

Development Control Committee 4 December 2019

Planning Application DC/18/0544/HYB – Land North of Green Acre, Thetford Road, Ixworth Thorpe

Date Registered:	14.06.2018	Expiry Date:	09.08.2018
Case Officer:	Jo-Anne Rasmussen	Recommendation:	Refuse Application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018		
Site:	Land North of Green Acre, Thetford Road, Ixworth Thorpe		
Applicant:	Frederick Hiam Ltd		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

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Section A - Background:

1. This application was deferred from consideration at the (now dissolved) St Edmundsbury Borough Council Development Control Committee meeting on 3 January 2019. Members at that meeting resolved that they were 'minded to approve' planning permission contrary to the Officer recommendation of refusal. At this point, the Risk Assessment protocol was invoked requiring the further reporting of this matter before a decision was able to be made.
2. A Committee site visit was undertaken on 20 December 2018. Members were minded to approve the application as they considered the proposal would not have an adverse impact upon the character of the countryside and would not contravene policy DM27. However, Members were mindful that a biodiversity survey had not been submitted and that an application should not be approved without one.
3. The purpose of this report is to provide a more detailed analysis of DM27 and its interpretation, an update on the submission and acceptability of a Biodiversity Survey, as well as a risk assessment for Members in accordance with the Decision Making Protocol, which sets out the potential risks that might arise should planning permission be approved.
4. The previous Officer report for the 3 January 2019 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.
5. A Committee site visit was scheduled for the West Suffolk Development Control Committee on 2 December 2019.

Proposal:

6. Please refer to working paper 1 for a description of the proposal

Application Supporting Material:

7. Please refer to working paper 1 for a description of the supporting material.
8. Additional Material; Biodiversity Survey, February 2019 and supplements, including October 2019.

Site Details:

9. Please refer to working paper 1 for site details.

Planning History:

10. Please refer to working paper 1 for planning history.

Consultations:

11. Please refer to working paper 1 for a summary of consultation responses.

Representations:

12. Please refer to working paper 1 for representations received.

Policy:

13. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

14. Please refer to working paper 1 for a list of policies and guidance that have been taken into account in the consideration of the application.

Other Planning Policy:

15. National Planning Policy Framework (2019)

16. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

17. Please refer to working paper 1 for the officer assessment of the proposals. There is nothing in the February 2019 NPPF that calls into question the assessment set out within that report.

Section B – Update:

Policy DM27

18. Following January's Development Control Committee meeting an analysis of DM27 and its interpretation in regards to the proposal has been undertaken.

19. Policy DM27 states;

Proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:

a. the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway;

b. the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.

Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.

Note: A small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.

20. The proposal site is not considered to be in a closely knit cluster. The surrounding dwellings are extremely loose with considerable separation distances between many, and which is a factor which contributes positively to the rural character of the area. However the site is adjacent to a highway.
21. The development also proposes five dwellings, clearly at odds with the provisions of DM27. However the Committee was minded to take into account the three dwellings existing on site, which would effectively result in three replacement dwellings and two new infill dwellings. This is not considered to even loosely align with the criteria of DM27 which restricts development to one dwelling or a pair of semi-detached dwellings, and, furthermore, the size of the site is comfortably sufficient to accommodate five dwellings and could not therefore be considered as a "small undeveloped plot". Further the site is not within an otherwise continuous built up frontage as the dwellings are set varying distances apart, characteristic of such a rural settlement. Whilst there are some semi-detached and terraced properties, these are set back from the highway and some distance from neighbouring dwellings and it is the very loose collections of individually designed dwellings that contributes so strongly to the attractive rural character, with gaps and views between dwellings being the defining characteristic. This proposal will destroy that characteristic, with a dense and overly suburban layout, with a frontage and visually prominent private access driveway, regularly spaced buildings, and prominent car parking.
22. DM27 states within the clarification of a "small undeveloped plot" that the plot should be of a similar size and spacing between dwellings as adjacent plots. The very character of this countryside location is that the properties are loosely grained with often wide spacings between properties. The plot sizes vary between properties, however most are set within large plots. It could not be said that the proposal would provide plots which would be commensurate with those surrounding the site as there is no uniformity apart from the wide spacing between properties which itself adds positively to the open, rural character.
23. Thorough analysis of DM27 illustrates therefore that the proposal is contrary to the criteria set out within DM27. Given the loose grain of the settlement and wide spacings between properties it is not considered the proposal complies with the policy, which is to allow the development of a small undeveloped plot within an otherwise continuous frontage. This is also without prejudice to the argument that replacing three modest terraced dwellings with five more expansively laid out dwellings simply does not accord as a matter of principle with the provisions of DM27.

