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January 2019

Planning Statement

Land north of Weston Hills Road,

Low Fulney

PE12 6NE

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Norfolk, NR20 3LR

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Information

Site Address	Land north of Weston Hills Road, Low Fulney, Spalding. PE12 6NE
Development Description	Erection of 1 no. self-build zero carbon family home including an annex, garage and garden land
Local Planning Authority	South Holland District Council
Applicant	Mr N Marshall

Author: Phil Hardy, Planner

Reviewed By: Jason Parker, Director & Head of Planning

Report Revision: 1

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1 Introduction

1.1. The following Planning Statement has been prepared by Parker Planning Services Ltd on behalf of Mr N Marshall ('the Applicant') in relation to a full planning application for the erection of 1 no. self-build zero carbon family home with associated annex, garage and garden land on land north of Weston Hills Road, Low Fulney, Spalding, PE12 6NE.

1.2. This Planning Statement should be read in conjunction with the supporting documents which comprise the planning application.



Figure 1 – Google Maps showing the site's close proximity to Spalding, South Holland District's largest settlement

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2 Development Description

Site and Context

2.1. The Application Site is located on land north of Weston Hills Road in Low Fulney which lies just 2.5 miles east from the centre of the designated market town of Spalding. The site is 0.49 ha and is surrounded by a mix of dwellings and horticultural glasshouses to its north, east and west. To its south lies Weston Hills Road and south of that, agricultural fields. The application site itself is used as a paddock and is under the ownership of The Gables which is the adjacent property to the site's immediate east.

