

Committee Report

Item No: 5

Reference: DC/18/03944

Case Officer: Jamie Edwards

Ward: Boxford.

Ward Member/s: Cllr Bryn Hurren.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 2no. 2 bed dwellings

Location

Land Adjacent Well House, Round Maple, Edwardstone, CO10 5PR

Parish: Edwardstone

Expiry Date: 13/10/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr & Mrs P Milsom

Agent: Mr Peter Le Grys

DOCUMENTS SUBMITTED FOR CONSIDERATION

This report refers to drawing entitled PROMAP 1:1250 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:

Site Plan – Proposed 1163_01C Received 31/08/2018

Plans – Proposed Plot 1 1163_02B - Received 31/08/2018

Plans – Proposed Plot 2 1163_03B- Received 31/08/2018

Elevations – Proposed (Street Elevation) 1163_04A - Received 31/08/2018

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The previous application was considered by Planning Committee and was refused, therefore the Chief Planning Officer considered that this application should be considered by Planning Committee.

Details of Previous Committee/Resolutions and Member Site Visit.

DC/17/05932 Refused at committee on the 16/05/18 reasons for refusals were as follows :

Refuse planning permission for the following reasons;

Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. Policy CS15 of the Babergh Core Strategy (2014) requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is an unsustainable location. As a result, the proposal does not accord with policies CS2, and CS15 of the Babergh Core Strategy (2014).

Whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider 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; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.

Policy CN06 of the Babergh Local Plan (2006) states that new development should be of an appropriate scale, form, siting and detailed design to harmonise with the existing building and its setting. The excessively large cartlodge causes harm to the grade II listed building, contrary to Policy CN06. Furthermore with regards to the NPPF the proposal would fail to comply with the requirements of paragraphs 14 and 134, in that the harm caused is not outweighed by the public benefit.

PART TWO – POLICIES AND CONSULTATION SUMMARY

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. The policies with the most importance are 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

CN01 - Design Standards
CN06 - Listed Buildings and their settings
CS15 - Implementing Sustainable Development
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
HS28 - Infilling/Groups of dwellings

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

Edwardstone Parish Council

Supports the application.

SCC - Highways

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01 and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. 1163/01C with an X dimension of 2.4m and a Y dimension of y=110m and 79m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 1163/01 C for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Environmental Health - Land Contamination and Air Quality.

No objections

Heritage - The Heritage Team considers that the proposal would cause. No harm to a designated heritage asset because the form of the cartlodges is now considered to be appropriate, subject to conditions.

- i. The application concerns the erection of two dwellings on land to the north of Well House, an unlisted C20 dwelling. The heritage concern relates to the impact of the development on the setting of Seasons, a Grade II Listed C17-C18 timber-framed one-storey cottage with attic to the south of Well House, and Hathaway Cottage/Little Thatch, a Grade II Listed C17-C18 timber-framed one-storey cottage with attic, now two dwellings,to the north of the site.

- ii. The application is a resubmission, with revisions, of DC/17/05932, which was refused, partly on heritage grounds. Essex Place Services provided previous comments on behalf of the Heritage Team. EPS objected to the proposed cartlodges, as their massing was considered excessive due to their proposed roof form, which would thus detract from the setting of the listed buildings.
- iii. The roof form of the proposed cartlodges has been amended, to include a reduced ridge height with a catslide rear element on each. Subsequently, it is considered that EPS' original comments have been suitably addressed.
- iv. The Heritage Team would recommend the use of timber for all windows and doors.
- v. In conclusion, the application meets the requirements of s.66 of the P(LBCA)A 1990 and the policies in the NPPF and the Local Plan. It is for these reasons that the Heritage Team does not object to this proposal, subject to conditions (see below).
 - Manufacturer's details of all roof covering conditions materials.
 - Manufacturer's details of bricks.
 - Weatherboarding to be timber.

B: Representations

Three objections - unsustainable development – lack of connectivity to limited amenities, non-affordable housing, unjustifiable and contrary to policy, poor highway safety and visibility splays, urbanisation of countryside and setting a precedent for housing in gardens.

