

## **Committee Report**

**Item No:** 8C

**Reference:** DC/22/00225

**Case Officer:** Alex Scott

**Ward:** Stonham.

**Ward Member/s:** Cllr Suzie Morley.

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### **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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#### **Description of Development**

Application for Outline Planning Permission (Access point to be considered, Appearance, Landscape, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of up to 5 no. dwellings and construction of new access (following demolition of existing dwelling).

#### **Location**

Land to the rear of the Leas, Quoits Meadow, Stonham Aspal, Suffolk

**Expiry Date:** 12/03/2022

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

**Development Type:** Minor Dwellings

**Applicant:** Mr R Tydeman

**Agent:** Philip Cobbold

**Parish:** Stonham Aspal

**Site Area:** 0.91 hectares

#### **Density of Development:**

Gross Density (Total Site): 5.49 dwellings per hectare (dph)

Net Density (Developed Site, excluding open space and SuDs): (matters presently reserved)

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

Outline Planning Application ref: DC/17/04419, for 9 no. dwellings, was considered by Members at Committee on 13<sup>th</sup> December 2017 - Members resolved to refuse planning permission;

Outline Planning Application ref: DC/18/04191, for 5 dwellings (following demolition of the existing dwelling), was considered by Members at Committee on 30<sup>th</sup> January 2019 - Members resolved to grant outline planning permission, with conditions;

Reserved Matters Application ref: DC/21/03589, for approval of Layout, Scale, Appearance and Landscaping of the 5 no. dwellings approved by way of outline planning permission ref: DC/18/04191 (above), was considered by members at Committee on 10<sup>th</sup> November, and 8<sup>th</sup> December, 2021 - Members resolved to refuse the application.

The relevant officer reports and decision notices are appended to this report.

**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:

Your officers consider the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the extent and planning substance of comments received from third parties, and the planning history of the site.

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

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### **Summary of Policies**

NPPF - National Planning Policy Framework  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC02 - Provision And Distribution Of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS09 - Density and Mix  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL08 - Protecting wildlife habitats  
T02 - Minor Highway improvements  
T09 - Parking Standards  
T10 - Highway Considerations in Development

## **Neighbourhood Plan Status**

This application site 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 (Appendix 3)**

Stonham Aspal Parish Council - 16<sup>th</sup> February 2022:

Object - 40% increase in houses elsewhere in the village already - When the original outline application was considered there was a lack of housing land supply in the district, there is not now - This is a speculative application - The site is on greenfield land, outside the settlement boundary - There is no current need for dwellings, even smaller properties in the village - Proposal would impact a heritage asset (Orchard Farm) and is out of keeping with the rural character of its surrounds - The proposal would impact the residential amenity of existing properties in Quoits Meadow, would change the environment and would increase traffic - The site entrance is also dangerous - The threat of this development has been hanging over residents for 5 years.

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

NA.

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

SCC - Highways - 25<sup>th</sup> January 2022:

No objection - Subject to compliance with suggested conditions.

SCC - Archaeology - Consulted on 14<sup>th</sup> January 2022:

No response received.

SCC - Fire and Rescue - 18<sup>th</sup> January 2022:

The nearest fire hydrant is over 105 metres from the proposed build site - therefore recommend consideration be given to the benefits derived from the provision of an automatic fire sprinkler system - Consultation should be made with the Water Authorities to determine flow rates in all cases.

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

MSDC - Heritage Team - 9<sup>th</sup> February 2022:

The proposal would result in less than substantial harm to Orchard Farmhouse (Grade II Listed) because the proposed development would likely diminish the rural setting of the listed building, which is considered to make a positive contribution to its significance - As this is an outline application with all

matters reserved except access, the full extent of the impact on the significance of the listed building cannot be ascertained.

MSDC - Environmental Protection - Land Contamination - 27<sup>th</sup> January 2022:

No objection - Request LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the minimum precautions (as advised) are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for safe development of the site lies with them.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke - 26<sup>th</sup> January 2022:

No objection - subject to Conditions relating to: Construction Management; Construction Hours; Prohibition of Burning; and Air Source Heat Pump Detail.

