system to perform a number of roles:*
- *economic, contributing to building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places*
  - *social, supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and*
  - *environmental, contributing to the protection and enhancement of the natural, built and historic environment and mitigate and adapt to climate change.*
- 7.9 Paragraph 55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.
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- 7.10 Paragraph 55 does not indicate that a new home in the countryside which is not isolated should necessarily be accepted, nor does it define the meaning of "isolated". It is reasonable that the term is not limited to the existence or absence of neighbouring dwellings, but must be read in the context of the overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Accessibility to services and facilities is a key component to supporting, strong vibrant and healthy communities, as identified by the social dimension of sustainable development.

## **8. Sustainability Assessment of Proposal**

- 8.1 The proposal site lies outside of the Towns/Urban areas and Core and Hinterland Villages and is thereby designated as in the countryside for the purposes of Policy CS2 of the Core Strategy. The applicant has not made a case, based upon material planning grounds, to set out that the proposal should be considered as 'exceptional' under the provisions of Policy CS2 and thereby is contrary to the Policy.
- 8.2 Alpheton has no recognisable services or facilities. As such, journeys out of the village would be a regular necessity for the majority of residents in order to access many day-to-day services. Furthermore, the nearest settlement offering a reasonable degree of services and facilities to meet every day needs of future occupiers is the village of Long Melford, situated over 4 kilometres from the proposal site.
- 8.3 There is a bus stop on Church Lane, approximately 600m from the site. A service connects Alpheton to the town of Bury St Edmunds and operates at 8:00am and 16:48pm Monday - Friday and 9:30am and 16:48 on Saturdays. An alternative bus route includes a connection to Sudbury, operating around 7:00am Monday -Saturday. It is noted that opposite the proposal site, on the A134, a public footpath is provided, connecting the proposal site to the bus stop.
- 8.4 Given the distance to those settlements providing services and facilities to meet every day needs of future occupiers and in the absence of a footpath for pedestrian or cycle use connecting the proposal site to these settlements , there is little potential for journeys by bicycle or by foot. Furthermore, whilst the bus stop within Alpheton is within a convenient distance and accessible due to the public footpath, the choice of routes and frequency are limited, thereby not representing a sufficiently attractive alternative to private vehicular transport.
- 8.5 The proposal site is thereby poorly located in terms of access to services and facilities, whilst occupiers of the proposed dwellings would be largely reliant on private vehicular transport contrary to aspects of Policy CS15 of the Core Strategy and the environmental and social dimensions of sustainable development contained within the NPPF.
- 8.6 Furthermore, whilst the proposed dwellings would sit adjacent to existing residential properties, extending development along the A134, and in this physical sense would not represent new isolated homes in the countryside, the above conclusions render the scheme functionally isolated, with the proposed dwellings failing to make any significant contribution to the support of services and facilities and thus the vitality of the rural community. The proposal would therefore conflict with the aims of paragraph 55 of the Framework.
- 8.7 These adverse impacts, identified above, must be weighed against the potential benefits of the development.
- 8.8 The benefits that can be identified in terms of the three dimensions of sustainable development consist of a temporary economic benefit during the construction phase and social benefit arising from the provision of 4 additional houses. However, these are minor given their temporary nature.
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Accordingly the benefits in this instance are significantly outweighed by the demonstrable harm, a result of the proposal's poor accessibility to services and facilities and the consequent reliance on the private car, failing to meet the environmental and social dimensions of the NPPF. Therefore the proposal would not amount to sustainable development for the purposes of the Framework or Policy CS15 of the Core Strategy.

8.9 Given the above assessment the proposal is therefore unacceptable in principle.

### **9. Site Access, Parking and Highway Safety Considerations**

9.1 The Local Highway Authority raises no objection to the proposal subject to conditions. This consultation response formed the main material consideration in determining the impact of the proposal on highways safety. The proposal is thereby acceptable in this regard. Policy TP15 of the Local Plan requires development to provide parking in accordance with the Suffolk County Council Parking Standards Supplementary Guidance. The guidance requires a 3 bedroom dwelling to provide 2 car parking spaces. The proposal would provide sufficient car parking for the 4 dwellings to comply with the Guidance and thus is in accordance with Policy TP15.

### **10. Design and Layout [Impact on Street Scene]**

10.1 Policy CS15 of the Core Strategy, through the implementation of sustainable development, requires proposals to respect the landscape, landscape features and streetscene/townscape, whilst making a positive contribution to the local character, shape and scale of the area. Policy CN01 of the Local Plan requires development proposals to be of appropriate scale, form, detailed design and construction materials for the location.

10.2 Policy CR04 of the Local Plan seeks to protect the Special Landscape Areas of the district through only permitting development where it maintains or enhances the special landscape qualities of the area and where designed and sited so as to harmonise with the landscape setting. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.

10.3 The site lies adjacent to existing residential development at Newman's Lodge, forming part of the property's existing domestic curtilage. The site is subject to hedging and planting to the northern and western boundaries. The presence of residential properties, the A134 and extensive planting combined with the more domestic appearance of the garden land opposed to the open agricultural fields to the north and west, means the site does not read as part of the wider countryside, nor contributes significantly to the quality of the Special Landscape Area. The introduction of the dwellings would therefore have limited impact upon the wider rural setting, countryside or quality of the Special Landscape Area.

10.4 Alpheton is traditionally linear with development extending along the A134. The built form consists of predominately two storey dwellings of broadly traditional style, however, examples of one and a half storey properties are present and development consist of both detached and semi-detached dwellings.

10.5 The proposed dwellings would be generally consistent with the linear character of development, whilst of a traditional style. Furthermore, given the presence of one and a half storey dwellings and semi-detached properties, the proposal would be in keeping with the character of the locality in this regard.