Impact upon Biodiversity

24. Concerns in regards to the lack of a bat survey were raised at the last committee meeting, with members minded not to approve the development without adequate investigation to illustrate the proposal would not harm protected species.
25. Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife & Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations (2017, as amended) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications.
26. Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) sets out a list of habitats and species that are of principal importance for the conservation of biodiversity in England. Section 40 of the NERC Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
27. Policy DM10 requires that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources.
28. A biodiversity survey was submitted by the applicant in February 2019, which concluded;
- The building has high potential to support roosting bats due to the presence of droppings and suitable roost features.
 - A suite of surveys will be required to establish how bats are using the buildings. The demolition of the cottages has the potential to injure or kill roosting bats if present at the time of demolition and could result in the loss of a bat roost; if bats are recorded roosting a European Protected Species Licence will therefore be required supported by appropriate mitigation measures.
 - The survey recommended that as the building had the high potential to support roosting bats three emergence and return to roost surveys should be undertaken to provide an understanding of how the buildings are used by bats.
29. The applicant then undertook the required surveys, submitting a further report on this matter in October 2019. This concluded;
- Evidence of bats was recorded during the initial inspection and further surveys recommended.
 - The nocturnal surveys recorded maximum counts of four Brown Long-eared and two Common Pipistrelle roosting in the cottages.
 - The demolition will result in the loss of the roosts and a Natural England licence will therefore be required.
 - The licence will need to be supported by appropriate mitigation.
30. The submitted bat survey report advises that a full mitigation package will be required with a Natural England Licence; the conservation significance is very

low using a scale of very low to very high and the proportionate mitigation recommended in the Bat Mitigation Guidelines (2004) says for small numbers of common species there should be the following:

- No timing constraints
- Provision of bat boxes
- No conditions about monitoring.

31. In this case there will be the provision of bat boxes, comprising of one Integrated Eco Crevice Bat Box and two Integrated Eco Cavity Bat Boxes; these boxes are readily used by the species recorded.
32. The exact location of the bat boxes is yet to be determined but can be agreed by condition if necessary. They would be installed in the new cottages in south facing positions at a height not less than three metres from the ground. The boxes will be complemented by bat friendly lighting; avoiding lighting of the boxes and generally directing light downwards through the use of hoods and cowls as appropriate which will also benefit those species using the site for foraging and commuting. Again this is a matter that could be agreed through the imposition of a condition if required.
33. The report indicates that preferred work period is October to April; this will have minimal impact on bats as the buildings are thought to be unsuitable for hibernating bats. Again, this is a matter which can be controlled through the imposition of a planning condition.
34. Prior to work commencing an inspection of the buildings will be carried out by the licenced bat worker. Any works to the roof must be carried out by hand and supervised by the licenced bat worker; all other works with the potential to impact on roosting bats will be supervised by the licenced bat worker as required. Prior to commencement of works on site workers will be given a 'tool box' talk on the brief ecology of bats, how to remove materials carefully, what to look for and what to do if a bat is found. Should a bat be found, works will immediately cease and if the bat has not already flown away it will be removed by the ecologist wearing a glove. It will be placed in a cloth bag before being placed into one of the onsite bat boxes which will have already been suitably located. The ecologist will be on call for the duration of the works and workers will have been informed to stop works and call should a bat be found. The ecologist will then visit the site immediately, or instructions provided verbally if bat appears injured and needs instant help. These matters can all be secured through a condition which requires compliance with the provisions of the submitted ecological survey report.
35. Accordingly, with appropriate conditions in relation to mitigation and enhancement works, the proposal is considered to comply with Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as with the provisions of the NPPF in relation to biodiversity.