**B: Representations**

At the time of writing this report at least 14 letters/emails/online comments have been received. It is the officer opinion that this represents 6 objections, 8 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Representation raising concern or objection to the application proposal:

- The Outline Planning Permission the applicant is attempting to renew has lapsed, the current application should therefore be considered as an entirely new planning application and should be refused;
- Much has changed since the original planning permission was granted over three years ago - at the time the original planning permission was granted the Council was unable to demonstrate a five year housing land supply, which at the time outweighed the harm the development would cause, this is no longer the case;
- As the Council is now able to demonstrate a housing land supply far in excess of five years (housing land supply figures in excess of nine years are quoted) the application should now be refused;
- As MSDC can now demonstrate a housing land supply of far more than five years, speculative housing developments in the countryside, such as this, should no longer be supported;
- 68 houses (on 7 sites) have been granted in Stonham Aspal since the original planning permission was granted three years ago and are either complete, under construction or due to begin shortly - There is, therefore, no further need for more dwellings to be built in this Secondary Village (Stonham Aspal), which has few services and facilities;
- Do not consider Stonham Barns should be taken into consideration with regards services and facilities as one is unable to walk their safely;
- Stonham Aspal has already taken its fair share of development in recent years and this needs to stop;
- The Government has clarified its views on housing developments on Greenfield Sites, that is, that development on such sites should be discouraged wherever practically possible;
- The site is outside the village settlement boundary and on a Greenfield site and so should, therefore, be refused;
- The proposed development is considered to be out of keeping with the rural countryside character of the site and its surroundings;

- The development would erode the remaining historical rural character of the setting of the Grade II Listed Orchard Farmhouse and harm its character;
- The proposal would cut off the most direct relationship between the listed building and the landscape to the north;
- The proposal would diminish the rural setting of the listed building;
- The proposal would damage the local rural environment;
- The proposal would harm existing residential amenity;
- Proposal would result in increased air pollution from vehicles;
- The proposal would put increasing pressure on the village school, which is already at full capacity;
- Concern with regards the scale of development indicated by the last reserved matters application, proposing 4 or more bedroom, two-storey properties - Consider a better mix of properties, with 2 bedroom and bungalows, should be proposed;
- The proposal will result in a significant increase in traffic level through Quoits Meadow, which is presently a quiet cul de sac - resulting in significant noise and disturbance impacts for neighbours and impact on highway and pedestrian safety;
- The proposal would destroy the existing peaceful and pleasant surroundings of Quoits Meadow;
- No reference to the drainage basin previously proposed is made in the current application;
- There have been several attempts to gain approval of reserved matters, which have all been refused - Consider this means the development is not achievable and therefore unsustainable;
- The relentless attempts to gain planning permission on the site have resulted in considerable distress for residents of Quoits Meadow;
- The proposal fails the NPPF test of sustainable development and should be refused;
- Consider the applicant has misrepresented the Planning Case Officer and the Council's Development Committee Members in their Planning Statement;
- Consider the applicant has made many misleading comments in their supporting statement - such as a planned footpath to Stonham Barns, which is untrue.

#### Representations in support of the application proposal:

- Consider the proposal would enhance the village rather than detract;
- The proposal will help the village to grow and thrive;
- The proposal will help reduce an aging population;
- The proposal would help young people and young families stay in the village;
- Do not consider the proposal would be detrimental to village life;
- As this is a small development there will not be a significant increase in vehicle numbers or noise;
- Consider the village needs bigger homes;
- Consider the proposed development would be in-keeping with the character of the village;
- Consider the proposal is far less intrusive than other development in the village;
- Consider the proposal would support local amenities, such as the School;
- Stonham Aspal CEVA Primary School currently has 200 children, which is 10 below being at full capacity (Comments made by a School Representative);
- The school is a large primary school in a relatively small village and is highly dependent on out of catchment children attending the school (Comments made by a School Representative);
- The future pupil forecast for the school is indicating that there will be a fall in pupil numbers over the next 5 years (Comments made by a School Representative);
- The inhabitants of the village benefit from having the school for its children to go to, and a larger in catchment cohort of children would protect the future of the school (Comments made by a School Representative);
- The school is also one of the largest employers in the village, the security of the school relies totally on its pupil numbers (Comments made by a School Representative).