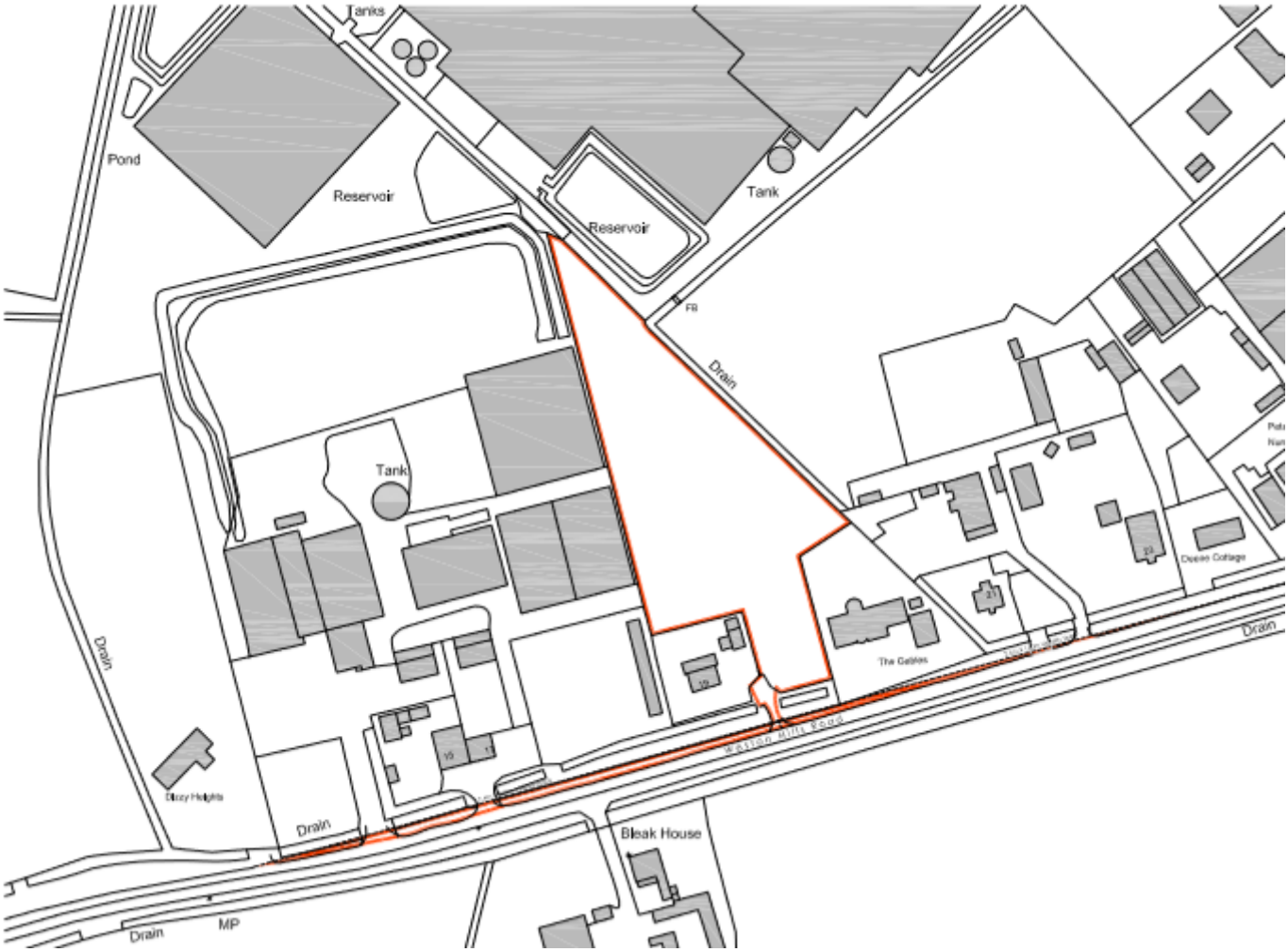


Figure 2 - Excerpt from Location plan showing site (red line) in relation to The Gables to its east

2.2 Spalding is designated as the main town in the district in the 2006 local plan. It is the focus of the social and economic life of the community and provides access to services and facilities to an increasing proportion of the District's population including in Low Fulney. It is located at the focus of communication routes, including the railway; it has existing major investment in infrastructure and buildings; it is the location of major sources of employment; and has the capacity to accept growth.

2.3 A bus services passes the site with bus stops in close proximity to it and the 2.5 miles journey to the centre of Spalding with its comprehensive range of services and facilities can also be reached by cycle.

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2.4 Although Spalding enjoys a comprehensive range of services and facilities as you would expect from the district's main town, Low Fulney does have many businesses situated to its immediate north which offer employment opportunities and The Bell public house is located 0.9 miles to the site's east on Austendyke Road.

Planning History and Background

2.5 A planning application for a new dwelling was submitted under application ref: H16-0334-16 and refused on 27th May 2016 solely because the site was located outside of the settlement boundary and was concluded not to relate well to existing services and facilities. Since that decision there have been new material planning changes, such as:

- The Braintree Appeal Court Decision relating to isolated dwellings, which effectively concluded that Local Planning Authorities had got it wrong when they determined that an isolated dwelling was a dwelling located outside of the settlement boundary and remote from facilities and services but is instead a dwelling that is along. Therefore, clearly a dwelling in this location would not now be regarded as unacceptable in principle; and
- The new NPPF which has a greater emphasis on housing in more rural areas
- The Council now does not have a 5 year supply of housing.

Development Proposal

2.6 The development description is:

'Erection of 1 no. self build and zero carbon family home with associated annex, garage and garden land'

2.7 The proposal is for a 5 no. bedroom contemporary dwelling over two storeys. In addition to the main dwelling, there would be an annex to its west as seen in figure 3 below, garaging and garden land. All existing landscaping features would be retained where possible, the existing tree to the north east boundary would also be retained and new tree planting would supplement it. The proposed dwelling would have a large garden which would be used for amenity space as well as home grown fruit and vegetables as well as biodiversity improvements.

2.8 The ground floor of the main dwelling would consist of a lounge, family room and play area, a study, kitchen and dining areas next to a snug area where people can relax, a hall, pantry, a study, cupboards, a cloak room and utility room.

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Figure 3 – Excerpt from Design and Access Statement

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Figure 4 – Excerpt from Floor Plans, Drawing number 416.PD.01

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2.9 The first floor would consist of a master bedroom with its own en suite bathroom and dressing area. Bedroom 2 has direct access to a shared bathroom, bedrooms 3 and 4 have their own dressing areas and share an en-suite toilet and bedroom 5 would be located opposite an airing cupboard. Stairs would be located in a fairly central position with a landing area.

