

## **Committee Report**

**Item No: 1**

**Reference:** DC/17/04049

**Case Officer:** John Davies

**Ward:** Chadacre.

**Ward Member/s:** Cllr James Long.

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### **Description of Development**

Full Planning Application - Erection of 6 no single storey dwellings associated out buildings, improvements to existing vehicular access & highway improvements. As amended by agents email dated 17/8/17 and amended drawings numbered 17/60/02A,03A and 12A showing changes to proposed footpath arrangement. Further amended drawings received 9/11/17 numbered 17/60/02B,03B,04A,05A,06A,07A,08A,09A,10A,11A,12B and 14B showing changes to layout and form of dwellings.

### **Location**

The Paddocks, Lawshall Road, Hartest, Bury St Edmunds Suffolk IP29 4DR

**Parish:** Hartest

**Site Area:** 0.38ha

**Conservation Area:** Hartest Conservation Area

**Listed Building:** n/a

**Received:** 04/08/2017

**Expiry Date:** 29/09/2017

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

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** n/a

**Applicant:** Lewis Morgan Ltd

**Agent:** Dean Jay Pearce - Architectural Design & Planning Ltd

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to drawing number received 09/11/2017 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 - Received 09/11/2017

Topographic Survey 01(1) - Received 09/11/2017

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Topographic Survey 01(11) - Received 09/11/2017  
Landscaping Plan 17/60/02 Rev.B - Received 09/11/2017  
Proposed Site Plan 17/60/03 Rev.B - Received 09/11/2017  
17/60/04 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 1 17/60/05 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 2 17/60/06 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 3 17/60/07 A - Received 09/11/2017  
Proposed Plans and Elevations 17/60/08 A - Received 09/11/2017  
Proposed Plans and Elevations 17/60/09 A - Received 09/11/2017  
Proposed Plans and Elevations Plot 6 17/60/10 A - Received 09/11/2017  
Highways Drawing 17/60/12 B - Received 09/11/2017  
Existing Sections 17/60/13 - Received 09/11/2017  
Proposed sections 17/60/14 B - Received 09/11/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk).

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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:

The application is referred to Planning Committee at the request of Councillor Nunn.

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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/16/00594	Outline- Erection of 6 no. dwellings (all matters reserved)..	Refused 27/07/2016
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This application was refused on the grounds of:

- harm to the open nature and transition character between the urban area of the village and the open countryside to the detriment of the Conservation area and Special Landscape Area.
- Unsuitability of Lawshall Lane for intensification of use and harm to pedestrian safety given narrowness, sharp bend and lack of footway.
- Unsustainable development the benefits of which outweighed by harm to :
  - Relationship to pattern of development in the settlement
  - Lack of respect to the landscape, street scape/townscape/heritage assets, important spaces and historic views
  - No positive contribution to local character of area
  - Development of an important visual feature in its undeveloped form
  - Detriment to highway safety

## **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**

The Development Plan comprises the Babergh Core Strategy 2014 and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to the proposal:

#### **BABERGH CORE STRATEGY 2014**

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS11 - Core and Hinterland Villages  
CS15 - Implementing Sustainable Development  
CS19 - Affordable Homes

#### **BABERGH LOCAL PLAN (ALTERATION NO.2) 2006**

CN01 - Design Standards  
CN06 - Listed Buildings - Alteration/Ext/COU  
CN08 - Development in/near conservation areas  
CR04 - Special Landscape Areas  
HS28 - Infilling/Groups of dwellings

#### **SUPPLEMENTARY PLANNING DOCUMENTS**

Suffolk Guidance for Parking (2014)

Rural Development & Core Strategy Policy CS11 (2014)

#### **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

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

General advice provided.

## **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**

#### **Hartest Parish Council**

Original Scheme: Objection:

1 This land falls within open countryside and unlikely to qualify under Policy CS11. It's considered to be suitable only for affordable housing as a rural exception site (as per CS 20 of BDC's Core Strategy).

2 Policy HAR 3 permits up to 3 dwellings, where development outside the Built-up Area Boundary is considered to be acceptable. Furthermore, there is no accompanying CS11 checklist and no statement describing the significance of the heritage asset affected.

3 There is no mix of housing types. Policy HAR 4 seeks a commitment to meet Lifetime Homes re the single storey dwellings.

4 The consultations carried out for the emerging Neighbourhood Plan confirm the importance of maintaining the existing character of the village and its surrounding natural environment.

5 Policy HAR 12: This site lies within an identified visually important gap.

6 Policy HAR 11: This site lies within a key view from the village green.

7 Policy HAR 14: Despite being within a Conservation Area and close to listed buildings, no heritage assessment has been provided.

8 Policy HAR 15: The proposed development fails to meet the village's existing development pattern.

#### **SCC - Highways**

No objection subject to conditions relating to new access and bin/recycling storage on site.

#### **Heritage Team**

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1. The Heritage Team considers that the proposal would cause:

1. Less than substantial harm to a designated heritage asset because the development layout and elements of the form and detailed design of the proposal would diminish the character of the conservation area through a formal arrangement of dwellings which would not complement the historic pattern of development, intrinsic to the character of the area.

2. The Heritage Team recommends that amendments be sought fundamentally to the proposed layout of the development as well as a more cohesive approach to the dwelling/garage treatment which reflect the rural form of development within the village.

#### **Arboricultural Officer**

No response.

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

No objection.