(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> DC/21/03589	Application for approval of reserved matters following grant of outline application DC/18/04191 dated: 07/02/2019 - Appearance, Landscaping, Layout and Scale for Erection of 5no. dwellings and construction of new access, following demolition of 1no. existing dwelling. Discharge of Condition 9 (Hedgerows), Condition 10 (Surface Water Drainage Details), Condition 11 (Roads and Footpaths), Condition 13 (Parking and Turning), Condition 14 (Refuse Bins and Collection Areas), Condition 15 (Fire Hydrants) and Condition 16 (Construction Management)	<b>DECISION:</b> REF 10.12.2021
<b>REF:</b> DC/20/03291	Application for approval of reserved matters following grant of outline application DC/18/04191 dated 07/02/2019 Appearance, Layout, Scale and Landscaping for the erection of 5No dwellings and new access (following demolition for existing dwelling).	<b>DECISION:</b> REF 14.01.2021
<b>REF:</b> DC/18/04191	Outline Planning Application (Access to be considered) - Erection of up to 5 no. dwellings and construction of new access, following demolition of 1 no. existing dwelling	<b>DECISION:</b> GTD 07.02.2019
<b>REF:</b> DC/17/04419	Outline Planning Application (Access to be considered) - Erection of 9 no. dwellings and construction of new access	<b>DECISION:</b> REF 18.12.2017
<b>REF:</b> 1859/11	Retention of stables, alterations to existing roof and continued use of land as paddock without compliance with condition 1 of planning permission 2874/10 requiring removal of eucalyptus trees.	<b>DECISION:</b> GTD 25.07.2011
<b>REF:</b> 2874/10	Retention of stables, alterations to existing roof (per submitted drawings) and continued use of land as paddock (revised scheme to that previously permitted under planning permission 3062/06).	<b>DECISION:</b> GTD 15.12.2010

<b>REF:</b> 3062/06	Proposed change of use of agricultural land to paddock and erection of a stable block (following removal of existing buildings).	<b>DECISION:</b> GTD 22.05.2007
<b>REF:</b> 1836/05	Retention of vehicular access, storage facilities and parking area, and the erection of a shelter and hay storage building. All associated to adjacent paddock for the keeping and grazing of horses.	<b>DECISION:</b> REF 25.11.2005

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

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

- 1.1. The application site extends to approximately 0.91 hectares and comprises part of an existing horse paddock set back from The Street, to the north of existing dwellings in the Quoits Meadow cul-de-sac.
- 1.2. To the north and east of the existing paddock lie agricultural fields, defined by hedgerow boundaries. An unmade access track runs adjacent to the south boundary of the paddock giving existing access to the paddocks and the agricultural fields to the east. Further to the south, on the opposite side of the track, lies the Grade II listed Orchard Farm with the existing housing estate at Walnut Tree Meadow beyond this. The existing Quoits Meadow estate and further dwellings fronting The Street lies to the west and south-west.
- 1.3. The site lies outside of, but adjacent to, the settlement boundary of the village. The site also affects the setting of a grade II listed building at Orchard Farm, to the south of the site, and affects an area of archaeological potential.

### **2. The Proposal**

- 2.1. The application seeks outline planning permission, with all matters reserved, save for access, for the erection of up to 5 no. dwellings on the site, and construction of a new access, following demolition of the existing dwelling on the site, at the Leas.
- 2.2. The development proposal would, therefore, result in a net increase in 4 no. dwellings on the site (5 new dwellings and the loss of one existing dwelling).
- 2.3. The proposed means of access would be via the Quoits Meadow estate, with a presumed estate road access being provided within the existing frontage of The Leas. No details of the proposed access have been provided with the current application.
- 2.4. The application is supported by a Planning Statement, composed by an experienced planning professional, and member of the RTPI, which concludes that: the proposed new dwellings would serve and support the local economic and social infrastructure of Stonham Aspal by providing additional family homes; the development would fulfil the three objectives of sustainable development and there would be no impacts arising from the development which would

significantly and demonstrably outweigh the benefits; and that consequently, there are no grounds to refuse this application.