10.6 Whilst properties within the locality are subject to predominantly rendered exteriors, given the presence of examples of exposed brick exteriors, including at Newman's Lodge, the pallet of proposed materials appears acceptable to the locality.

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The inclusion of soldier course detailing, dormer windows and porches aid in the promotion of an adequate design. Furthermore the proposed development is not considered to represent an over-development of the site, with adequate garden land, access, turning area and vehicular parking provision.

- 10.7 In conclusion, the proposal would be an acceptable design, respectful of the character of the landscape and streetscene, in accordance with the relevant aspects of Policy CS15, CN01 and CR04 of the Core Strategy. Furthermore, the proposal would remain consistent with the environmental dimensions of sustainable development and paragraph 56 of the NPPF, in securing good design and protecting the built and natural environment.
- 10.8 Further to the above, it is concluded however, that the design of the proposals is not of sufficient quality or innovation, nor results in an enhancement of the built and natural environment as to determine the proposal would provide a benefit in terms of the environmental dimension of the sustainable development in this regard.

### **11. Landscape Impact**

- 11.1 The proposal includes a number of trees to be removed, which in turn affects the screening afforded to the development. However, the trees proposed for removal appear to be of limited arboricultural value, whilst they are positioned primarily to the road frontage, with screening retained to the remaining boundaries ensuring a degree of enclosure. Furthermore a comprehensive landscape strategy (including protection measures to significant trees where appropriate), which can be secured by way of planning condition, can reinforce screening where necessary and include landscape features of a better amenity value to the benefit of not only the applicant but the landscape character of the site and its surroundings.

### **12. Environmental Impacts - Trees, Ecology and Land Contamination**

- 12.1 The Environmental Protection Team request the submission of a Phase 1 Contamination Report. However, given that the proposal site has not been identified as potentially contaminated and historically appears to have remained in residential use, the level of information currently submitted is deemed to be sufficient to determine the application at this stage. The Phase 1 Contamination Report could be secured by way of planning condition.

### **13. Heritage Issues**

- 13.1 There are no heritage impacts.

### **14. Impact on Residential Amenity**

- 14.1 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 14.2 Given the degree of separation, position and orientation between the proposed dwellings and Newman's Lodge, the proposal would not result in any significant harm to the amenity of the occupants of neighbouring properties or future occupants of the proposed dwellings, in accordance with Paragraph 17 of the NPPF.
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## **15. Biodiversity and Protected Species**

- 15.1 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations 2010, in relation to protected species however the proposal raises no issues of significance.

## **16. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

- 16.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
  - Council Tax
  - CIL
- 16.2 These are not material to the planning decision.

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## **PART FOUR – CONCLUSION**

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### **19. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.**

- 19.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 19.2 In this case the development was considered to be unacceptable in principle having regard to the location of the development in the countryside and remote from the nearest services and therefore likely to rely on use of the motor car.

### **20. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)**

- 20.1 None

### **21. Planning Balance**

- 21.1 There are no local facilities or services in Alpheton. The nearest facilities are in Long Melford and Lavenham which are at least 4 km from the site along routes which are unlit and have no footpaths. It is likely that most trips from the proposed dwelling would be by private car. In this regard it is considered that the proposal would not accord with National Planning Policy Framework (the Framework) paragraphs 17, 34 and 35 which seek to locate development to give priority to pedestrian, cycle and public transport movements.
- 21.2 Framework paragraphs 7 and 8 require the economic, social and environmental roles of sustainability to be considered together. The proposal would make a limited and short term contribution to the economic role of sustainability through the construction activity. The creation of 4 new dwellings would make a contribution to the supply of housing in the area. Whilst the appeal site is not isolated from other established built development given the limited opportunity for travel by sustainable modes, its benefits in supporting local services would be very modest. The proposal would, therefore, make a limited contribution to the social role of sustainability. It is also considered that there would be no significant environmental benefit from the development as the land is presently garden.
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21.3 It is concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. As such, the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14 or Policies CS1 and CS2 of the Babergh Core Strategy.

## **RECOMMENDATION**

Refuse planning permission for the following reasons:

1. The proposal site lies adjacent to existing residential development in the village of Alpheton, outside of the Towns/Urban areas and Core and Hinterland Villages, designated as the countryside for the purposes of Policy CS2 of the Core Strategy. The Countryside is identified as the least preferable location for development, with development permitted only in exceptional circumstances subject to a proven justifiable need. The applicant has not made a case to set out that the proposal should be considered as 'exceptional' under the provisions of Policy CS2 and thereby is contrary to the policy.

Alpheton has no recognisable services or facilities. As such, journeys out of the village would be a regular necessity for residents in order to access many day-to day services. Furthermore, due to the absence of a public footpath and poor public transport links to settlements that would provide the services and facilities to meet those everyday needs, alternative means of transport to private vehicles would not provide a sufficiently attractive or convenient option to future residents. The proposal site is thereby poorly located in terms of access to services and facilities, whilst occupiers of the proposed dwelling would be largely reliant on private vehicular transport. The proposal is thereby considered to represent isolated homes in the countryside, conflicting with the aims of paragraph 55 of the NPPF. The applicant has not made a case to set out that the proposal should be considered as 'exceptional' under the provisions of Paragraph 55 of the NPPF.

On this basis the proposal is considered to materially and demonstrably conflict with the aims of the NPPF as it fails to meet the environmental and social dimensions of sustainable development, whilst contrary to aspects of Policy CS15 of the Core Strategy. Any benefits arising from the development are considered to be significantly and demonstrably outweighed by the identified harm.

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