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## **Environmental Health – Other**

No objection subject to:

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- Condition requiring the submission of a Construction Management Plan
  - No burning on site during clearance/construction phases
  - Flues to woodburning stoves to terminate 1 metre above ridge levels
  - Condition to require submission of external lighting scheme to prevent light pollution
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## **Environmental Health- Sustainability**

No objection and welcome sustainability features and request these are secured by condition.

## **SCC Archaeology Service**

Request condition requiring programme of archaeological work at the site.

## **Revised Plans:**

### **Heritage Team**

The Heritage Team considers that the proposal would cause:-

1. No harm to a designated heritage asset because the organic nature of the layout, disposition and range of properties with contemporary agricultural influence would preserve the character of the Conservation Area.
2. The Heritage Team recommends that conditions be imposed should permission be granted.

### **Hartest Parish Council**

Response to Revised Plans: Object for reasons as follows which replicates comments of Hartest Neighbourhood Plan Working Group.

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- Proposal is outside BUAB and not immediately adjacent to boundary. Contrary to emerging Hartest Neighbourhood Plan Policy HAR 6.
  - According to HAR3 only up to 4 houses allowed outside BUAB and no CS11 checklist submitted.
  - Housing mix satisfies HAR4 especially for first time buyers and residents seeking to downsize
  - Site lies within a Visually Important Gap as defined under HAR 12
  - Contrary to HAR11 as site within a Key view from Village Green and no Landscape Visual Impact Assessment (LVIA) submitted to assess its harm
  - Proposal does not demonstrate compliance with HAR8- impacts on biodiversity
  - Proposal does not offer adequate protection to setting of listed buildings in the vicinity
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## **B: Representations**

Original Submission: 8 responses raising objections on following grounds

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- Lawshall lane is narrow and has a blind bend - it is not safe for increased car use nor pedestrian access
  - Lane is narrowest where pedestrians join the road and has steep sides and overhanging trees which reduce safety
  - Road widening at the top does not improve the width at the bottom of the lane
  - Road is prone to flooding
  - Further development of Meadows is possible if this is allowed
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- Should be refused for same reasons as previous application
  - Harmful impact on views into and out of the village
  - Harmful impact on views to and from listed buildings in the village green and those identified in the emerging Neighbourhood plan
  - Proposed design lacks design variety and is ill matched to the rich historical qualities of the conservation area
  - Adverse Impact on watercourses from foul drainage
  - References to draft Hartest neighbourhood plan are cherry picked
  - No landscape impact assessment has been prepared Harmful impact on two views identified as worthy of preservation in neighbourhood plan
  - Lawshall Road narrow section is just 3 metres wide
  - Potential harm to brick underground culvert beneath Lawshall Road
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5 submissions of support received.

Comments from Hartest Neighbourhood Plan Working Group- Object on grounds:

- 
- Site is in Countryside and development for private housing contrary to Core Strategy and emerging Hartest Neighbourhood Plan as it would only be acceptable if a Rural Exception development for affordable housing
  - Draft Policy HAR 3 allows only up to 3 dwellings outside BUAB and not supported by a CS11 checklist nor a heritage impact assessment
  - Welcome two beds dwellings as providing for dwelling mix needs of local people including first time buyers and residents looking to downsize . Meets HAR 4 (dwelling mix)
  - Site lies within an identified Visually Important Gap which should be maintained under Policy HAR 12 and is therefore contrary to this policy
  - Site lies within a Distinctive View identified and protected by HAR 11 and no Landscape Visual Impact Assessment submitted to allow assessment of its impact on views to/from the Village Green.
  - Proposal does not demonstrate compliance with Policy to retain existing features of biodiversity value.
  - Does not provide appropriate heritage assessment to comply with HAR 14.
  - Cul-de-sac layout with no through route to the village is not consistent with existing pattern of development contrary to HAR15.
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Amended Plans Re-consultation:

9 responses received all objecting to the revised proposals and making following comments:

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- Revised proposal does not address concerns about unsuitability of narrow lane for development
  - Will exacerbate flooding and safety problems with this section of highway
  - Increased risk of serious accident along the lane
  - Widened existing passing place is a cosmetic change only
  - Amended new footpath provision would mean longer walk along road to village and back
  - Housing will meet a specified need but not a proven need
  - Unlikely that priority for new housing will be given to local residents
  - Lack of demand for additional housing in village as confirmed in draft Neighbourhood Plan
  - Existing facilities within village likely to reduce in future due to closure
  - Fails to contribute positively to setting of several listed buildings and to preserve or enhance the character or appearance of the conservation area
  - 5 metre high anthracite grey roofs of proposed buildings would obscure views of listed buildings on Green except for their roofs
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- Closer grouping of buildings in layout will create greater obstruction to views of listed buildings on the Green
  - Dwellings likely to look more like a small industrial estate
  - Benefits of development outweighed by harm to SLA/CA and increased accident risks
  - Once allowed will set precedent for further development in this area.
  - Lack of adequate justification /submissions regarding landscape impact assessment, heritage impact, impacts on views, cul-de-sac layout and number of dwellings
  - 'Farmyard' layout does not reinforce local distinctiveness nor provide permeability
  - Development on 'wedge' of countryside adjacent to Green and blocks views to/from village green
  - Proposals should have been referred to the Suffolk Design Review Panel
  - Proposals do not improve the character and quality of an area
  - No economic, social or environmental benefits to outweigh harm to heritage assets
  - No engagement by developer/agent with local community
  - Proposals are contrary to Paragraphs 60,61,62,64,65 and 66 of NPPF relating to good design.
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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 site comprises part of an agricultural field approximately 0.46Ha in area, currently used for grazing horses and belonging to The Paddocks. The field lies to the north-west of Lawshall Road, which is a narrow single track lane leading from Shimpling Road (Hartest Hill) at the south-eastern end of the village.
  - 1.2. The site is raised approximately 0.5m above the road level and is enclosed along the road frontage by a raised bank and a hedgerow above it. On the opposite south-east side of the road there is a steep bank with a hedgerow/trees and behind which is an estate known as Greenview, which is a cul-de-sac of 11 dwellings built approximately in 1960. These properties are elevated some considerable distance above the road in places. Beyond the Greenview estate are a couple of further dwellings on the south-east side of Lawshall Road.
  - 1.3. The site is situated to the north-east of a two storey late 20<sup>th</sup> Century farmhouse style property known as The Paddocks. This property is served by an access from Lawshall Road adjacent to the south-west corner of the application site. The site is separated from The Paddocks garden by a post and rail fence. There is a hedgerow to the northern boundary of the field.
  - 1.4. The application site rises in height from west to east by up to 3 metres.
  - 1.5. The site lies within the Hartest Conservation Area and within a Special Landscape Area. Both these designations cover the whole of the village and land surround it. The site lies outside but close to the Built Up Area Boundary of the Village as defined within the 2006 Local Plan. On the north-west side of Lawshall Road the boundary runs close to the rear of The Paddocks and is around 35 metres from the application site. On the south-east side of Lawshall Road the boundary extends eastwards up to the junction with the road to Cooks Farm and includes the Greenview estate and the houses beyond it.
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## **2. The Proposal**