Ten in support – sustainable development by supporting local economy, good design, infilling, not within SLA or AONB, no heritage impact and lack of accidents in the area.

PART THREE – ASSESSMENT OF APPLICATION

1. Site and surroundings

- 1.1 The application site is located in the countryside on an unnamed road within Round Maple, which is a cluster of dwellings in the countryside. Within a 300m radius of the site there are seven dwellings, of which three are listed due to their special architectural and/or historic merit. Beyond this the nearest dwellings are another 150m away to the North East.
- 1.2 The site would occupy an undeveloped site between two residential properties, 'Hathaway Cottage Little Thatch', a Grade II listed building to the north-east, and 'Well House' to the south-west. Adjacent to Well House on the opposite side to the proposed plots is another grade II listed dwelling known as 'Seasons'.
- 1.3 The site is part of the garden belonging to the Well House. The rest of the site is bordered by open agricultural fields.
- 1.4 The core of Edwardstone is approximately 1.5km to the south. Boxford is approximately 4km to the south. Sudbury is approximately 8km to the west and Hadleigh is approximately 10km to the east.

2. The Proposal

- 2.1 The application seeks full planning permission for the erection of 2no. detached dwellings with cart lodges. The two dwellings will infill the land between Well House and Hathaway Cottage Little Thatch.
- 2.2 Both dwellings will be 2 bedroom 1.5 storey dwellings which will face the highway, with dormer windows in the front and rear.
- 2.3 Both dwellings and cart lodges will be identical in design layout. It is proposed that the external facing materials will be render for one and brick for the other. Exact specifics of the external materials are to be confirmed along with the tiles for the roof and could be agreed by condition if the development were to be approved.

3. Principle of development

- 3.1 Babergh District Council now benefits from a five plus year housing land supply position. The tilted balance at paragraph 11(d) of the NPPF is no longer engaged. Therefore, there is not a requirement for Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant policies of the Core Strategy generally conform to the aims of the NPPF. Where they do not, they will carry less statutory weight.

4. Policy CS2 Settlement Pattern Policy

- 4.1 Policy CS2 (Settlement Pattern Policy) designates Edwardstone as Hinterland Village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. The site is outside the settlement boundary and therefore Policy CS2 applies.
- 4.2 The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up to date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within 6 months of the Core Strategy having been adopted. This has not to date happened. The current LDS, published in July 2018, now indicates that the Joint Local Plan, including site allocations, will be adopted in February 2020.
- 4.3 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is isolated. Paragraph 79 of the NPPF is therefore engaged. Paragraph 79 of the NPPF is engaged, which seeks to avoid isolated dwellings in the countryside unless certain circumstances apply. None of those circumstances apply.
- 4.4 Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to

be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.

- 4.5 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1 & CS15 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework applying to the subject application.

5 Policy CS1 Presumption in Favour of Sustainable Development

- 5.1 Policy CS1 takes a positive approach to new development that, as noted above, reflects the presumption in favour of sustainable development. It seeks to secure development that improves the economic, social and environmental conditions in the Babergh district.

6 Policy CS11

- 6.1 As noted in the Core Strategy, delivery of housing to meet the district's needs of Babergh within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Policy CS11 requires a balanced approach to decision making, consistent with the NPPF, and full statutory weight is attached to it.
- 6.2 The site is however, remote from the settlement boundary of Edwardstone such that the proposal cannot address fully the criteria within the policy. Within Hinterland villages, such as Edwardstone proposals need to be adjacent or well related to the existing pattern of development and demonstrate a close functional relationship with the existing settlement. In this instance the site is in Round Maple, which is classed as countryside and is approximately 1.5km from the core of Edwardstone to the site. Therefore, the proposal cannot demonstrate this functional relationship and therefore does not comply with the policy.