Section C – Refusal Reasons:

36. The Officer recommendation remains one of Refusal, with the reasons set out below; refusal reason 2 has been removed to take into account the Ecology report.

Refusal reason 1:

The broad overall aim of paragraphs 77 and 78 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1 and DM5 which aims to protect the countryside from unsustainable and unjustified housing. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited generally within a very loose collection of dwellings, and therefore, as a result of its conflict with Policies DM5 and DM27 cannot be supported as a matter of principle.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.

The application site lies outside of the defined Housing Settlement Boundaries and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.

Given the remote location of the site it follows that the occupiers of the proposed dwellings would have to travel by car to access shopping, education, recreation, and social facilities. The dwellings would also create demand for additional trips by visitors and service vehicles. There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are over 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

The NPPF represents up-to-date Government planning policy and is a material

consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.

Policy DM2 requires development proposals to recognise the character and appearance of the area in which they are proposed. By reason of the location, but in particular from the expansive layout, the regular spacing of the buildings, and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding loosely grained rural character, contrary to the provisions of Policy DM2.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions of sustainable development. The proposal would be contrary to the pattern of development established in the Core Strategy, and would not respect the character and context of the countryside setting.

The proposal therefore fails to accord with policies DM2, DM5, DM13, DM27, DM33 of the Joint Development Management Policies Document 2015, policies CS2, CS3, CS4 and CS13 of the St Edmundsbury Core Strategy 2010 and paragraphs 77 and 78 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

37. However, in response to the views of members that the proposal should be approved Officers would recommend the following conditions;

In relation to the FULL element of this proposal (that being the demolition of the existing dwellings)

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- i) A licence issued pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

- ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that the land is used in such a manner as to improve its ecological and nature conservation value, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

3. All works of demolition shall take place outside of the period October – April inclusive.

Reason: To secure biodiversity protection in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. All ecological measures, recommendation and/or works as relevant to this full permission shall be carried out in accordance with the details and timescales contained within the Hillier Ecology Bat Nocturnal Surveys report dated October 2019.

To secure biodiversity protection, mitigation and enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

In relation to the Outline element of the proposal (that being the erection of five dwellings)

5. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission; or
- ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

6. Prior to commencement of development (other than demolition) details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Site Plan - 5850-10 REV B

Reason: To define the scope and extent of this permission.

8. The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

10. Before the development is first occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

11. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

12. Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

13. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

Identify those areas/features on site that are particularly sensitive and that are likely to be disturbed by lighting; Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

14. Prior to the first occupation of any of the dwellings hereby approved, details, including, design, locations and timings for installation, shall be submitted to and approved in writing by the Local Planning Authority of the bat boxes to be installed on site in accordance with the recommendations contained within the Hillier Ecology Bat Nocturnal Surveys report dated October 2019. There shall be no occupation of the dwellings hereby approved unless and until bat boxes, the detail of which may be agreed through this condition, have been installed. The bat boxes as so installed shall thereafter be retained.

To secure biodiversity protection, mitigation and enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

15. All ecological measures, recommendation and/or works as relevant to this outline permission shall be carried out in accordance with the details and timescales contained within the Hillier Ecology Bat Nocturnal Surveys report dated October 2019.

To secure biodiversity protection, mitigation and enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Section D – Risk Assessment:

38. Members are again reminded that, notwithstanding these conditions, and for the reasons set out above, Officers remain very firmly of the view that this proposal should not be supported. However, if the Committee remains of the opinion that this application should be approved then they must be aware of any potential risks that may arise.