- 2.1 This full application seeks planning permission for the erection of 6.no. two/three bedroom single storey dwellings together with a new access onto Lawshall Road.
- 2.2 Access to the site for vehicles and pedestrians would be from a new opening created halfway along the frontage to Lawshall Road. This would be combined with a new footpath from the access leading to the existing access which serves The Paddocks.. As originally proposed a new segregated footpath was shown set back from the road and within the garden of The Paddocks and extending for a distance of 25 metres to where it joined the Lawshall Road. The proposals also include widening of the carriageway to 4.5 metres further along Lawshall Road.
- 2.3 Each dwelling would have 2/3 bedrooms and rear gardens provided to each unit would vary between 220 to 340 square metres in area. Each dwelling would be single storey with a consistent ridge height of 5.5 metres above ground level.
- 2.4 Each unit would have 3 parking spaces including a single garage.
- 2.5 Additional tree and shrub planting is proposed along the perimeter of the site and to the front of the site would be a retained open grassed area intended as a retained vista along Lawshall Road in between Plot 6 and the road.
- 2.6 Facing materials would be Anthracite grey profiled sheet roofing, Anthracite grey vertical profiled sheet wall panels and natural larch boarding with anthracite grey aluminium windows.
- 2.7 There are no development proposals for the remainder of the field and the Applicant indicates that it would remain as existing.
- 2.8 In August 2017 the proposals were amended by the deletion of the proposed segregated footpath following comments from the Highway Authority concerned over safety aspects.
- 2.9 In November 2017 the proposals were amended, and revised plans were received showing changes to the site layout of the dwellings. The effects of these changes were that the dwellings were brought closer together and in a more informal grouping with linked buildings or screen walling.

## **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.

## **4. Core Strategy**

- 4.1 Policy CS1 states that the Council will support sustainable development unless material considerations indicate otherwise.
  - 4.2 Policy CS2 sets out the settlement policy for the district and states that development will be guided sequentially to the towns, core and hinterland villages.
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- 4.3 Policy CS03 states that employment and housing growth over the plan period will be accommodated within Babergh's existing settlement pattern and within new urban extensions. Most new housing during the plan period would be within the Sudbury and Great Cornard areas.
- 4.4 Policy CS11 deals with new development at Core and Hinterland villages and sets out criteria with which to assess such proposals.
- 4.4 Policy CS15 sets out a list of criteria that need to be considered to demonstrate that proposals are sustainable.
- 4.5 Policy CS18 states that residential development will be supported where it provides for the needs of the District's population especially the elderly and at a scale appropriate to the size of development.

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

- 5.1 Hartest Village is in the process of preparing a Neighbourhood Development Plan. A Pre-Submission Draft Plan was published in March 2017 for public consultation following which a Consultation Report will be prepared prior to formal submission of a revised draft Plan to the Council for further public consultation and external examination. The status of the current plan has therefore very limited weight as a material consideration in planning decisions.
- 5.2 The Hartest Conservation Area Appraisal (2007) .
- 5.3 Rural Development & Core Strategy Policy CS11 SPD (2014)

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

- 6.1 Saved Policy CN01 requires all development to be of appropriate scale, form, detailed design and construction materials for the location.
  - 6.2 Saved Policy CN06 sets out principles for the control of works to listed buildings or the setting of listed buildings.
  - 6.3 Saved Policy CN08 deals with the protection and enhancement of the character and appearance of conservation areas.
  - 6.4 Saved policy CR04 deals with proposed development within Special Landscape Areas and states that development should maintain or enhance special landscape qualities of the area and be designed and sited to harmonise with landscape setting.
  - 6.5 Saved policy HS28 covers infill development and states that permission will be refused where the site should not be developed as an important visual or environmental feature; the proposal represents over-development to the detriment of the environment, the character of the locality, residential amenity or highway safety; the layout provides unsatisfactory standard of privacy, garden size or public open space or is of scale, density or form out of keeping with adjacent dwellings or other buildings.
  - 6.6 Saved policy TP15 states that new development will be required to provide parking in accordance with adopted parking standards.
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## **7. The Principle of Development**

- 7.1 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.
- 7.2 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).
- 7.3 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. 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.
- 7.4 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-03020140306) 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...' The NPPF (Paragraph 49) states that 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. For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.5 Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker 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.
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7.6 In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-03020140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.