- 2.5. The application is also supported by a Phase 1 Geo-Environmental study and risk assessment, again carried out by suitably qualified professionals.

### **3. Site Planning History**

- 3.1. The site has been subject to 2 no. previous outline planning applications, and 2 no. previous reserved matters applications, for residential development on the site, the details of which are appended to this report.
- 3.2. These previous planning decisions are considered to be material considerations in determination of the current application on the site.
- 3.3. Of most significance is the previous outline planning permission, for a similar development, granted on the site in February 2019, ref: DC/18/04191. This planning permission is now considered to have expired, as the deadline for submission of further reserved matters applications has now passed. The site is, therefore, not considered to benefit from an extant planning permission for housing development.
- 3.4. When considering the development proposed by planning application ref: DC/18/04191, the Council could not, at this time, demonstrate a five year housing land supply, and significant weight attributed to this, in the planning balance required by the NPPF of the time, in support of that proposal.
- 3.5. Notwithstanding the previous planning permission on the site, the present planning environment is considered to be significantly different to that when the previous application (ref: DC/18/04191) was considered. MSDC is presently able to demonstrate a housing land supply of 9.54 years, as evidenced by the recent Housing Land Supply Position Statement 2021 (published February 2022). Furthermore, 66 no. new dwellings have received planning permission and are reportedly either complete, under construction or due to begin shortly, in Stonham Aspal, since the previous application was granted. These factors are also considered to be material considerations in determination of the current application.

### **4. The Principle of Development**

- 4.1. The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF).
- 4.2. For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan, considering also the provisions of the latest iteration of the NPPF as a material planning consideration:
  - Saved Policies of the Mid Suffolk Local Plan (1998)
  - Saved Policies of the Mid Suffolk Core Strategy (2008)



- Policies of the Mid Suffolk Core Strategy Focussed Review (2012)

- 4.3. Mid Suffolk currently benefits from a housing land supply that is significantly in excess of five-years, as evidenced and referred to above. There is, therefore, no requirement for the 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 the Council to determine whether relevant development policies generally conform to the NPPF. Where they do not they will carry less statutory weight.
- 4.4. The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits (NPPF paragraphs 11 c) and 11 d)).
- 4.5. Policies CS1 and CS2 of the Core Strategy, and Policy H7 of the Local Plan are the planning policies most important for determining the application. Policy CS1 identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with towns representing the most preferable location for development, followed by the key service centres, primary then secondary villages. Policy CS2 restricts development in the countryside to defined categories. Local Plan Policy H7 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 4.6. It should be noted that Stonham Aspal is listed as a secondary village in Core Strategy Policy CS1, amongst the least preferable locations for development in the current development plan settlement hierarchy. The significant amount of new housing development approved in Stonham Aspal since February 2019, as evidenced, is also relevant to note at this juncture.
- 4.7. The exceptional circumstances test at Core Strategy Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is, however, considered to be inconsistent 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 80, however it is only engaged where development is isolated. The definition of isolation in the context of this policy has been shown within legal judgements to relate to physical isolation only. The subject land is not physically isolated, and it must follow that paragraph 80 does not engage.
- 4.8. Having had regard to MSDC's current strong housing land supply position (in excess of five years), and NPPF Paragraph 219 (which provides that existing policies should not be considered out-of-date simply because they are adopted or made prior to the publication of the NPPF and that due weight should be given to them, according with the degree of consistency with the NPPF), NPPF Paragraph 11 d) (which relates to out-of-date development plan policies) is not considered to be engaged. Notwithstanding this, NPPF Paragraph 11 d) is also not considered to be engaged as the proposed development would result in harm to a designated heritage asset,

and this then provides a clear reason for refusal in itself. For these reasons the statutory weight attached to plan policies CS1, CS2 and H7 is not considered to be significantly reduced, save for the need to be in conformity with the NPPF as a whole, in particular with NPPF paragraph 80, as referred to above. The fact that the site is outside the settlement boundary is therefore not considered to be a determinative factor upon which the development currently proposed turns. That said, policy CS1 is considered to be of relevance in directing the majority of new development to towns and key service centres, with only some provision for meeting local housing needs being appropriate in primary and secondary villages, such as Stonham Aspal. The question as to whether the current local housing need of Stonham Aspal is met by the parish's current housing land supply is, therefore, of relevance here.

