

## **Committee Report**

**Item 7B**

**Reference:** DC/19/04429

**Case Officer:** Jamie Edwards

**Ward:** Palgrave.

**Ward Member/s:** Cllr David Burn.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Outline Planning Application (Access to be considered, all other matters reserved) - Erection of 1No detached dwelling.

### **Location**

Land North Of Willow Hall , Norwich Road, Thwaite, IP23 7ED

**Expiry Date:** 08/02/2020

**Application Type:** OUT - Outline Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Messrs M. And O. Passmore

**Agent:** Philip Cobbold

**Parish:** Thwaite

**Site Area:** 0.1 hectares

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

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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 the brother of Cllr Passmore.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

HB01 - Protection of historic buildings  
H07 - Restricting housing development unrelated to needs of countryside  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H13 - Design and layout of housing development  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
NPPF - National Planning Policy Framework

### **Neighbourhood Plan Status**

This application is not within a Neighbourhood Plan Area.

### **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**

##### **Town/Parish Council**

No comments were received

##### **National Consultee (Appendix 4)**

###### **Natural England**

Natural England has no comments to make on this application.

##### **County Council Responses (Appendix 5)**

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

No objection subject to conditions.

###### **SCC - Archaeological Service**

Thank you for consulting us on this proposal. In my opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. I have no objection to the development and do not believe any archaeological mitigation is required.

##### **Internal Consultee Responses (Appendix 6)**

###### **Heritage Team**

A low to medium level of less than substantial harm to a designated heritage asset because developing the application site for residential use would erode the open rural character of the setting of Willow Hall.

The full extent of harm would depend on the layout, scale, massing, design, use of materials and boundary treatment of the proposed development.

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

No objection to the proposed development from the perspective of land contamination.

## **B: Representations**

At the time of writing this report zero letters/emails/online comments have been received.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

### **PLANNING HISTORY**

<b>REF:</b> 0029/13	Enclosure of existing open fronted structures (Buildings 1 and 3) having consent for change of use to Class B1/B2 Commercial Use (1714/12).	<b>DECISION:</b> GTD 12.04.2013
<b>REF:</b> 3526/12	Provision of glazing to infill open fronted outbuildings [buildings indicated as 1 & 3 only] (as approved for B1/B2 use under planning permission 1714/12).	<b>DECISION:</b> GTD 12.04.2013
<b>REF:</b> 1714/12	Change of use of existing outbuildings to B1/B2 use.	<b>DECISION:</b> GTD 29.08.2012
<b>REF:</b> 2247/11	Retention of removal of window to South gable at first floor and installation of new window	<b>DECISION:</b> GTD 04.10.2011
<b>REF:</b> 2499/09	Erection of gates and fences.	<b>DECISION:</b> GTD 04.11.2009
<b>REF:</b> 2498/09	Improvements to existing access, erection of gates and fences	<b>DECISION:</b> GTD 04.11.2009
<b>REF:</b> 3246/06	Conversion of buildings into three dwellings and demolition of modern buildings, plus replacement by erection of two dwellings with garaging. Reserved matters to OL/131/03.	<b>DECISION:</b> GTD 02.04.2007
<b>REF:</b> 1680/06	Two storey extension to north and east elevation. Single storey sun lounge to south elevation. Erection of garage (following demolition of existing)	<b>DECISION:</b> GTD 20.10.2006

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

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

- 1.1. The site sits on the east of the A140.
- 1.2. The site is part of amenity land associated with the Grade II listed building known as Willow Hall.
- 1.3. Willow Hall is the final dwelling on the East side of the A140 relating to the ribbon line of development.
- 1.4. The site is outside of any settlement boundary. Thwaite settlement boundary begins off the A140 along Wickham Road.
- 1.5. The site is enclosed by existing hedgerows.
- 1.6. The site has open countryside to the North, West and East.