A summary of the [BDC] Council's 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

7.7 Policy CS1 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy CS1.

7.8 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

7.9 In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan in the context of the authority not being able to demonstrate a 5 year land supply.

7.10 As detailed above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS2, CS3, CS11 and CS15 provide a framework to consider the sustainability of this site, having regard to the three strands of sustainable development set out in the NPPF. As such, these policies and their requirements are assessed further here.

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- 7.11 Hartest is defined as a hinterland village under policy CS2, a policy which suggests that most Hinterland Villages should accommodate some development to help meet the needs within their functional cluster. The proposal site is approximately 35 metres from the Built Up Area Boundary (BUAB) for Hartest and therefore policy CS11, which provides greater flexibility for appropriate development beyond the BUAB for identified core and hinterland villages, would apply. Hartest has a range of local services including a butchers, public house, primary school, garage, church, Institute and a doctors' surgery.
- 7.12 Paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside. The site is not considered to be physically 'isolated' within the meaning of this term as it is relatively close to the Built up Area Boundary of Hartest and in terms of distance is reasonably close to services provided within the village (as listed above). The proposal does not, therefore, lie spatially isolated from services. Paragraph 55 of the NPPF also states that:

*"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."*

- 7.13 Development in hinterland villages will be approved where the criteria in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. As such, this report will move to consider the relevant provisions of those policies, set within the context of the actual service provision in the village.

#### The landscape, environmental and heritage characteristics of the village

##### *Impact on Landscape*

- 7.14 The site lies within the SLA where saved policy CR04 of the Local Plan identifies that proposals will only be permitted where they maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal and are designed and sited so as to harmonise with the landscape setting.
- 7.15 The site, at present, is part of an open field enclosed on all its boundaries by established trees and hedgerows. The development site would be severed from the rest of the field and enclosed by a post and rail fence and new hedgerow planting. In terms of topography there is a rise in levels from the western corner of the site to the east side of around 3 metres.
- 7.16 Hartest sits within a valley with the land rising steeply to the north and east. The majority of development in the village is characterised by a layout that is one plot deep with farmland to the rear.
- 7.17 Currently the street scene along Lawshall Road has a green and verdant character. Upon leaving the village, the use of the site for horse grazing offers a graduation between the residential and agrarian uses beyond and a soft transition into the SLA countryside. The narrow, sunken character of Lawshall Road contributes positively to the experience of these surroundings and contributes to the sense that you are leaving the built settlement and entering a more diffuse road network. The concern is that the creation of the new access, road widening and development of the field would result in the loss of the open field character and have an unduly urbanising impact on the site to the detriment of these surroundings.
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- 7.18 The SLA character type is identified as 'undulating ancient farmland' and The Joint Landscape Guidance for this character type states that "The setting of Hartest village compliments the landscape with high banked lanes cutting a path to the village centre that then open up to an area with houses framing small pockets of green open spaces with mature trees". It is clear that the current enclosed character of the lane is a valuable quality of the countryside in this location. Development of the site could significantly alter its open character to the detriment of the surrounding countryside.
- 7.19 Presently the site offers unrestricted views from the Lawshall Road into the village and these views show the village buildings nestling into the surrounding countryside between the trees. These views contribute to its general appreciation and the significance of the SLA and can be positively or negatively affected by development of this site. Moreover, these views and open gaps between development within and outside the village centre are identified as significant in the Draft Neighbourhood Plan. Draft Policy HAR 11 identifies this as one of the key views to/from the village and Policy HAR 12 designates this part of Lawshall Road as part of a Visually Important Gap. EWhilst these policies have no statutory force they are nevertheless a recognition of the significance of the site to the village.
- 7.20 The previous scheme in 2016 was refused on grounds, among others, that the proposals would develop an open, un-built on site which contributes to the character of the Conservation Area and the SLA. In particular, the form of the development indicated as 6 no. two storey houses arranged in a radial inward-looking layout was deemed inappropriate for the site being considered to be too 'suburban' in character.
- 7.21 The current proposals, in comparison to the 2016 scheme, are for a single storey development and in a contemporary 'farmyard' style form which seeks to create a justification for and establish a sense of place for the development. Some respect is also shown for the open gap and key views identified in the draft neighbourhood Plan by the inclusion of an un-built viewing cone along Lawshall Road within which no development will take place. This is welcomed, however, it represents a modest and artificial division which does not address the wider landscape impact.
- 7.22 On balance it is considered that the proposed development would not maintain the special landscape qualities of the area and the development as a whole would not harmonise with the landscape setting. The proposal would, therefore, not comply with policy CR04 and this part of policy CS11.