- 4.9. The aim of the NPPF, for the delivery of sustainable development, remains unchanged. The three dimensions of sustainable development, in the context of the proposed scheme, are assessed in detail below:
- 4.10. Social Dimension - The delivery of additional market housing is recognised as a social benefit at a national level and, whilst the Council can demonstrate a housing land supply in significant excess of five (5) years, this cannot be read as a cap on development, but does reduce the level of weight attributed to this benefit.
- 4.11. Due to the minor nature of the application proposal there is not an expectation that the development proposed would deliver a contribution toward affordable housing, either on-site or elsewhere, and no such provision or contribution has been offered by the applicant. No additional positive weight can, therefore, be attributed in relation to the social dimension of sustainable development in this regard.
- 4.12. Whilst the site is considered to be remote from the majority of services and facilities required for day today living, the development is considered to have potential to offer support to the Village Primary School, which would in turn help to support the development, and in this way reduce the need to travel. However, there would otherwise be a significant reliance on the private motorcar to access other services and facilities, which are 7 miles or more away at Stowmarket, or 10 miles away or more at Ipswich. The proposal is, therefore, considered to result in a low level of social benefit in this regard.
- 4.13. Having considered the significant amount of existing housing land supply in the village, with a significant amount of social benefit already attributed to this, the current proposal is not considered add significantly to these existing benefits in this regard.
- 4.14. The proposal is considered to result in harm to the significance of a designated heritage asset. The proposal is therefore considered to result in a social disbenefit in this regard in the harm that would result, negatively impacting the public enjoyment of this asset now and for future generations.
- 4.15. In conclusion, therefore, the current proposal for a net gain of 4 no. additional dwellings is considered to offer a low level of additional social benefit in the planning balance.

- 4.16. Economic Dimension - The provision of 4 no. additional dwellings would likely give rise to employment opportunities during the site clearance and construction phases of development, and maintenance thereof thereafter. The proposal will, therefore, result in job creation during these periods which will have positive economy benefits locally.
- 4.17. Having considered the above, the economic opportunities during site clearance and construction phases would offer significant employment benefits, these benefits would, however, be short term and, therefore, limited. It is also acknowledged that there would be some limited employment benefits associated with the maintenance and management of the dwellings, once constructed, for the long term, however such economic benefits would be occasional, with a low level of benefit. Overall, on balance, the proposal is considered to result in a low level of Economic benefit over the lifetime of the development proposed.
- 4.18. Environmental Dimension - The application is located at a village which lacks the majority of services and facilities required for day to day living and has only a limited bus service available. The development is still, therefore, considered to place significant reliance of the private motor vehicle as a mode of transport, with a significant amount of additional vehicle movements as a result. The proposed development would, therefore, result in at least a low level of environmental harm in this respect.
- 4.19. A degree of less than substantial harm to the setting and significance of the nearby heritage asset (the Grade II Listed Orchard Farmhouse) has been identified by your heritage officers in assessing the current outline application. It should also be noted that your heritage officers have previously identified a low to medium level of less than substantial harm to the significance of this heritage asset in assessing previous reserved matters, for similar development proposal on the site. The proposed development is, therefore, considered to result in a low to medium level of environmental harm in this respect.
- 4.20. The proposed development has previously been assessed to result in a level of harm to the rural character of the site and its surroundings, and this perceived harm has formed the basis of reasons for refusal of previous applications on the site. The proposed development is also, therefore, considered to result in a level of environmental harm in this respect.
- 4.21. In fully weighting the scheme against the strands of sustainable development, a low level of overall social benefit is noted, and a long term low level of economic benefit is also noted. Counter to this is an overall moderate to high level of environmental harm, as identified above.
- 4.22. In conclusion, the Development Plan Policies considered most relevant to determining the principle of the current proposal (CS1, CS2 and H7) are not considered to be out-of-date simply due to age, as provided by NPPF paragraph 219 and the content of these policies which is in conformity with the current provisions of the NPPF, is, therefore, considered relevant and applicable. The main thrust of development plan policies is, therefore, considered to be available and accordingly the proposed development should, therefore, be refused due to its location, outside the settlement boundary of a secondary village, with no evidence of a requirement to

