

Committee Report

Item No: 7A

Reference: DC/22/01535

Case Officer: Mahsa Kavyani

Ward: Bacton

Ward Member/s: Cllr Andrew Mellen

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Application for Outline Planning Permission (All Matters Reserved) Town and Country Planning Act 1990 - Erection of 1 self-build detached dwelling with garage.

Location

Land At, Blacksmith Road, Cotton, IP14 4QN

Expiry Date: 18/05/2022

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: Mrs Megan Youssef

Agent: Philip Cobbold

Parish: Cotton

Site Area: 0.10ha

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Head of Economy considers the application of a controversial nature and in the interest openness and transparency has requested the proposal to be presented at committee.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF National Planning Policy Framework 2021

Core Strategy Focused Review 2012:

CLASSIFICATION: Official

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing

Core Strategy 2008:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment

Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
T09 - Parking Standards
T10 - Highway Considerations in Development

Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2019)

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

Parish Council (Appendix 3)

Bacton Parish Council

Councillors considered this application and after discussion agreed to recommend REFUSAL for the following reasons:

1. CS2 identifies the Countryside as the least preferable location for development, with development permitted only in exceptional circumstances subject to a proven justifiable need - the Parish Council undertook a consultation recently which confirms and justifies the need for cheap houses for younger families and properties for current residents to downsize into;

2. CS2 also states countryside development will be restricted to defined categories in accordance with other Core Strategies none of which are relevant to this application;
3. further to a local consultation, five years ago, residents offer strong support to development on Blacksmiths Road on a brownfield site;
4. this application being considered is outside the settlement boundary and would cause harm to the character of the Countryside and the openness of the Countryside in this location;
5. the District Council have a proven five year housing land supply;
6. development should retain and support the character of Cotton as a rural village.
7. In accordance with the NPPF this application offers no economic, social or environmental role to the Parish of Cotton.

County Council Responses (Appendix 4)

Highways

No objection subject to conditions.

Internal Consultee Responses (Appendix 6)

Environmental Health Land Contamination

No objection.

Arboricultural Officer

This proposal would seemingly require the removal of a number of trees from site although such information has not been included with the application. Until we have these details it will not be possible to properly consider the implications and effects of this development. If a layout design is not yet available, then a Tree Survey and draft retention/removal plan can be provided with possible additional information required as part of reserved matters.

B: Representations

No representations received.

PLANNING HISTORY

None relevant.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is located on the southern side of Blacksmith Road to the northeast of Bacton. The undeveloped site is heavily vegetated, with mature trees set behind a significant roadside hedgerow which extends the length of the site frontage. There is no vehicle access to the site from Blacksmith Road.

- 1.2. The site is immediately east of Blackthorn House, a recently constructed two storey dwelling built pursuant to planning permission DC/17/02809. This was approved at a time when the Council could not demonstrate a five-year housing supply.
- 1.3. Dwellings are to the north, located on the opposite side of Blacksmith Road, and include Blacksmith House, Burleigh, Smymar and Blacksmiths Cottage. The former Mechanical Music Museum is directly opposite, between Blacksmith House and Burleigh. To the south and east is open countryside, including the balance of the wooded area which the application site forms a part of, and open fields in arable use. Cotton Village Hall is 250m east of the site, at the junction of Blacksmith Road Mill Road and Wickham Lane.
- 1.4. There are no listed buildings in the vicinity of the site.
- 1.5. The rectangular site measures 0.10ha and is not subject to any formal landscape designations

2. The Proposal

- 2.1. The application is made in outline, with all matters reserved, for a single dwelling. The application is not supported by any indicative development plans. The only detail lies in the visibility splay details that have been submitted, which indicates a vehicle access positioned midway along the site frontage.