7 Policy CS15

- 7.1 Policy CS15 sets out a framework to assess a proposal in the context of sustainable development. It is consistent with the NPPF and therefore carries full statutory weight. It sets out 19 criteria that a development is to be assessed against. An assessment against each criterion is provided below:
- 7.2 *i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;*

There are two nearby heritage assets, Hathaway Cottage Little Thatch and Seasons, both grade II listed buildings, however, the design and scale of the proposals respect the both the grade II buildings and their setting. The area is not an 'important space' nor does it contribute to any historic views. In heritage terms there will be no adverse impact.

The area is not designated as being of special landscape value. The site forms part of the domestic curtilage of a dwelling and is therefore of limited landscape value in a visual amenity

sense. The existing access will be utilised to access both plots therefore no vegetation will be lost where the boundary meets the highway. The vast majority of the perimeter vegetation is proposed to be retained, limiting landscape character impacts.

The development will not project into open countryside. It will infill the land between Wellhouse and Hathaway Cottage Little Thatch.

The development is in accordance with criterion (i).

7.3 *ii) make a positive contribution to the local character, shape and scale of the area;*

From an aesthetical point of view the proposal offers suitable housing. The infilling element will urbanise the normally spacious development and sporadic development associated with Round Maple. That said the proposal site does offer sufficient plots to allow suitable space between the proposal dwelling. To add to this, the lack of vegetation being removed to the front of the proposal means the local character will be hardly impacted.

For the reasons above the development would not be particularly visually prominent within the wider landscape.

7.4 *iii) protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting, and raise workforce skills and incomes;*

Short term job creation is a benefit albeit very limited. The proposal will not result in any long term or ongoing employment opportunities.

7.5 *iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;*

The nearest services and facilities are not in a location that are conveniently accessible. See further comment at xviii).

7.6 *v) retain, protect or enhance local services and facilities and rural communities;*

There are essentially no local services or facilities that could be retained, protected or enhanced. There is a pub 1km from the site however, a two dwelling development will offer limited value in respect to enhancing local services and facilities. The nearest services and facilities are in Boxford which has its own development to rely on in order to sustain itself. A two dwelling development in a isolated location in terms of connectivity to services will contribute little in the way of enhancing and protecting services in Boxford.

7.7 *vi) consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;*

The proposal offers limited value in respect to rural communities given already the absence of local services. The location is not suited to the aging population, which require good access to

local services and facilities. Aged persons are unlikely to utilise the bus service and the alternative is accessing services by car, not a preferred aged persons' mode of transport.

- 7.8 *vii) protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;*

The site is an existing amenity grass land that does not propose to change the existing vegetation limiting any impact to biodiversity. There are not enhancement measures to biodiversity offered.

- 7.9 *viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;*

The relevance of this criterion to a two dwelling development is limited.

- 7.10 *ix) make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district;*

The relevance of this criterion to a two dwelling development is limited.

- 7.11 *x) create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the enhancement of biodiversity, and mitigate some of the impacts of climate change eg. enhancement of natural cooling and reduction in the heat island effect, provision of pollution sequestration for the absorption of greenhouse gases, and through the design and incorporation of flood water storage areas, sustainable drainage systems (SUDs);*

The relevance of this criterion to a two dwelling development is limited.

- 7.12 *xi) minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk;*

The site is not within a flood risk area.

- 7.13 *xii) minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate;*

An appropriate system could be secured by planning condition.

- 7.14 *xiii) minimise the demand for potable water in line with, or improving on government targets, and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;*

An appropriate system could be incorporated at the building approvals stage of the development process.

- 7.15 *xiv) minimise waste (including waste water) during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development;*