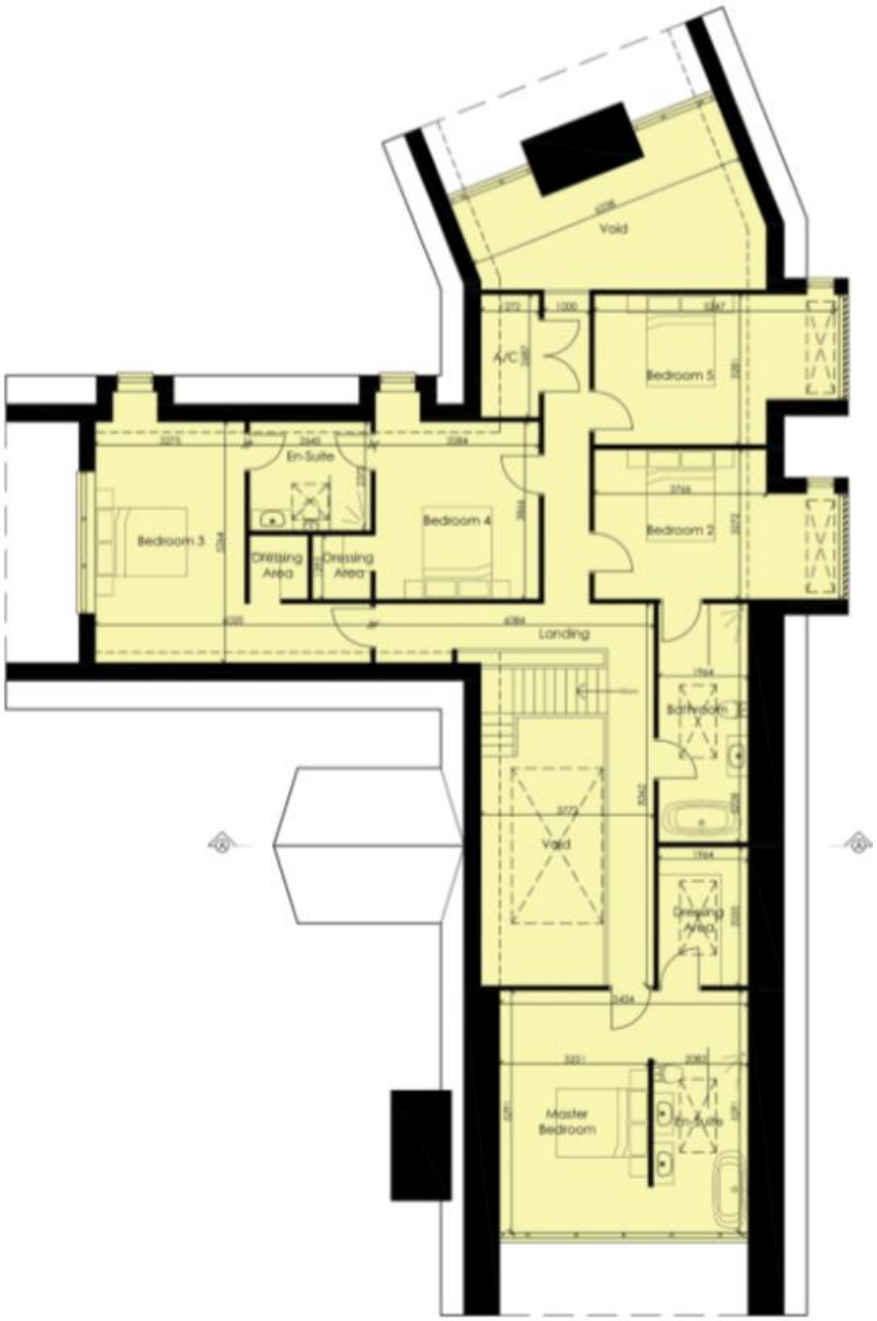


Figure 5 – Excerpt from Floor Plans, Drawing Number 416.PD.01

2.10 The ground floor of the annex would have a lounge area, kitchen and dining area, a utility room, log store and garage as well as a double garage.