## **2. The Proposal**

- 2.1. Outline permission is sought for 1 no. dwelling. Outline includes access only. All other matters are reserved.
- 2.2. An indicative plan shows the proposed positioning and a front elevation.
- 2.3. The area of the site is 0.1 hectares.

## **3. The Principle Of Development**

3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.2. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

3.3. For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:

- o National Planning Policy Framework (NPPF, 2019)
- o National Planning Practice Guidance (NPPG, 2014)
- o Mid Suffolk Core Strategy Focussed Review (2012)
- o Mid Suffolk Core Strategy (2008)
- o Mid Suffolk Local Plan (1998)

3.4. Core Strategy policy CS01 does not identify Thwaite within the settlement hierarchy. The policy notes that villages excluded from the settlement hierarchy are considered to form part of the countryside, which should be protected for its own sake. The policy explicitly removes the settlement boundary that had been applied to Thwaite through the Local Plan.

3.5. Notwithstanding this, the site is outside of the original settlement boundary by approximately 500m on a different road.

3.6. Core Strategy policy CS02 lists the acceptable forms of development within the countryside and countryside villages. The provision of new market housing is specifically excluded from this list such that it is considered to be contrary to the adopted Development Plan. Further Local Plan policy H07 states that

outside of settlement boundaries, strict control will be placed on proposals for new housing. However, the policies of the documents listed above have been assessed under paragraph 213 of the NPPF to determine their degree of consistency with the NPPF. Given the relative age of the Focussed Review, Core Strategy and Local Plan, it cannot be considered that the policies contained therein that speak to the delivery of housing can be held in full accordance with the NPPF such that the weight attributed to those policies is limited.

3.7. Therefore, paragraph 11(d) of the NPPF is engaged. It requires that planning permission be granted unless: i. "The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

3.8. As such, paragraph 10 of the NPPF is clearly applicable such that the presumption of sustainable development is pursued within the decision-making process.

3.9. Paragraph 8 gives further definition to the objectives required of sustainable development with particular emphasis on the economic, social and environmental objectives required, although it is noted that paragraph 9 does state that "...they are not criteria against which every decision can or should be judged".

3.10. Therefore, the principle of development hangs on the ability of the application to demonstrate that the positive benefits of the development outweigh the limited negative weight brought through the conflict with the identified policies of the adopted Development Plan.

3.11. Having carefully considered the context of this site, in particular the facilities that would be available to the occupiers of the proposed dwelling, it is identified that no facilities of convenience are available within a reasonable walking distance. A BP garage is approximately 1.4km to the south, but lacks any pedestrian footpath for the majority of the journey along a very busy A140. This lack of facilities or services would require any occupiers to rely on the private car in a typical day.

3.12. In the wider sense of connectivity, Mendlesham, a key service area, could be considered to benefit economically from the addition of a dwelling, however this is over 4.4 km from the site. This exceeds the 800-metre distance that in most circumstances is considered acceptable under sustainable development. Access to Mendlesham settlement is limited. No direct public footpaths line these routes, and highway becomes hazardous with a 60-mph speed limit, on the un-lit country road.

3.13. For the reasons stated, the site is not considered to have sustainable access to local services in this respect.

3.14. A bus service does run from The Walnut Tree pub to Ipswich taking approximately 45mins. This runs 4 times a day from approximately 7.15am at 3.5hour intervals. Additionally, the return Journey stops running at 5pm and takes 1hr 30mins to complete its journey. It is therefore considered that the bus services, whilst better than some other areas of the district, is intermittent and unlikely to offer an incentive as an alternative mode of transport to commute, go to the doctors or go shopping.

3.15. Consequently, it is highly likely that future occupiers would choose to drive. With direct regards to the economic objectives of sustainable development it is noted that paragraph 78 of the NPPF that "...housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

3.16. Where there are groups of smaller settlements, development in one village may support services in a village nearby." Given the above considerations, it is not considered that future residents of the proposed dwelling would be able to frequent nearby establishments. However, it is noted that some temporary economic benefits would be felt from the development through the creation of construction jobs, as well as through the payment of Community Infrastructure Levy (although this could be exempt self builds) and Council Tax.