#### *Impact on Heritage Assets*

- 7.23 By virtue of the legal duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act"), "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 7.25 Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).
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- 7.26 The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). Good design is a key part of sustainable development, and the Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm and that proposals which make a positive contribution to the asset should be treated favourably (paragraph 137). In making this assessment the decision maker should not apply the 'tilted balance' of paragraph 14 of the NPPF (even if it is otherwise applicable) but should place the priority on conserving the heritage asset free from harm, by refusing harmful proposals, unless there is sufficient public benefit to outweigh that harm.
- Saved policy CN06 of Babergh Local Plan Alteration No. 2 (2006) requires inter alia that alterations to any part of a listed building, or development affecting their setting, are: justified in terms of preserving the special character of the building; would make use of appropriate materials; and would cause the minimum possible impact to the heritage asset.
- 7.27 In response to the original submission the Heritage Team commented on the significance of the site in heritage terms to the village. They commented that there is clear evident heritage interest throughout Hartest, in particular the historic core and high number of listed buildings surrounding the green. The village core has its own inherent character and the surrounding wider context further contributes to the character of the area, reinforcing the rural location. The conservation area appraisal notes that the conservation area boundary is drawn widely including a number of outlying hamlets and the land between them and the main settlement. It therefore includes extensive areas in agricultural use, characteristic of the rural location.
- 7.28 Whilst acknowledging that any form of development on the current undeveloped land would have an impact through loss of the current pasture which forms a gentle approach into the central core of the village and sense of enclosure, they did not consider that development in principle was unacceptable and commented that differing approaches to development would inform the type of impact on character and level of harm if evident.
- 7.29 The Heritage Team concluded the proposal to cause less than substantial harm in its current form as the development would not harmonise with the character of the conservation area. This was due to the formal arrangement of the dwellings and the (flat roofed) form of the garage elements in particular. The layout was considered formulaic with strong influence from hard-standings for vehicular movement. They suggested a more organic approach to the supposed 'agricultural farmstead' group should be explored in order to reflect the settlement morphology of Hartest and complement the rural character of the location. The outbuildings should have a better relationship to one another than being clearly independent units as proposed. They advised that better association to one another, more interest in layout arrangement with less formality could reduce the level of harm to the character of the area, addressing the rural location and context of historic development with better relationship to the countryside. The flat roof form/massing of the garage elements was also highlighted as needing modification.
- 7.30 In response to the revised plans the Heritage Team advise that the amended scheme with changes to layout and building form following their suggestions would give rise to some impact through development of currently open land, however the pattern of development would be sustained by the amended scheme and would not detrimentally affect the character of the place.
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The layout of the development is now considered more organic in approach, with pinch points creating interest within the site, as well as subtle variations in the proposed building types but with a coherence of agricultural influence and material palette. The Team also confirmed that the impact on the setting of the listed buildings to the west surrounding the historic green is considered negligible.

- 7.31 In that regard, the proposal is considered acceptable in terms of the heritage impact requirements of policy CN06, the NPPF and this part of policy CS11.

Site location and sequential approach to site selection

- 7.32 To be acceptable under Policy CS11 proposals should adjoin and be well related to the built up area boundary of the village. The SDP acknowledges that some sites even though they adjoin a BUAB may not be well related to the village and a judgement will need to be made taking in account issues such as:

- o Whether the proposal would constitute ribbon development on the edge of the village
- o How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
- o The scale, character and density of the proposal in relation to the existing adjoining development
- o Whether the proposal constituted a logical extension of the built up area of the village
- o Whether the proposal is self-contained and has logical natural boundaries

- 7.33 The site is close to but not strictly speaking adjacent to the BUAB boundary as there is a gap of around 35 metres comprising the rear garden of The Paddocks. The proposed development is not infill as it would extend the built up area of the village along the north side of Lawshall Road in a form which could be described as ribbon development. The Applicant states that development would not extend further along Lawshall Road than it already does along the south side and this is true because housing continues beyond Green View up to the junction with the road leading to Cooks Farm. However, upon leaving the village on the Lawshall Road the overwhelming impression is of open land beyond The Paddocks due mainly to the elevated embankment which hides the Green View estate. Therefore, it is Officer's view that the development would constitute ribbon development as far as the north side of Lawshall Road is concerned. Having regard to the other indicators of how well related the site is to the village it is not considered that the site is a logical extension for reasons that it would be separated from The Paddocks and in a relatively open setting on the north-west side of the road and taking up a part of a much larger field. It requires new planting and enclosure to its lateral boundaries to satisfactorily separate it from The Paddocks and the rest of the field.

- 7.34 With regard to connectivity particularly for pedestrians between the site and the village would be along a narrow (minimum 3 metre wide) lane for a distance of 105 metres to the junction with Hartest Hill. The road is on a hill and also bends round to the right with overhanging vegetation and therefore has limited forward visibility of oncoming vehicles. There is no footpath nor lighting. The residents of Greenview have the benefit of a set of steps leading from the estate down onto Lawshall Road approximately 45 metres from Hartest Hill which for many residents is a short-cut to the village compared to the road access.

- 7.35 The lane is however lightly trafficked and subject to a 30 mph speed limit. Nevertheless pedestrian access from the site to the village centre is not safe given the width of the lane, the bend in the road and lack of suitable verge to step onto for safe refuge. This was part of the reason for refusal of the 2016 scheme.
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It was assessed that whilst this may not be sufficient to refuse the proposal on highways grounds, it was considered indicative of the site's poor pedestrian connectivity to local services within the village and the existing pattern of development within the settlement having regard to the locational criteria to be assessed under Policy CS11.

On the basis of the foregoing the proposal is not considered to comply with the locational and relational criteria of policy CS11.