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Figure 6 – Excerpt from Annex – Floor Plans

2.11 The first floor of the annex would have 2 bedrooms , a bathroom, stairs in the central area and a landing.

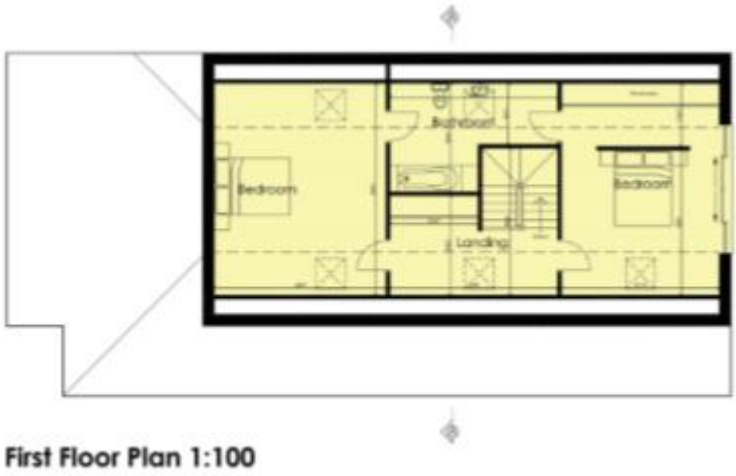


Figure 7 – Excerpt from Annex – Floor Plans

2.12 Access to the site would be off Weston Hills Road on an existing gravel driveway.

2.13 The proposal has been developed sensitively by Studio 11 Architecture after analyzing the site's constraints and potential in depth. The self-build proposal has a contemporary design with significant environmental benefits.

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3 Development Plan Considerations

3.1. Section 70 (2) of the Town and Country Planning Act 1990 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

3.2. In making this application, consideration was given to both local and national planning policy.

3.3. The site is located within South Holland District; as such any development must account for the development strategies and plans in place. The South Holland Local Plan which was adopted in 2006 sets out policies to guide future development and change in South Holland District over the plan period. It is a key document and provides a broad strategy for the development of the area.

3.4. The following policies are judged to be relevant in the determination of this application:

- Policy SG1 – General Sustainable Development
- Policy SG2 – Distribution of Development
- Policy SG3 – Settlement Hierarchy
- Policy SG4 – Development in the Countryside
- Policy SG7 – Energy Efficiency
- Policy SG14 – Design and Layout of Development
- Policy SG16 – Parking Standards in New Development
- Policy SG18 – Landscaping of new development
- Policy HS3 – New Housing Allocations
- Policy HS7 – New Housing in the Open Countryside including other Rural Settlements

Site Designations

3.5 The site is within a location undesignated in the local plan and is therefore considered as being in the open countryside. In the absence of a 5 year housing land supply, however, the Council must assess the application weighing up perceived harm of the scheme against the benefits in line with national policy.

3.6 The site sits in flood zone 3a and the Flood Risk Assessment (FRA) that accompanies the application confirms that the site is not at risk of flooding.

3.7 The site is not located within a protected area such as Greenbelt or AONB.

3.8 There are no listed buildings or sites of historic interest in close proximity to the site.

3.9 There are no other factors that would mean that development of this site would be difficult or unacceptable.

National Planning Policy and Guidance

3.10 The National Planning Policy Framework (NPPF) 2018 and National Planning Practice Guidance are both material planning considerations. The NPPF sets out the Government's planning policies for England and how these are expected to be applied while the NPPG sets out Government guidance in relation to planning related issues in England.

3.11 The relevant sections form the National Planning Policy Framework include:

- NPPF 02: Achieving sustainable development
- NPPF 04: Decision-making
- NPPF 05: Delivering a sufficient supply of homes

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- NPPF 06: Building a strong, competitive economy
- NPPF 08: Promoting healthy and safe communities
- NPPF 09: Promoting sustainable transport
- NPPF 11: Making effective use of land
- NPPF 12: Achieving well designed places
- NPPF 14: Meeting the challenge of climate change, flooding and coastal change

3.12 The relevant guidance from the National Planning Policy Guidance includes:

Rural Housing

National Planning Policy Framework

3.13 Paragraph 10 of the NPPF states '*so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development*'. Paragraph 8 of the NPPF sets out three dimensions to sustainable development:

- Economic – helping to build a strong, responsive and competitive economy
- Social - supporting strong, vibrant and healthy communities.
- Environmental - contributing to protecting and enhancing our natural, built and historic environment.