meet local housing needs presently. Furthermore, the proposal is considered to result in harm to the significance of a heritage asset, with no resultant public benefit(s) present to outweigh that harm. The provisions of the development plan policies in this regard is considered to be in conformity with and supported by the provisions of the current NPPF. For these reasons the NPPF tilted balance is not, therefore, considered to be engaged.

- 4.23. Overall the proposal is considered to weigh negatively in the planning balance and, in the opinion of your officers, does not represent sustainable development when considered against the provisions of the current development plan and latest iteration of the NPPF, taken as a whole. The principle of the proposed development is not, therefore, supported for these reasons.

## **5. Sustainable Construction / Renewable Energy**

- 5.1. The current development plan expects new development to be of a high standard of design and layout and that it will address the need for energy and resource conservation. Policy CS3 provides principles around low water use, passive design, solar gain and low impact materials which are also relevant to this proposal.
- 5.2. Section 9 of the NPPF provides that Plans should protect and exploit opportunities for the use of sustainable transport modes and solutions in all development proposals. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.
- 5.3. No indication of sustainable construction techniques, sustainable building design or renewable energy generation have been provided by the applicant in support of the current proposal.
- 5.4. Should members be minded to approve the application and grant outline planning permission, your officers advise that a scheme for the provision and implementation of water, energy and resource efficiency measures, during construction and operational phases of development should be submitted and refused prior to commencement.

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

- 6.1. Development plan policy T10 requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 6.2. Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.3. Whilst no details with regards vehicular access is currently provided as part of the application proposal, the means of vehicular access to the site and proposed dwellings is said to be via the

Quiots Meadow Estate, presumably within the frontage of the existing dwelling at The Leas, as has been proposed by previous applications on the site.

- 6.4. SCC-Highways have been consulted on the current proposal and have raised no objection on highway safety grounds, subject to the following conditions:
- Details of the proposed vehicular access;
  - Details of turning and parking, including powered two-wheeled vehicles (PTW) and Electric Vehicle Charging Points;
  - Details of secure, covered and lit cycle storage;
  - Means to prevent discharge of surface water onto the highway, and system to dispose of the water;
  - Details of areas to be provided for the storage and presentation of refuse and recycle bins.
- 6.5. Subject to the conditions as advised by SCC-Highways, therefore, your officers do not raise objection to the proposal on highway safety grounds at this stage, on the basis of information currently provided by the applicant.

## **7. Design, Layout and Landscaping**

- 7.1. No detail regarding the proposed site layout, the scale and appearance of buildings, and the landscaping thereof are provided as part of the current application. And such matters are currently reserved.

## **8. Heritage Issues**

- 8.1. In assessing the current application, your heritage officers advise the following:
- 8.2. The heritage concern relates to the potential impact of the works on the significance of Orchard Farmhouse, a Grade II Listed late C16 timber-framed farmhouse/former farmhouse, to the southeast.
- 8.3. In assessing an appeal for a previous proposal on the site (ref: DC/17/04419) the appeal inspector found that the application site “has inherent value as an established area of undeveloped space behind Quoits Meadow and within the setting of the listed building at Orchard Farm”, and that “the proposed development would fundamentally change the appeal site’s nature and its relationship with the listed building, as the proposed houses would diminish the listed building’s setting”. The Appeal Inspector considered the level of harm to the significance of the listed building to be less than substantial.
- 8.4. The current application has reduced the number of proposed dwellings to (up to) 5, on (up to) half of the previous application site, leaving the eastern half of the site undeveloped.
- 8.5. As established at Appeal, the site in its undeveloped state contributes to the setting of Orchard Farm, therefore any development on this site has the potential to diminish the setting of the listed building. The reduction of the size of the application site and the decrease in number of dwellings does reduce the harm identified by the inspector at appeal. However, the relationship between the listed building and the wider landscape would still be diminished, as the current proposal would

only preserve a limited connection between Orchard Farm and the countryside, in the form of a wedge of land opening up to the east. Five dwellings would likely still cut off the most direct relationship between the listed building and the landscape, to the north.