- A two dwelling development is unlikely to generate significant waste levels.
- 7.16 *xv) minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change (eg. resilience to high winds and driving rain);*
- Energy demand can be appropriately limited by way of construction techniques.
- 7.17 *xvi) promote healthy living and be accessible to people of all abilities including those with mobility impairments;*
- The dwellings can be designed in a manner that is accessible for those with mobility impairments.
- 7.18 *xvii) protect air quality and ensure the implementation of the Cross Street (Sudbury) Air Quality Action Plan is not compromised;*
- A two dwelling development is unlikely to compromise air quality.
- 7.19 *xviii) seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality; and*
- This criterion most closely aligns with the environmental dimension of sustainable development as set out in the NPPF.
- There are no services of note within walking distance. There are no services of note within cycling distance. There is no bus route through Round Maple. The probability is that the majority of future occupants would use the private vehicle to access everyday needs. The need to travel by car would not be minimised.
- The above assessment concludes that the site is a remote one, notwithstanding the fact that it will be closely related to the adjacent housing cluster. Paragraph 79 of the NPPF is engaged, which seeks to avoid isolated dwellings in the countryside unless certain circumstances apply. None of those circumstances apply.
- 7.20 *xix) where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.*
- Not appropriate given the scale of development proposed.
- ## **8. Compliance with the NPPF**
- 8.1 The following paragraphs engage with the NPPF, paragraph 8's three objectives of sustainable development, social sustainability, economic sustainability and environmental sustainability and paragraph 11 of the NPPF and the presumption in favour of sustainable development.
- 8.2 The application would provide limited contribution to the need of housing in the district. Albeit two houses it would provide a contribution the social objective all the same.

- 8.3 The application will provide a temporary boost to the economy through the construction of the dwellings. It would also benefit the economy of services available in the closest settlements. However, these are a significant distance from the site. Nevertheless, this would provide an economic benefit and contribution. Whilst 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 wider local economy, the economic benefits from construction would be temporary and the residents would be largely reliant on the car to access services outside of the village, it is likely that many economic benefits would be received outside of Edwardstone and therefore these are given limited weight.
- 8.4 The site would not be isolated in terms of relation to other dwellings. As stated in paragraph 3 of this report, the site is within a cluster of dwellings. However, the location of the site is deemed unsustainable in terms of the environmental objective, given that the closest settlement, whereby residents could use the necessary services and facilities for everyday life, would be in Boxford a core village, which is over 4 km to the south and Sudbury, which is over 8km to the east of the site.
- 8.5 Boxford has a primary school, a shop, a church, a small doctors general practice and a post office. From Boxford, buses run every 90 minutes to both Sudbury and Hadleigh. There is also a pub in Edwardstone 1.5km south of the site.
- 8.6 It is approximately a 45 minute walk or a 15 minute cycle ride to Boxford. There is no bus service to Boxford. The roads are mostly 60mph speed limits and have no pathways for pedestrians or lighting. The roads are mostly surrounded by agricultural fields with managing dykes and ditches which run parallel with the roads but are separated by small grass verges, in some places there is no verge at all. The roads to Boxford also have mature hedgerows which limit visibility, causing blind bends.
- 8.7 Furthermore, the route to the main built up areas beyond Round Maple, Edwardstone do not benefit from a public footpath for the majority of the way and there are no significant services or facilities in the immediate group of buildings that the proposed dwelling would form part of.
- 8.8 Therefore for convenience reasons, at night and in poor weather future occupants would be dependent on and would choose to use a private car for the majority of their journeys which is the least sustainable mode of transport. Thus, the proposed development would be in conflict with Policy CS15 of the CS and contrary to the aims of the Framework which seeks to promote sustainable forms of transport and reduce greenhouse gas emissions. In addition, these journeys in a motor vehicle would, due to their sheer distance from services, would be significant distances rather than the 'relatively small journeys' assessed in the appeal mentioned in this report.
- 8.9 The lack of pathway and lightening, along with poor visibility makes this journey particularly treacherous for walking, more so in a national speed limit zone, as well as being a lengthy journey. Inclement weather conditions combined with the lack of infrastructure and sheer distance to access the closest services, potentially makes walking to Boxford to take children to the primary school, going to the shop/post office and attending a doctor's appointment dangerous and likely off putting. The route would only be suitable for confident cyclists as there are a lack of dismount locations or for passing cars within this speed limit.
- 8.10 A limited taxi service, due to the distance (within 3 miles) and unsafe nature of the route to Boxford Primary school, currently operates through Suffolk County Council. This is not a normal readily available service and its justifiable need confirms the unsustainable location of the site and the additional costs this has on the county council. It is acknowledged that there is a school bus

run that operates through Round Maple for Thomas Gainsborough School reducing the need for one particular journey.