- 7.36 The acceptability of the principle of development does not turn on whether or not the site is within the BUAB. In this case the site is outside the BUAB. There are no sequentially preferable allocated sites within Hartest, nor are there any sites within the built up area boundary which would enable a development of commensurate scale.
- 7.37 The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified that in relation to sequential assessment there is no requirement to look at alternative sites adjoining the built up area boundary, as sequentially they are within the same tier.
- 7.38 In this regard, there is not considered to be any direct conflict with this element of policy CS11 for reasons given above, and it can therefore be concluded that this element of policy CS11 has been met.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 7.39 The outcome of R (on the application of East Bergholt PC) v Babergh District Council CO/2375/2016 before Mr Justice Mitting has clarified "Locally Identified Need" within policy CS11 means the needs of the Core Village, its functional cluster and perhaps in areas immediately adjoining it (paragraph 23). It does not mean the needs of the wider rural parts of the district, it being agreed by all the parties that it would not in any event apply to urban areas such as Ipswich fringe.
- 7.40 The approach to the distribution of new dwellings within Policy CS3 is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and which will result in a different level of development being identified as "appropriate" in different settlements, even those within the same category. The approach will also provide for a degree of in-built flexibility within the catchment area.
- 7.41 The villages are very varied and their needs and factors which influence what is an "appropriate level of development" will vary from village to village, especially where villages are situated within environmentally and visually sensitive landscapes, particularly the AONBs, and/or where villages include conservation areas and heritage assets. These landscapes and heritage assets will be key considerations when considering planning applications.
- 7.42 Accordingly, "locally identified need" or "local need" should be construed as the development to meet the needs of the Hinterland Village identified in the application, namely Hartest and the functional cluster which it sits within.
- 7.43 The SPD identifies that proposals should be accompanied by a statement that analyses the local housing needs of the Village and how they have been taken into account in the proposal. For the reasons explained, the local housing needs of the village must be construed as the needs of the village itself and the needs of the functional cluster of smaller rural settlements it serves. In this case the Applicant has indicated in the Design and Action Statement that the proposal is for modest sized 2/3 bedroom units (94 sqm internal area) which are identified as being in demand in the draft Neighbourhood Plan.
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Draft Policy HAR 4 (Housing Mix) states that proposals will be supported where they provide a mix of types and sizes that reflect the needs of local people, particularly where they include 2 and 3 bedroom houses for first time buyers or residents wishing to downsize.

The Application has not provided a housing need statement and whilst the proposal would provide housing unit sizes expressed in the draft Neighbourhood Plan as being preferred, it is not demonstrated that they would meet a need in the village. Given the above the proposal would only part comply with this element of policy CS11.

#### Locally Identified Community Needs

- 7.44 Policy CS11 requires a similar approach to the determination of proposals for development to meet locally identified community needs, recognising the role of Core Villages and the "functional clusters" they serve. Paragraph 2.8.5.2 of the Core Strategy notes that the "approach advocated for the management of growth in Core Villages and their hinterlands, has many benefits for the communities". The benefits that the application of Policy CS11 and other relevant policies should secure include "Flexibility in the provision of and location of facilities" ... "to reflect a catchment area pattern which relates to the day to day practice of the people living in the villages" (see item iii) in paragraph 2.8.5.2).
- 7.45 The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal. In this case the Applicant submits that the site is close to and within walking distance of existing services within the village but also states that the proposed dwellings, being a relatively modest sized scheme) cannot be expected to make a tangible material impact on their long term viability. However, given their accessibility to the village it is likely that they will make some contribution. Moreover, the proposed development will generate contributions towards community infrastructure, to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities. In this regard, despite the absence of the needs assessment, the proposal delivers benefits through CIL that are considered to satisfy this element of policy CS11.

#### Cumulative impact of development in the area in respect of social, physical and environmental impacts

- 7.46 The SPD identifies, at paragraph 13, that "*cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account*".
- 7.47 Policy CS11 requires the cumulative impact of development, both within the Village, and its functional cluster, to be a material consideration. Given the responses from statutory consultees and the small scale of development proposed, there is no reason to believe there would be significant adverse cumulative impacts as a result of the development in combination with others completed/committed to in the cluster. CIL provides a mechanism for GP surgeries and schools to adequately mitigate development and this development would contribute to providing CIL funding on a district wide and parish level. There is also no evidence to suggest that utilities infrastructure cannot serve or would be significantly adversely impacted by the development.
- 7.48 It is therefore considered that the evidence suggests this development will be easily accommodated within the existing infrastructure of the village and will not lead to a detrimental impact on the social, physical and environmental wellbeing of the village nor the wider cluster. The proposal therefore complies with this element of policy CS11.
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## **Additional CS11 Criteria for Hinterland Villages**

Is well designed and appropriate in size / scale, layout and character to its setting and to the village

- 7.49 The site is located outside the BUAB and on open land used as a paddock that can be considered to be transitional between the urban character of the village centre and the open countryside beyond to which the road leads. It is identified in the draft NP as both forming part of an important view (HAR11) and a visually important gap (HAR12), which the relevant policies for these designations seek to protect. The site is also part of the SLA and saved Policy CR04 seeks to control development so as not to harm its qualities.

Is adjacent or well related to the existing pattern of development for that settlement

- 7.50 These issues have already been assessed earlier in the report.

Meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan

- 7.51 Hartest has produced a draft Neighbourhood Plan and it has identified a need for smaller 2-3 bedroom housing to meet local starter home or downsizer needs. The development would contribute to meeting those needs as discussed earlier in the report.