3.17. Socially, the application site would contribute towards the provision of homes within the district. Although the Council can demonstrate a five-year housing land supply, this should not be interpreted as a cap on development, but the dwelling would not supply any outline need at this time.

3.18. However, provision of a single dwelling is a relatively minor benefit. Environmentally, little is put forward to demonstrate the site would meet this aim. The site is well link to the open countryside to the north, east and west, however, the site is kept grassland, so it is reasonable to say it lacks habit potential. Existing hedgerows around the boundaries are expected to be retained. The reliance of the site on the private motor vehicle in order to meet the daily needs of future residents does however carry negative weight.

3.19. While it is noted that paragraph 79 of the NPPF seeks to avoid the creation of isolated homes within the countryside, the judgement of the High Court with regards to a similar case within Braintree District is clear. For the purposes of the aforementioned judgement, the definition of isolation should be read as physical isolation from other buildings. With regards to this application, the site is not physically isolated from other development, as seen by the neighbouring. However, an argument could be put forward as to the site's functional isolation, speaking to the issues raised earlier, especially given the lack of facilities within a walkable distance from the site, and poor bus connection.

3.20. With regards to the above considerations, while minor benefits can be found to speak for the site both socially and economically, these are not held to counterbalance environmental concerns, or the lack of facilities within a sustainable distance from the application site. Further, the limited negative weight of the adopted Development Plan is added, such that it is considered that this application, when considered against the policies of the NPPF as a whole, should be refused.

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

4.1. The proposal will provide a new access.

4.2. The access will enter straight on to the A140 and the highways authority have offered no reason that the application should be refused based on highways safety concerns. This is subject to conditions which relate to visibility splays, removal of PD rights, new access to DM01 standards, cycle storage and refuse bins storage and presentation.

#### **5. Design And Layout [Impact On Street Scene]**

5.1. This is a reserved matter.

5.2. An indicative plan has been submitted which shows a large executive clad dwelling that can be achieved within the spacious plot. On this basis it is considered that a reasonable development has been demonstrated in principle can be achieved on this site, but the design approach will need to be considered at reserved matters stage.

#### **6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

6.1. The site benefits from existing soft boundary treatment on the north and south boundaries. These are expected to be retained.

6.2. The site is mostly maintained grass and therefore is not considered to offer suitable habitats for protected species.

6.3. There are no trees within the site.

6.4. Further landscaping considerations are left for reserved matters stage.

## **7. Land Contamination, Flood Risk, Drainage and Waste**

7.1. There are no land contamination risks reported. Our environmental health officers offer no reason to refuse the application.

## **8. Heritage Issues**

8.1. The site is on land associated with Grade II listed Willow Hall. Paragraphs 9.2. – 9.6. are taken direct from the Heritage Officers formal comments submitted on the application during the consultation period.

8.2. 'Willow Hall, a former farmhouse and inn according to the listing description, is a very prominent building on Norwich Road, being built with its jettied main range at the road edge. A range of lower outbuildings are located to the east and north of the listed building.'

8.3. 'Willow Hall and its outbuildings are the northern-most buildings in a line of modern dwellings which connect the nearby listed buildings; The Old Post Office (Grade II) and the Bucks Head Inn (Grade II). These historic buildings stood spread out on the east side of Norwich Road until the late-C20. Whereas historically these buildings would have been read as relatively isolated clusters of buildings in the countryside (a farmstead, a house and an inn), they are now read as a part of a row of modern dwellings.'

8.4. 'Still, Willow Hall stands apart from the rest of the dwellings because of its position in the streetscape, and because it is the first dwelling when approaching from the north. This prominent position, and the remaining connection to undeveloped countryside to the north, east and west, contribute positively to the setting of the listed building, and therefore to its significance.'