3.14 These objectives are interdependent and need to be pursued in mutually supportive ways so opportunities can be taken to secure net gains across each. Paragraph 9 states that these are not criteria against which every decision can or should be judged; policies and decisions should play an active role in guiding development to sustainable solutions but should also take in to account local circumstances to reflect the character, needs and opportunities of each area. At paragraph 38, it is highlighted that local planning authorities should approach decisions in a positive and creative way; working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area is recommended.

3.15 To be considered deliverable, sites should be available now, offer a suitable location for development now and be achievable with a realistic prospect that the development will be delivered on the site within five years.

3.16 Another dimension of the NPPF is the role in boosting the supply of housing in England. In order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites:

"…sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old".

3.17 The NPPF, at paragraph 11(d) states that where a local planning authority cannot demonstrate a five year land supply of deliverable housing sites, including the appropriate buffer as set out in paragraph 73, relevant policies will be considered out of date. In these circumstances, permission should be granted unless policies protecting assets of importance provide a clear reason for refusal, or any impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The appeal decision in Appendix 2 relating to a scheme in Tharston, South Norfolk which was decided on 7th September this year is of great interest. Paragraphs 19, 20 and 21 consider South Norfolk District Council's 5 year housing land supply position and the Inspector concludes that the proposed scheme does not hinge on 5 year housing land supply and that the revised NPPF promotes the Government's objective of significantly boosting the supply of homes. Paragraph 22 of the appeal statement goes on to highlight the support paragraph 68 of

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the NPPF gives to the promotion of small sites of less than one hectare or less as they have relatively quick completion times in terms of build-out which contribute positively to meeting housing requirements.

3.18 The Council concedes that as of 31st March 2018 it only had 4 years of housing land supply and as such, local plan policies are out of date in so far as they relate to restricting housing outside of settlement boundaries. Consequently, policies SG2, SG3, HS3 and HS7 of the South Holland local plan are considered out of date and the proposal should be considered with a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Accordingly, it is not considered that there are any demonstrated significant impacts that outweigh the benefits. In this instance, there are no specific policies which would restrict development; the proposal would contribute to supporting local services and facilities; would support the rural economy; would help the Council and Central Government meet housing targets; and make efficient and effective use of previously developed brownfield land.

3.19 Furthermore, there has been much concern nationally about the availability of rural housing for local people. This was highlighted by the Country Land Association in a release dated the 12th January 2017. They addressed what they referred to as a 'rural housing crisis'. The CLA East Director stated that:

"We need places for people to live in our villages. We want to support young families, local workers and those in the community who are ready to downsize. Housing costs are spiralling so providing more houses people can afford is the only way to sustain rural communities for future generations and ensure people have the opportunity to live and work in the countryside."

3.20 Paragraph 78 of the NPPF states that in order to promote sustainable development in rural locations housing should be sited where it enhances or maintains the vitality of rural communities. Paragraph 79 requires development to avoid isolated homes in the countryside. The Court of Appeal, upholding the decision of the High Court, has clarified that 'isolated' means "*a dwelling that is physically separate or remote from a settlement";* it is not related to 'access to services' but proximity to other dwellings (*Braintree DC v SSCLG* [2018] EWCA Civ. 610 Case No: C1/2017/3292). It also confirmed that access to services by sustainable means is to be taken in the context of other policy considerations such as supporting the rural economy.

3.21 Furthermore, the Court found that to class homes separated from services and facilities as isolated would be contrary to the aim of the policy to maintain and enhance the vitality of rural communities. It would deny the contribution that proposed dwellings well located to other dwellings would make to the social sustainability of rural communities and it would diminish the benefit of development in one settlement helping support services in another. This is further confirmed by the NPPF at paragraph 84 which recognises that in order to support rural business and community needs, development may have to be located adjacent to or beyond existing settlements, and in areas not well served by public transport.