3. Policy Context

- 3.1. As an outline application for the erection of one dwelling, the proposal is assessed having regards to Mid Suffolk Local Plan (adopted 1998) saved policies GP1, H3, H7, H13, H15, H16, H17, T9, T10, CL8, and Core Strategy (adopted 2008) policies CS1, CS2, CS3, and CS5 and the Core Strategy Focused Review together with the NPPF (2021).
- 3.2. The application site is not within defined settlement boundary of Cotton, which in any case is a countryside village, and as such is classed as a countryside location under Policy CS1 of the Core Strategy. In countryside locations development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. As such the proposal is for new residential development in the countryside, contrary to H7 of the Local Plan, and CS1 and CS2 of the Core Strategy.
- 3.3. The Council can currently demonstrate that it has an adequate 5-year housing land supply measured at 9.54 years. As such, this element does not engage the tilted balance requirement of the NPPF in itself. However, given the age of both the Core Strategy and the Local Plan, and given that they pre-date the publication of the revised NPPF, consideration must be given to their compliance with the NPPF and as such the associated weight of the policy. The question whether the presumption in favour of sustainable development is therefore engaged in the circumstances of this application needs to be considered.
- 3.4. Policies CS1 and CS2 jointly set out the spatial strategy for the district in directing how and where new development should be distributed. They are not expressly prohibitive of new development in the countryside and allow for new development that is in accordance with them. Read together the policies provide a strategy for the distribution of development that is appropriate in recognising local circumstances and their overall strategy remains sound. This is because they take a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are consistent with the NPPF.

- 3.4. Policy H7 states that new development will normally form part of existing settlements and that outside of settlement boundaries proposals for new housing will be strictly controlled. It is explained within the policy that this is in the interests of protecting the existing character and appearance of the countryside. It has been found that H7 does not directly preclude new development in the countryside; clearly, as a saved policy within the development plan it must be read alongside policies CS1 and CS2 and it is consistent with them. It is notable that the desire to protect the countryside as a resource is also reflected within the NPPF where it is stated at paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Here, “recognition” must itself import a degree of protection and so the sentiment behind policy H7 is consistent with the NPPF.
- 3.5. As a matter of judgement, the generally restrictive approach to housing in the countryside set out within those policies are not entirely consistent with the NPPF, where development that is otherwise sustainably located and acceptable in other respects might nevertheless be refused if those policies were applied with full force. This position has been recognised in previous appeals, and the Council in approving other housing development even where a five-year housing land supply can be demonstrated. There is a not too dissimilar ‘special circumstances’ test at NPPF paragraph 80 but that only applies to sites that are physically separated or remote from a settlement. It is this policy approach (alongside paragraphs 78 and 79, among others) within the NPPF that is infringed by the proposal. Therefore, irrespective of whether elements of policies CS1, CS2, and H7 are out of date, the parts of those policies that are up to date are those which are being breached by the proposal and directly apply to its consideration. These policies are consistent with the need to enhance and maintain villages and rural communities, and avoid new isolated homes, as set out within paragraphs 78, 79, and 80 of the NPPF.

Further, CS1, CS2 and H7 also reflect NPPF paragraph 105 which provides that the planning system should actively manage patterns of growth and focus significant development on locations which are or can be made sustainable.

- 3.6. Having established a housing land supply which demonstrably and significantly proves that the Council is boosting significantly the supply of homes it is considered that the management of new development to more rather than less sustainable locations is an important development plan purpose which is consistent with the thrust of the NPPF. Policies CS1, CS2 and H7 are “up to date” in so far as they apply to the circumstances of this pre-application where the Council can show that it has demonstrably and significantly taken steps to boost significantly the supply of homes and where continued windfall piecemeal development in less sustainable countryside locations would materially compromise the spatial strategy of the Council and undermines the aims and objectives of those policies.
- 3.7. The NPPF sets out three dimensions for sustainable development, environmental, social, and economic. The dimensions in the context of the proposed scheme are assessed in detail below.

Sustainable Development Considerations

Cotton is a small settlement and is approx. 0.5 miles from the site, and has no services and facilities. Bacton to the south-west, is a designated CS1 Key Service Centre and has a range of services and facilities, it is situated less than 0.5 mile from the site. With regard the relationship that the site has to these facilities and services, the site sits in close proximity of the Bacton settlement boundary, which takes in Kimberley House to the east and runs south along the B1113. Whilst there are no footpaths running along Blacksmith Road, or along the B1113 until it reaches the junction with

Pound Hill (which leads into the village), future occupants of the proposed dwelling would be able to access the Bacton facilities and services by cycle and there are bus stops at the site frontage which gives access to a daily bus service to Eye, Diss and Bury St Edmunds. It is noted that the bus service is limited in terms of the times in which it is available during the day. Notwithstanding the frequency of this service, the site benefits from access to some viable alternative methods of sustainable transport. Moreover, a single dwelling would not generate substantial daily vehicle movements and the day-to-day trips that would be undertaken would be short given the distance to Bacton.