- 8.6. Therefore, while the current proposed development would not fully embed the listed building in modern development, the Heritage Team considers that the reduction of its connection to the countryside would likely still cause a certain level of less than substantial harm to the significance of the listed building. For such harm a consideration of public benefit needs to be made. Despite some short term economic benefit, the benefit of housing in the countryside is significantly reduced given the current housing supply and opportunity to direct housing to more sustainable locations. On this basis the benefit is not considered to outweigh the harm identified.
- 8.7. The SCC Archaeological Unit has been consulted on the current application and, whilst no formal response has been received, they have previously advised that Archaeological investigations on the site have been completed as part of the outline application DC/18/04191.
- 8.8. Despite the potential for Roman and medieval archaeological features and finds, as indicated by the Historic Environment Record, none were found during the evaluation. Based on the results of the archaeological evaluation SCC-Archaeology would not require any further archaeological work on the site. As such, your officers advise that the current application would not require further conditions for archaeological investigation and recording, should members be minded to approve.

## **9. Biodiversity and Protected Species**

- 9.1. The interior of the proposal site comprises an occupied and maintained area of equine grazing and exercising land and is not considered to provide significant habitat for protected and priority species.
- 9.2. Trees and hedgerows surrounding the site provide potential habitat for breeding birds, Hedgehogs and possibly Newts (pending further investigation), as such, it is expected that ecological mitigation and landscaping proposals for the site, and suitable enhancement measures, would be secured by way of condition, should members be minded to approve the current application.

## **10. Land Contamination**

- 10.1. The current application is supported by a detailed geo-environmental report, prepared by suitably qualified individuals, which assesses matters relating to land contamination and potential risk to future occupiers of the site.
- 10.2. Your Environmental Protection Officers have assessed the current application and have raised no objection to the proposed development from the perspective of land contamination. Your EP officers advise that the Geoenvironmental report submitted in support of the application, and previous applications for the site, demonstrate that the risks posed by former uses of the site is sufficiently low as to not require any additional investigations/remedial works.
- 10.3. Your officers advise that, in the event that members resolve to approve the application, that the LPA are contacted in the event of unexpected ground conditions being encountered during

construction and that the minimum precautions are undertaken (as advised by your EP officers) until such time as the LPA responds to the notification. Members are also advised that the responsibility for the safe development of the site lies with the developer.

## **11. Flood Risk and Drainage**

- 11.1. The proposal site and the immediate surrounds are located completely within Environment Agency Flood Zone 1, as such the site is not considered to be at significant risk of flooding.
- 11.2. NPPF Paragraph 168 provides that such minor applications, should not be subject to sequential or exemption tests, as set out elsewhere in the NPPF, and there is also no requirement for the applicant to submit a site-specific flood-risk assessment, due to the size of the site being less than 1 hectare, as set out in NPPF footnote 55.
- 11.3. The applicant has indicated that surface water will be disposed of via Sustainable Drainage Systems, the principle of which is supported by your officers. Further details in this respect would be required to be secured by way of condition, should members be minded to approve.

## **12. Impact on Residential Amenity**

- 12.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future land users.
- 12.2. Whilst no detail of the layout, scale or appearance of the dwellings proposed have been provided as part of the current application, should this application be approved, it is expected that proposed dwellings would be set out with acceptable back to back distances, to avoid significant impacts in terms residential amenity, with regards domination, overlooking and loss of privacy, in relation to both existing and proposed dwellings. It is also expected that car turning and parking spaces, driveways and access roads will be sensitively located and not result in residential amenity harm as a result of vehicle movements and artificial light nuisance from headlamps.

## **13. Parish Council Comments**

- 13.1. The matters raised by Stonham Aspal Parish Council are considered to have been addressed in the above report.