- 8.11 Therefore, there would be a heavy reliance on a motor vehicle as there would be limited attraction to making use of more sustainable modes of travel. This heavy reliance on a motor vehicle provides no net gains for the environmental sustainability objective of Paragraph 8 of the NPPF. In fact, there is no element of this proposal that would offer a net gain.
- 8.12 The agent has provided a recent appeal decision 'Land to the east of Appleshaw, Mills Lane, Neman's Green, Suffolk CO10 0AB (APP/D3505/W/18/319688)(DC/17/03990). This appeal was allowed assessing that although there would be some degree of harm through the proposal running contrary to policy it would be off-set by the national policy considerations.
- 8.13 Paragraph 16 of this appeal is the most relevant in this instance. The assessment that I have set out above is more or less follows the assessment of the inspector. The benefits to the social and economic sustainability are limited due to it only being two dwellings but are benefits none the less and the reliance on a motor vehicle would have detrimental impacts to the environmental objective. Paragraph 16 states:

'On the contrary, the proposal would gain support through Framework paragraph 78. This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where this will support local services, recognising that where there are groups of smaller settlements, development in one village may support services in a village nearby. Although future occupiers would be mainly dependent on private car journeys to nearby Acton or Sudbury these would be relatively short drives and there remains the option of using the bus service. In any case, the Framework requires that decisions take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'(APP/D3505/W/18/319688)

- 8.14 When comparing the two sites there is a varied difference, as the final sentence of this paragraph suggests would occur with rural sites. Firstly, there is not bus service through Round Maple. Secondly, Newmans Green is approximately 1200m to the settlement boundary of Sudbury and 1200m to Acton both offering ample services, which the inspector assesses as 'relatively short drives'. Round Maple is approximately the same distance to Edwardstone which only offers a public house. It is then three times that distance to Boxford and over six times that distance to Sudbury. These would not be classed a 'relatively short drives' as a matter of reasonable planning judgement.
- 8.15 Whilst the proposal is within a cluster of an existing small rural community and may offer support to local services it would require significant daily journeys and therefore is materially different to the allowed appealed referenced.
- 8.16 The principle of the development is not acceptable, given that the site is located in the countryside, which is contrary to policy CS2 of the Core Strategy 2014. This location is not justified due to the reliance of future occupiers on the motor vehicle which would be contrary to Policy CS15 of the Core Strategy. The significant distance of these journeys would also outweigh the limited benefits within the assessment of paragraphs 8,11,78 and 79 of the NPPF.

9. DESIGN AND LAYOUT

- 9.1 The proposal consists of two identical detached 1.5 storey dwellings with separate car lodges which will face the highway. The dwellings would infill the plot of land between Well House and Little Thatch. If developed, this would provide a row of five dwellings.
- 9.2 It is proposed that the external facing materials will be render for one and brick for the other, Exact specifics of the external materials are to be confirmed along with the tiles for the roof and could be agreed by condition if the development were to be approved.
- 9.3 Both dwellings would utilise the existing access associated with Well House.
- 9.4 Both dwellings would be of an 'L' shape with a rear gable. It is proposed that the front and rear of both dwellings would have dormer windows.
- 9.5 Both designs would be in-keeping of the character of the surrounding area. These are dwellings that fit in to their proposed plots comfortably providing rear gardens with views across the open fields to the rear.

10. HIGHWAY SAFETY

- 10.1 The Highways Officer had objected to the original application before an improvement of the existing access, rather than a new access, was proposed. The improved access is what is proposed on this application and therefore highways continue to offer no objection subject to conditions.
- 10.2 Although improving the existing access does not quite meet the visibility splays in a 60mph limit that this is, it is an welcomed improvement and a betterment to the existing splays. This is therefore the justification for no objection.