Another impact environmentally is the landscape impact, further detail in this regard can be found under respective heading, however significant harm has been identified. The application site is dense with vegetation, a blanket green buffer together with the absence of any built form, contributes positively to the natural landscape character. The proposal would entirely erode this to make way for residential development. This harm is counted as environmental harm and negatively weighs in the planning balance.

In respect of the social strand, the proposal would produce a new dwelling which would provide a minimal contribution to housing, this is not an affordable unit therefore the benefit is reduced. It is unlikely that any demonstrable public benefit will sufficiently materialise from the additional use of facilities in Bacton to sustain or enhance their vitality within the community. As such the social benefits are considered very limited and could be more sustainably provided in development elsewhere. This benefit is further reduced given that the Council can at this time demonstrate a five-year housing land supply. Whilst this is not a cap on development it is nonetheless the case that land for new homes is being made available in the District including within more sustainable locations, such that the benefit in this regard must be considered quite minimal.

Economically, the proposal would generate a minor benefit for local trade and predominately arise during the construction phase which would be short term and small. Once occupied, there would be minor economic benefit to the wider site itself, owing to the absence of facilities in Cotton. Again, the benefit to the community and society of the application in this regard is minimal.

- 3.7. The meaningful social and economic benefits here are limited (explored further under respective heading below). The environmental harm through loss of mature vegetation/trees is moreover a material disbenefit in all the circumstances. Taken in the round it is considered that the development would not on its own facts deliver on the three objectives for sustainable development set in the NPPF. Given the local plan policy position and performance of the proposal against the sustainability objectives of the NPPF, the principle of development is not supportable in this instance.

4. Design And Layout

- 4.1 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 4.2 Policy GP01 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 4.3 In this case, matters of design and scale are reserved, no information has been provided in this regard. As such the assessment will be carried out at Reserved Matters stage.

5. Landscape Character

- 5.1. NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF states that local authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.2. Local Plan Policy GP1 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 5.3. The site is heavily vegetated. The mature trees and subsequent green canopy, together with the absence of any built form, contributes positively to the natural landscape character. The wooded area forms an integral part of the natural environment, complementing the semi-rural character of the area. The wooded site acts as a landscape buffer between the dwellings to the west and open fields to the east.
- 5.4. There are no development details supporting the application. It is unknown how much hedgerow would require removal to necessitate the vehicle access. The extent of vegetation removal required to facilitate the construction of the dwelling is an unknown. The scale of the dwelling is an unknown. Clearly the site is of sufficient size to readily accommodate a single dwelling. However, it is unclear from the application as to how the development would be sited on the plot and therefore the extent to which the development would impact the local landscape character. The application has failed to demonstrate how it might take account of the natural environment. Some level of vegetation removal is inevitable and there is a strong likelihood that its removal would have high potential to adversely impact the character of the countryside and in so doing conflict with Policy CS5 of the Core Strategy. The lack of certainty around the proposal's ability to conserve local landscape character weighs negatively in the planning balance.

6. Site Access, Parking And Highway Safety Considerations

- 6.1. Access is a reserved matter and is therefore not for consideration. This said, it is noted that the Highways Authority does not object to the visibility splay details that have been provided, which indicates a vehicle access midway along the site frontage.

7. Residential Amenity

- 7.1. As already noted, the site is of sufficient size that a single dwelling can be brought forward without unduly impacting neighbouring residential amenity. There is scope to adequately manage this matter at the reserved matters stage.

8. Biodiversity

- 8.1. The NPPF chapter 15 requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.

- 8.2. Understanding protected species implications is required prior to determination in accordance with paragraph 99 of the ODPM Circular 06/2005, which advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted.
- .3. The heavily vegetated nature of the site is such that there is a strong possibility that it may contain protected species/habitat. The application is not supported by an ecology report. The application does not meet the above requirement, it is unclear whether the proposal preserves and enhances local biodiversity values, weighing negatively in the planning balance.