Supports local services and/or creates or expands employment opportunities

- 7.52 The proposal would provide new dwellings and would make a contribution to supporting the existing facilities in the wider area. The village lies close to Glemsford, which can provide more of the day to day facilities, and there is no reason to discourage this application on the basis that it would support services in another nearby village. As such, the proposal satisfies this element of policy CS11 and the wider objectives of the NPPF.

Does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster

- 7.53 The proposal would not compromise delivery of permitted or identified schemes. As such, the proposal accords with this element of policy CS11.

### Overall Summary of Assessment Against Policy CS11

- 7.54 Following the assessment of various criteria under Policy CS11 it is considered that the development would satisfy all the criteria with the exception of local need, landscape impact and locational relationship to the settlement and for these reasons the proposal cannot be said to fully comply with policy CS11 in terms of these important considerations.

### Consideration against other development plan policies.

- 7.55 The Council cannot now demonstrate a supply of specific deliverable sites sufficient to provide five years worth of housing against the housing requirements, as required by paragraph 47 of the NPPF. In light of this, the weight that can be given to policy CS2 needs to be considered in the light of paragraph 49 of the NPPF, which provides that "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". Policy CS2 forms part of a suite of policies to control the distribution of new housing, and can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided.
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This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and with significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that this policy should be afforded limited weight.

- 7.56 Development in core and hinterland villages will be approved where the criteria related to core villages in CS11 are addressed to the satisfaction of the local planning authority and where proposals score positively when assessed against policy CS15. The above appraisal provides, therefore, only part of the consideration of the sustainability of the site and only part of the consideration of the development plan as a whole. As such, this report will now consider other relevant development plan policies, and also consider, in light of the entirety of this assessment, the three strands of sustainable development set out in the NPPF.
- 7.57 Policy CS15 is a long, wide-ranging, criteria based policy, setting out how the Council will seek to implement sustainable development. It contains a total of 19 criteria, covering matters such as landscape impact, job creation, minimising energy and waste and promoting healthy living and accessibility. Many of the criterion within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use and it is not, therefore, necessary to run through each and every one of those criteria in this section of the report. What follows is, therefore, an overarching summary of the key points.
- 7.58 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. Hartest is around 4 miles from the nearest Core Village (Glemsford) and on the Green there is a stop for the 374 bus which runs from Clare via Glemsford through to Bury St Edmunds and back at regular intervals, and utilises this stop. There is also a bus service running from this stop but only once every Thursday to Sudbury and back. Whilst the site is within a reasonable commute (by car) of Sudbury, and thereby has access on that basis to train services to a wider area, there is only a limited bus service and no real opportunity for local employment.
- 7.59 There would be some economic and social benefits arising from the delivery of housing, and this would support local facilities and services and those within the settlement cluster notably Glemsford and regular bus access to Bury St Edmunds. Therefore the proposals should be judged positively in supporting the services in the settlement cluster and demonstrate that this would be a sustainable development in this way.
- 7.60 This report has already considered the landscape setting of the site and surroundings and heritage assets (criterion i of CS15), and the following issues are also noted in respect of criteria within policy CS15;
- The proposal would provide work for local contractors during the construction period, thereby providing economic gain through local spend within the community. (criterion iii of CS15).
  - The application site is situated within Flood Zone 1, where a residential use is appropriate due to the extremely low risk of flooding. It is therefore considered that the application site is sequentially appropriate for this development (criterion xi of CS15).
  - During construction, methods will be employed to minimise waste. (criterion xiv of CS15).
  - The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15)

Furthermore, the associated highway issues (criterion xix of CS15) and the biodiversity aspects (criterion vii of CS15) will be considered within the specific sections of this report which follow.

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## **8. Site Access, Parking And Highway Safety Considerations**

- 8.1 The scheme includes the provision of a new vehicular access onto Lawshall Road halfway along the frontage adjacent to the existing access which would be stopped up. Further along the road the road would be widened to 4.5 metres along a 20 metres length in between the existing access to Greenview and the new access. A separate 1.5 metre pedestrian path is also proposed set back from the road but extending only as far as the existing access into The Paddocks.
- 8.2 The Highway Authority had objected to the outline scheme in 2016 but have raised no objection to the latest plans subject to compliance with conditions for the new access and bin/recycling storage on site.
- 8.3 With regard to pedestrian access to the village this has already been assessed earlier in the report at Paragraphs 7.34 and 7.35.

## **9. Design And Layout**

- 9.1 The design rationale behind the scheme as originally submitted and later modified comprises a form of development based on a grouping of former farm buildings associated with the farmhouse (The Paddocks) and forming as a whole an edge of village farmstead. This theme is exemplified by the ad hoc arrangement of modest sized farm buildings around a 'farmyard'. Each building is designed with dark grey walls and roofs giving a utilitarian, neutral appearance. Their scale is lower than the farmhouse by at least two metres and boundaries are defined by simple fences and hedges. The plans, as revised following Heritage Officer comments, have developed the 'farmstead' theme to create a more cohesive and joined-up layout compared to the original scheme which was too regimented with the 6 dwellings arranged around an 'H' plan road layout. The garages which were detached in the original scheme have been attached to the dwellings and therefore more integrated within the overall layout. The Heritage Team comments on the revised proposals state that they are satisfied that the 'farmstead' theme of the development has been satisfactorily demonstrated and they raise no objection to the proposal on heritage grounds.
- 9.2 All of the units would have satisfactory parking provision and external amenity space.
- 9.3 The units include various sustainable design features including air source heat pumps, wood burning stoves and an electric vehicle charging point. There is also potential for solar panels and the dwellings would benefit from high levels of internal insulation. These elements are supported by the Environmental Health (Sustainability) Officer. If approved, a condition would be recommended requiring the implementation of these energy efficiency measures.