11. RESIDENTIAL AMENITY

- 11.1 Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties, or the future occupiers of the proposed development. It is considered that this proposal would not impact upon the residential amenity of neighbouring properties, given the significant distances to these sites.
- 11.2 This proposal would not have a negative impact on any neighbour amenity, as the proposal does not encroach on the boundary lines shared with the neighbours to the east and west nor to one another. The proposal will not have an impact on levels of light for this very reason, allowing relevant space between existing and proposed dwellings. Overlooking will offer minimal impact to the rear gardens of existing and proposed dwellings however this is not unacceptable due to overlooking being restricted to the rear of the rear gardens and that which is common with ribbon development. As a result, the proposal is considered acceptable regarding residential amenity.

12. CONTAMINATION

- 12.1 The Environmental Protection Officer has no objections and satisfied with the relevant information provided.

13. HERITAGE

- 13.1 The site is located between two listed buildings. The Grade II listed 'Hathaway Cottage Little Thatch' is located immediately to the north of the site and the Grade II listed 'Seasons' is located to the south of the host dwelling.
- 13.2 The original application offered bulky detached garages. This was assessed as being less than substantial harm to the setting of the above-mentioned heritage assets.
- 13.3 The new proposal offers garages with a similar footprint but less bulky roof form by reducing the ridge line and utilising the design of a catslide roof. The heritage officer is satisfied with this amended design.
- 13.4 It is the Case Officer's opinion that the two dwellings, given their scale, form, design, proposed materials and the degree of separation between those dwellings and the heritage assets, would have a neutral effect on the historical value of the heritage assets. Consequently, officers are satisfied that the significance of those buildings, including having taken their setting into account, would be preserved and that no 'harm' would be posed.

PART FOUR – CONCLUSION

- 14.1 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.
- 14.2 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.
- 14.3 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the Core Strategy for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 14.4 Council can demonstrate a five year housing supply and therefore the tilted balance at paragraph 11 of the NPPF is not engaged.
- 14.5 The statutory weight to be attached to Policy CS2 is reduced owing to the age of the settlement boundaries and the blanket approach favoured by the policy not being consistent with the balanced approach to decision making advocated by the NPPF.
- 14.6 The development fails to accord with policy CS11, as the proposal can not demonstrate a close functional relationship with the settlement and is not well related to the existing pattern of development for that settlement.

- 14.7 The key tests are Policy CS1 and Policy CS15 which carry full statutory weight. The proposal falls short in respect to a number of important criteria, important because they reflect the core principles of the NPPF. The site is well located in respect to an existing housing cluster. However the cluster itself is physically remote, set well away from services and employment opportunities. Commuting will likely be car dependent, so will accessing everyday needs, notwithstanding the nearby bus stop providing limited bus services to nearby larger settlements.
- 14.8 Paragraph 78 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and where this will support local services. This also recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 14.9 The housing cluster is set in the countryside, unrelated to any designated settlement. The scheme will serve to reinforce the cluster's isolated nature and will, in this context, fail to contribute positively or enhance the natural and local environment, contrary to paragraph 170 of the NPPF. There is limited evidence to conclude that the scheme improves the social and environmental conditions in the district, or that it would contribute to the sustainability of the settlement of Edwardstone, contrary to Policy CS1 and para 78 of the NPFF.
- 14.10 Therefore the proposal does not deliver sustainable development, contrary to Policy CS1, CS11, CS15 and the core principles of the NPPF.

RECOMMENDATION

That the Acting Chief Planning Officer be authorised to refuse planning permission for the following reasons;

1. The proposed development, unrelated to any defined settlement, remote from local services, car dependent and offering very limited long term social and economic benefits, does not constitute sustainable development and therefore will not improve the social and environmental conditions in the district, contrary to Policies CS1, CS11 and CS15 of the Babergh Core Strategy (2014) and paragraph 17 of the National Planning Policy Framework.
2. Paragraph 79 of the NPPF seeks to avoid isolated homes in the countryside unless specified circumstances apply. The proposed dwellings do not relate to any defined settlements, is remote from local services, is isolated and none of the specified circumstances at paragraph 79 apply.