PART FOUR – CONCLUSION

9. Planning Balance and Conclusion

- 9.1. The proposed development is situated on land outside of the settlement boundary of Cotton and Bacton, the proposal fails to accord with the developments permitted within the countryside, contrary to Policies CS1 and CS2 of the Mid Suffolk Core Strategy (2008). The proposal is located in the countryside where the development of a new dwelling would not materially enhance or maintain the vitality of the rural community. Future occupants will, moreover, be likely to be reliant upon the private car to access services, facilities and employment. The District Council has an evidenced supply of land for housing in excess of 9 years and has taken steps to boost significantly the supply of homes in sustainable locations.

On this basis the proposal would not promote sustainable development and would be contrary to the adopted policies of the development plan which seek to direct the majority of new development to towns and key service centres listed in the Core Strategy 2008 with some provision to meet local needs in primary and secondary villages under policy CS1. In the countryside development is to be restricted having regard to policy CS2 and it is considered that in the circumstances of this application the direction of new housing development to more sustainable locations is of greater weight than the delivery of one additional dwelling in a less sustainable location. Having regard to the significant supply of land for homes in the District it is considered that the objectives of paragraph 60 of the NPPF are being secured and that on the considerations of this application the objective to boost significantly the supply of homes should be given reduced weight.

It is considered that the development of this site would cause adverse impacts to the proper planning of the District having regard to the above mentioned development plan objectives to secure planned development in more sustainable locations rather than piecemeal development in less sustainable locations which significantly and demonstrably outweigh the limited benefits of this development.

As such the proposal is not acceptable in principle, being contrary to paragraphs 8, 11, 193 and 196 of the NPPF, Policies CS1, CS2 and CS5 of the Core Strategy (2008), Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012) Policies H7 and CL8 of the Mid Suffolk Local Plan (1998).

- 9.2 The application furthermore would result in harm on the character of the countryside, with loss of significant landscaping, and intrusion of built development. In addition, the proposal fails to

demonstrate that there would not be an adverse impact on protect species or deliver biodiversity net gain. The proposal would be contrary to CL8 of the Mid Suffolk Local Plan (1998), CS5 of the Core Strategy (2008), Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012)

RECOMMENDATION

(1) That the Chief Planning Officer be authorised to REFUSE Planning Permission based on the following reasons:

1. The proposal is in a countryside location where the development of a new dwelling would not materially enhance or maintain the vitality of the rural community. Future occupants will, moreover, be likely to be reliant upon the private car to access services, facilities and employment. The District Council has an evidenced supply of land for housing in excess of 9 years and has taken steps to boost significantly the supply of homes in sustainable locations.

On this basis the proposal would not promote sustainable development and would be contrary to the adopted policies of the development plan which seek to direct the majority of new development to towns and key service centres listed in the Core Strategy 2008 with some provision to meet local needs in primary and secondary villages under policy CS1. In the countryside development is to be restricted having regard to policy CS2 and it is considered that in the circumstances of this application the direction of new housing development to more sustainable locations is of greater weight than the delivery of one additional dwelling in a less sustainable location. Having regard to the significant supply of land for homes in the District it is considered that the objectives of paragraph 60 of the NPPF are being secured and that on the considerations of this application the objective to boost significantly the supply of homes should be given reduced weight.

It is considered that the development of this site would cause adverse impacts to the proper planning of the District having regard to the above mentioned development plan objectives to secure planned development in more sustainable locations rather than piecemeal development in less sustainable locations which significantly and demonstrably outweigh the limited benefits of this development.

As such the proposal is not acceptable in principle, being contrary to paragraphs 8 and 11 of the NPPF (2021), Policy H7 of the Mid Suffolk Local Plan (1998), Policies CS1 and CS2 of the Core Strategy (2008) and Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012).

2. The proposed development results in the imposition of built development into the open countryside in a location where this would result in significant impacts on the character and appearance of the countryside, failing to protect or conserve landscape qualities and adversely impact the character of the countryside. As such the proposal would fail to comply with the requirements of Policy CL8 of the adopted Mid Suffolk Local Plan (1998), Policy CS5 of the Mid Suffolk Core Strategy (2008), and chapter 15 of the NPPF (2018).
3. The application fails to adequately demonstrate that the proposed development would not adversely impact protected species and deliver biodiversity net gain. The proposal is therefore contrary to policies CL8 of the adopted Mid Suffolk Local Plan (1998), CS5 of the Mid Suffolk Core Strategy (2008) and chapter 15 of the National Planning Policy Framework 2021, the Conservation of Habitats and Species Regulations 2010 and the Natural Environment and Rural Communities Act 2006.