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## PART FOUR – CONCLUSION

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### **14. Planning Balance and Conclusion**

- 14.1. MSDC is presently able to demonstrate a housing land supply of 9.54 years, as evidenced by the recent Housing Land Supply Position Statement 2021 (published February 2022), which is in significant excess to that required by the latest iteration of the NPPF. There is, therefore, no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test.
- 14.2. The Development Plan Policies most relevant to determining the principle of proposal (CS1, CS2 and H7) are not considered to be out-of-date simply due to age, as provided by NPPF paragraph 219. As a result NPPF paragraph 11 d) and the NPPF tilted balance are not considered to be engaged.
- 14.3. The content of current development plan policies, which are in conformity with the current provisions of the NPPF, are considered relevant and applicable. The main thrust of development plan policies is, therefore, considered to be available and accordingly the proposed development should, therefore, be refused due to its location, outside the settlement boundary of a secondary village, with no evidence of a requirement to meet local housing needs presently, contrary to the provisions of development plan policies CS1, CS2 and H7, having had regard to the provisions of the NPPF as a material consideration.
- 14.4. The proposal is considered to result in harm to the significance of a heritage asset (the Grade II Listed Orchard Farmhouse), with no resultant public benefit(s) present to outweigh that harm. The provisions of the development plan policies in this regard (in particular policies CS5 and HB1) are considered to be in conformity with and supported by the provisions of the current NPPF in this regard (in particular NPPF section 16), and the development, for these reasons should be refused.
- 14.5. In weighting the scheme against the strands of sustainable development, as set out in the NPPF, a low level of overall social benefit is noted, and a long term low level of economic benefit is also noted. Counter to this is an overall moderate to high level of environmental harm.
- 14.6. In conclusion, the proposal is considered to weigh negatively overall in the planning balance and, in the opinion of your officers, does not represent sustainable development when considered against the provisions of the current development plan and latest iteration of the NPPF, taken as a whole. The principle of the proposed development is not, therefore, supported for these reasons.



## **RECOMMENDATION**

That the application is REFUSED planning permission for the following reasons:-

### **1) REASON(S) FOR REFUSAL - PRINCIPLE**

The proposed development site lies outside of the village settlement boundary, as defined in the current adopted development plan. The principle of new housing development on the site is not then automatically supported, as a point of principle, by the current plan.

The Local Planning Authority is able to demonstrate a housing land supply, in significant excess of the five year minimum required by the NPPF. The tilted balance is not, therefore, engaged.

Paragraph 11 of the NPPF requires planning decisions to apply a presumption in favour of sustainable development and, for decision-taking, in instances such as this where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless adverse impacts of doing so would outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

In weighting the scheme against the strands of sustainable development, as set out in the NPPF, a low level of overall social benefit is noted, and a long term low level of economic benefit is also noted. Counter to this is an overall moderate to high level of environmental harm. In particular the proposal is considered to result in harm to the character, setting and significance of a heritage asset, the nearby Grade II Listed Orchard Farmhouse, and would result in harm to the rural character of the site and its surroundings.

The adverse impacts of the proposal are, therefore, considered to significantly and demonstrably outweigh the benefits of the proposal and not to represent sustainable development when considered against the provisions of the NPPF, taken as a whole.

### **2) REASON(S) FOR REFUSAL - IMPACT ON THE SIGNIFICANCE OF A HERITAGE ASSET**

Development plan policy CS5 requires all development proposals to protect, conserve and where possible enhance the built historic environment. Development Plan Policy HB1 requires that all such proposals should protect the character and appearance of all buildings of architectural or historic interest. Furthermore, the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The erection of a residential development on the site would result in erosion of the remaining historically rural character of the setting of the Grade II Listed Orchard Farmhouse and harm its character. The proposal is considered to result in less than substantial harm to the character, setting and significance of this heritage asset. Having assessed the development proposal

against the social, economic and environmental dimensions of sustainable development, as required by the NPPF, the public benefits of the proposal are not considered to outweigh the level of harm identified. The proposal is, therefore, contrary to the provisions of the aforementioned planning policies for these reasons.