3.22 A further appeal case provided in Appendix 3 was allowed on 10th October last year following the adoption of the new NPPF. The key points of that scheme are as follows:

- Accepts Newman's Green is classed as countryside in terms of the Local Plan.
- Accepts that Newmans Green contains no facilities.
- Accepts nearest facilities/service would not be a convenient walking distance and the connecting roads are unlit and without footpaths anyway.
- Accepts conflict with up-to-date Local Plan policies insofar as these seek to promote sustainable development through resisting new housing in locations without services.
- Accepts Babergh District Council has a 5-year land supply and therefore does not apply the 'tilted balance'.
- Identifies that meeting the requirements of paragraph 73 is not intended as a ceiling on further housing, where the Framework continues to support Government's objective to significantly boost the supply of homes.
- Finds the location would not comprise the development of isolated homes in the countryside.
- Finds The proposal would gain support through NPPF paragraph 78.

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- Finds that although future occupiers would be mainly dependent on private car journeys these would be relatively short drives.
- Recognises the Framework requires that decisions take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- Finds conflict with LPA policy would be off-set by the national policy considerations (including boosting supply of new homes).
- Finds the contribution to housing supply from two dwellings would be quite limited but the Framework recognises (para. 68) that small sites can make an important contribution to meeting the requirement of an area and are often built-out relatively quickly.

3.23 It is our belief that this development would significantly help support the rural community of Low Fulney and the surrounding area. The proposal is located adjacent to The Gables and other dwellings along Weston Hills Road, is in very close proximity to the range of employment opportunities to the site's north and is 0.9 miles from The Bell Public House east of the site. The revised NPPF recognises that opportunities to maximise sustainable transport options will vary between urban and rural areas; whilst not all services may be readily accessible on foot, a short car journey is all that is required. The site is also connected to bus stops in walkable distance from the site so all services and facilities for day to day needs in Spalding could be provided.

3.24 As such, this development should be considered favourably given the relationship of the site with other dwellings nearby, the lack of valid five year land supply and the economic, social and environmental benefits that would result from this development. Accordingly, we would stress that the provision of 1 no. self-build family dwelling would be of benefit to the village, helping keep local services and facilities economically viable whilst supporting the vitality of the community. The proposal would help provide jobs for local people, use local services and community facilities and contribute to ensuring the longevity of the rural economy within the area.

3.25 The NPPF indicates that planning should contribute to the protection and enhancement of valued landscapes and that the design of new development should be sympathetic to local character and history, establish a strong sense of place and create places that are safe, inclusive and accessible. Good design is considered a key aspect of sustainable development. The proposed dwelling has been very carefully designed to the highest standards to ensure that it is cohesive with the surrounding area and the character of the village, whilst creating a distinctive and attractive development that optimises the potential of the site.

3.26 Accordingly, we believe the proposal to be sustainable in line with the NPPF which should be considered a material consideration in determining applications.

National Planning Policy Guidance

3.27 In relation to rural housing the NPPG provides specific support for non-isolated locations that can help to support and retain local services and facilities.

3.28 The NPPG states that:

"…it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas

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– and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

3.29 With the above in mind, the development site should be considered in line with National Planning Practice Guidance. Low Fulney accommodates a number of services and facilities as shown in Section 6 which would benefit from the addition of further housing. Furthermore, it is interesting to note that whilst in some areas facilities and services may not be readily available on foot, the NPPG does recognise that *'sustainable transport solutions will vary from urban to rural areas'*. Accordingly, short car journeys and bicycle trips to places with services and facilities available are considered viable modes of transport and the abundance of services and facilities available in Spalding are only 2.5 miles away. Car journeys of 3- 4 miles are considered acceptable in rural areas in line with planning guidance.

3.30 We would further specifically highlight that the NPPG states that '*blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*'. It is our opinion that the proposal shows overriding social, economic and environmental benefits in accordance with the NPPF and as such should be considered acceptable.

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4 Assessment of Planning Policy

Local Planning Policy

4.1 The site, whilst being located outside of a defined settlement boundary, is adjacent to other dwellings and only 2.5 miles from the District's main town of Spalding.

4.2 Before we assess the scheme against each policy in the South Holland District Council Local Plan, it is important to remember that policies relating to housing are out of date because the Council does not enjoy a 5 year housing land supply. The scheme would ultimately be assessed against the NPPF's instructions of weighing up the benefits of the scheme and only refusing it should perceived harm be judged to outweigh the benefits. We believe the benefits of the scheme emphatically outweigh any perceived harm as we shall demonstrate shortly and as such, we consider the site to be sustainable in line with the NPPF and the ethos of the High Court ruling relating to isolation of March this year.