39. The proposal is considered contrary to local and national policies which look to protect the countryside from unsustainable development as well as protecting the countryside from visual intrusion and harm. The proposal would be contrary to DM2, DM5 and DM27. The reasons set out above have examined the developments compliance with Policy DM27 and illustrate it does not comply with the policy.
40. Officers consider the development proposed in this case to be contrary to Policies DM2, DM5, DM13, DM27, DM33, CS2, CS3, CS4, CS13 DM10, DM11 and DM12. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. It is not considered that in this case there are any material planning considerations which would outweigh the conflict with policy and a risk is that the Authority would make a decision that could be challengeable if adequate reasons are not provided to depart from the statutory presumption of the primacy of the development plan. The further obvious risk here therefore is that approval will undermine well established policies of restraint, all of which have been very successfully defended through multiple appeals on many occasions.
41. A further risk to the Authority from an approval is reputational as it may show a lack of regard for the interpretation of countryside protection policies. In coming to their decision Members must clearly identify whether they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the development plan and they wish to approve the application, the material considerations which justify the departure must be identified. Failure to adequately identify the reasons for a decision would adversely impact on the reputation of the Council.
42. Whilst every application must be considered on its own merit, it is also important for the Council to be consistent in its application of policy when determining applications of a similar nature. Failure to provide clear reasons for the decision could expose the Council to the risk and cost of Judicial Review in the High Court and would impact on the ability for the Council to be consistent for other applications of a similar nature. This would also adversely impact upon the reputation of the Council.
43. Officers consider that if the Local Planning Authority were to accept the development being put forward by allowing the new dwellings, then it would become increasingly challenging to continue to defend the Council's position in similar circumstances, particularly in relation to Policy DM27, potentially resulting in further unsustainable development in the countryside and undermining the principles behind Policies DM5 and DM27.
44. If applications are not treated fairly, in the event that a similar application is refused the applicant could have the right to seek to recover their appeal costs (in full or part depending on the circumstances) from the Council should the Inspector conclude that the Council has acted unreasonably. This would result in financial and reputational implications for the Council.

Section E – Conclusions:

45. For the reasons outlined above and also set out within the original report to Development Control Committee, Officers consider that the development would provide unjustified housing in an unsustainable location, which would be significantly harmful to the character of the settlement and have an urbanising impact upon the countryside. The proposal fails to comply with policies which aim to protect the countryside and steer development to sustainable locations, there are no material considerations which outweigh that conflict.
46. In coming to their decision, Members must clearly identify how they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does comply with the policies of the development plan and they wish to approve the application the reasons for the decision must be clearly articulated.

Recommendation:

47. It is recommended that planning permission be **REFUSED** for the following reason:

Refusal Reason 1

The broad overall aim of paragraphs 77 and 78 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1 and DM5 which aims to protect the countryside from unsustainable and unjustified housing. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited generally within a very loose collection of dwellings, and therefore, as a result of its conflict with Policies DM5 and DM27 cannot be supported as a matter of principle.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.

The application site lies outside of the defined Housing Settlement Boundaries and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.

Given the remote location of the site it follows that the occupiers of the proposed dwellings would have to travel by car to access shopping, education, recreation, and social facilities. The dwellings would also create demand for additional trips by visitors and service vehicles. There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities

are in Ixworth or Honington Airfield, both of which are over 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

The NPPF represents up-to-date Government planning policy and is a material consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.

Policy DM2 requires development proposals to recognise the character and appearance of the area in which they are proposed. By reason of the location, but in particular from the expansive layout, the regular spacing of the buildings, and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding loosely grained rural character, contrary to the provisions of Policy DM2.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions of sustainable development. The proposal would be contrary to the pattern of development established in the Core Strategy, and would not respect the character and context of the countryside setting.

The proposal therefore fails to accord with policies DM2, DM5, DM13, DM27, DM33 of the Joint Development Management Policies Document 2015, policies CS2, CS3, CS4 and CS13 of the St Edmundsbury Core Strategy 2010 and paragraphs 77 and 78 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

Documents:

- All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0544/HYB](https://www.stedmundsbury.gov.uk/DC/18/0544/HYB)
- Working Paper 1 (attached) – Committee report 3.1.2019