## **10. Environmental Impacts - Trees, Ecology And Land Contamination**

- 10.1 Whilst concerns have been raised regards surface water flooding on land surrounding the site it is considered that development could ensure, through controls such as a surface water management plan, that the development does not pose any additional risk to flooding. In many cases, through SUDs and permeable drainage mechanisms surface water run off can be delayed and arrested within the site and this may have the effect of approving the current situation rather than worsening it.
  - 10.2 The site is identified as having archaeological potential, however, these issues could be addressed via a condition should other matters be acceptable.
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- 10.3 There is no evidence to suggest the land is contaminated. The Environmental Health (Contamination) Officer raises no objection.
- 10.4 There are no protected TPO trees on the site, but trees and hedgerows are protected by virtue of being within the Conservation Area. No trees on the site are required to be felled to carry out the development and the proposals include a landscape plan for substantial new tree and hedgerow planting along the site boundaries.

## **11. Heritage Issues**

- 11.1 The heritage implications have already been considered earlier in the report.

## **12. Impact On Residential Amenity**

- 12.1 There are no neighbours living adjacent to the site and the nearest dwelling is The Paddocks within which the Applicant lives. This property is well separated from the site and it is therefore not considered that any neighbour amenity issues would arise.

## **13. Biodiversity And Protected Species**

- 13.1 The Applicant has not submitted an ecological survey report with the application as it is considered that no significant wildlife habitats would be affected by the development given in particular the use of land for horse grazing and proposed protection of existing boundary vegetation. The proposals are likely to lead to enhanced ecological status by provision of additional planting and provision of wildlife corridor with permeable fences through the site and provision of bat and bird boxes to promote local bio-diversity.

## **14. Planning Obligations / CIL**

- 14.1 The application is liable for contributions under CIL.
- 14.2 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

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

- 15.1 Granting this development would result in the following financial benefits:
- o New Homes Bonus
  - o Council Tax
  - o CIL

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## **PART FOUR – CONCLUSION**

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### **16. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.**

- 16.1 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.
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16.2 In this case Officers liaised with the developer with regard to the layout and design of the development, which resulted in the submission of amended plans.

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

17.1 The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development:

- o Human Rights Act 1998
- o The Equalities Act 2010
- o Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- o Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- o The Conservation of Habitats and Species Regulations 2010
- o Localism Act
- o 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.

## **18. Planning Balance**

18.1 This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

18.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

18.3 In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that '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'.

Paragraph 14 of the NPPF states;

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
  - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
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*– 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; or – specific policies in this Framework indicate development should be restricted”.*

- 18.4 As such, the effect of paragraphs 47, 49 and 14 are that;
- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
  - that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
  - where policies are not up-to-date, permission should be granted unless 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 or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date
- 18.5 As set out above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.
- 18.6 Prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as an Area of Outstanding Natural Beauty and designated heritage assets, as being those which may indicate development should be refused. This report has not found that there is harm to heritage assets based on the comments of the Heritage Team.
- 18.7 In terms of benefits in accordance with the three dimensions of sustainable development set out in the NPPF, the proposal would give rise to social and economic benefits. There would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the local and wider economy. The economic benefits from construction would be temporary. It is also considered that residents would be largely reliant on the car to access services both within and beyond the village remote from the village with poor pedestrian connectivity to local services. It is likely, therefore, that many economic benefits would be received outside of Hartest. With regard to environmental impact the scheme is judged not to harm the Conservation Area but there would be an adverse impact on landscape character within the countryside through the development of an open site on the edge of the village. Furthermore, allowing development on part of the existing field as proposed could generate a precedent for further future development which the LPA may find difficult to resist.
- 18.9 Balancing these considerations it is judged that the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits of the development when considered against the Framework as a whole. Therefore, the application is recommended for refusal.
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## **RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to REFUSE permission for the following reasons:

1. Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will only be permitted in the Countryside in exceptional circumstances subject to proven justifiable need. Furthermore, policy CS11 of the Core Strategy requires, inter alia, that development must be in or adjacent to Hinterland Villages, and well related to the existing settlement. Policy CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy.

The proposed development of six dwellings on this site in the countryside would result in a remote development that is not well related to facilities and services in the village of Hartest, where future occupants of the development would be likely to be dependent on the private motor car to access the services and facilities they require. The proposed development does not demonstrate any of the special circumstances set out in paragraph 55 of the NPPF or exceptional circumstances required by policy CS2 to be located in a countryside location. Furthermore, allowing development on part of the existing field would be likely to generate a precedent for further future development which the LPA may find difficult to resist.

Therefore, whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, in considering whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; the proposal is not considered to constitute sustainable development for this reason and for those which follow elsewhere in the refusal of this application.

2. The proposed development would not maintain or enhance the character of the landscape, being sited within a Special Landscape Area. The LPA considers that the openness of the site, the longer views available into it and its recognised amenity value to the streetscene would be likely to be harmed by the proposed development through the introduction of dwellings into this open landscape. As such, the proposal would fail to comply with saved policy CR04.

For all of these reasons, the proposal does not comply with the development plan or the NPPF and, notwithstanding that the Council does not have a five year housing land supply, it is considered that the proposal would not represent sustainable development as the resultant harm would significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole, and where there are specific policies in the Framework which would direct that development be restricted.

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