8.5. 'Development on the application site would make Willow Hall a part of a row of modern dwellings, rather than being on the edge of modern development. This would reduce its prominence and erode what remains of its historic open rural setting, as well as diminish its connection to the countryside to the north.'

8.6. 'Residential development on this site would therefore detract from the setting of Willow Hall, and would likely be considered to cause a low to medium level of less than substantial harm to the significance of the listed building. The full extent of harm would depend on the layout, scale, massing, design, use of materials and boundary treatment of the development.'

8.7. Harm has clearly been identified as a result of the proposal. This harm is contrary to policy HB01 of the Mid Suffolk Local Plan which seeks to protect the setting of a heritage asset and policy H15 which seeks to protect the character of the surrounding area. As per paragraph 193 of the NPPF, this harm should be given great weight in the decision making.

## **9. Impact On Residential Amenity**

9.1. It is unlikely that the proposal would result in any residential amenity due to existing out buildings which separate the proposal from the Grade II listed building and distance from neighbouring residents.

9.2. This would be assessed in detail when the full elevations and design are understood at a reserved matters stage.

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## **PART FOUR – CONCLUSION**

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### **10. Planning Balance and Conclusion**

10.1. The site is considered to represent unsustainable development. This site is outside of any settlement boundary and lacks sustainable connection to services and facilities. While the development is adjacent to a cluster of dwellings/built form it would extend the built form into the countryside without forming a logical natural infill of the existing cluster resulting in development that is not integrated to the cluster or would positively contribute to the character of the local area. Para 180 of the NPPF provides decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should.....c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. This location is very much a transition site, the edge of a low lit cluster before the dark wider landscape and so lighting as well as built form will be detriment to the character and amenity.

10.2 The proposal would have a heavy reliance on a motor vehicle. This would have a negative impact to the environmental objective stand of the NPPF's definition of sustainable development in paragraph 8.

10.3. The proposal would provide a positive, in terms of the social and economic objectives of the same definition. However, these positive gains are very limited as the proposal is for one dwelling and the Local Authority can demonstrate a five-year land supply. On this basis the benefit is not considered to outweigh the demonstrated harm.

10.4. On balance it is considered that the social, economic and environmental objectives of paragraph 8 of the NPPF, results in a development that does not represent net gains and therefore considered unsustainable development.

10.5. The proposal results in less than substantial harm to a Grade II heritage asset known as Willow Hall. This is due to impact to its setting by reducing its prominence and eroding what remains of its historic open rural setting, as well as diminishing its connection to the countryside to the north. This is given great weight.

10.6. The proposal does not offer any public benefits that would significantly and demonstrably outweigh the identified harm of the development which is considered unsustainable and causes harm to a heritage asset.

## **RECOMMENDATION**

Recommendation is that the application is REFUSED planning permission/ for the following reasons:-

1. This application seeks outline planning permission with access only for the erection of a detached dwelling and is considered to represent unsustainable development in a countryside location, contrary to the provisions of policies CS01, CS02 and H07 of the adopted Development Plan.

Whilst paragraph 11 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 it is further considered that the unsustainable location in relation to its connectivity to services and facilities which results in a heavy reliance on a motor vehicle and encroaching built form into the open countryside. This harm significantly and demonstrably outweighs the benefits of the development when considered against the Framework as a whole.

2. Development on the application site would make Willow Hall (Grade II listed building) part of a row of modern dwellings, rather than being on the edge of modern development. This would reduce its prominence and erode what remains of its historic open rural setting, as well as diminish its connection to the countryside to the north. This impact is contrary to policies GP1, H15 and HB01 which seek to protect the character of the surrounding area and setting of a listed building.

Great weight is given to this as per paragraph 193 of the NPPF. As a result of the proposal being defined as unsustainable development and in the presence of a 5 year land supply there are no public benefits that would significantly and demonstrably outweigh the identified harm to the listed building.

As a result, the proposal is contrary to Policies HB4, H15 and H18 of the Mid Suffolk Local Plan (1998) and the NPPF (2019) and is hereby refused.