But for now, it is important to see how the scheme is considered against local planning policies, even if they are considered out of date.

4.3 The following is a reminder of the list of policies judged relevant to the scheme subject to this proposal:

- Policy SG1 – General Sustainable Development
- Policy SG2 – Distribution of Development
- Policy SG3 – Settlement Hierarchy
- Policy SG4 – Development in the Countryside
- Policy SG7 – Energy Efficiency
- Policy SG14 – Design and Layout of Development
- Policy SG16 – Parking Standards in New Development
- Policy SG18 – Landscaping of new development
- Policy HS3 – New Housing Allocations – (Out of Date as no 5 year land supply)
- Policy HS7 – New Housing in the Open Countryside including other Rural Settlements - (Out of date as no 5 year land supply)

Sustainability

4.4 The proposed scheme would support services and facilities within Low Fulney and the surrounding area by creating 1 no. new self build dwelling. Low Fulney is an accessible location which has the capacity to accommodate housing growth in line with the proposed scheme. Self build dwellings fulfil an objectively assessed social need in the area with self build registers providing the evidence base.

4.5 The dwelling would be very environmentally friendly with its zero carbon build. The quality of life for neighbouring residents would be unimpaired due to the careful preparatory work carried out in line with the constraints and opportunities analysis conducted. There would be no overlooking of neighbouring properties and the use of a brownfield site for residential purposes is an efficient and effective use of land promoted in the new NPPF. In addition, the character of the wider area would not be adversely impacted in any way.

4.6 1 no. new dwelling would also support the range of social events and activities that take place in Low Fulney and the surrounding area and help combat social isolation, a key driver behind the new High Court ruling on isolation.

4.7 The site is situated within a sustainable location for housing development with facilities and services available within walking distance as well as bus stops to the main town of Spalding also within walking distance of the site. Spalding is the District's principal urban settlement and it is therefore the main location for development. The proposal site is on 2.5 miles from the centre of Spalding and although it falls outside of a settlement boundary, the lack of a 5 year housing

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land supply and the new High Court ruling regarding isolation of March 2018 supports this location as suitable for development. There are therefore alternative transport options available at the site without sole reliance on private cars. The number of private car movements generated by the new dwelling would be minimal and certainly would not impact adversely on traffic generation. There would not be a detrimental impact on highways safety in the surrounding area.

4.8 The site is in close proximity to the businesses and employment opportunities that exist north of the site.

4.9 In summary, the economic, social and environmental sustainability gains would be provided jointly and as such the proposal complies with policies SG1, SG2, SG3 and SG4 of the Council's adopted Local Plan, despite these policies being rendered out of date due to the Council's lack of a 5 year housing land supply. The new High Court ruling also renders policy SG4 out of date as the rigid nature of defined settlement limits in terms of planning policy has been relaxed.

Energy Efficiency

4.10 The need to reduce greenhouse gas emissions, particularly carbon dioxide (CO2), and adapt to climate change is recognised as a international imperative. A key objective of the scheme has therefore been to encourage energy efficiency in the design, procurement, construction and use of the home.

4.11 The building design includes environmental strategies throughout with the use of fabric-first detailing, heat recovery ventilation and passive solar gains. Passive solar gains would be achieved through controlled openings to the south with heavy weight floor and surface finishes storing thermal energy, which would be released during the cooler parts of the day or night.

4.12 The home would generate its own electricity through Photvoltaic Modules, storing a proportion in batteries for use by the home and selling the remainder back to the grid. The home would also be provided with 100% low energy lighting, mechanical ventilation heat recovery and a ground source heat pump reducing energy consumption.

4.13 All walls, floors and roofs would be highly insulated and the building airtightness would be significantly improved beyond current Building Regulations to provide a home which uses less energy than it generates. This would therefore be a Zero-Carbon Home.

4.14 The following is the definition of a Zero Carbon Home:

'There are three core requirements which must all be met for a home to qualify as zero carbon:

1. The fabric performance must as a minimum, comply with the defined standard know as the Fabric Energy Efficiency Standard (FEES) and

2. Any CO2 emissions that remain after consideration of heating, cooling, fixed lighting and ventilation, must be less than or equal to the Carbon Compliance limit established for zero carbon homes, and

3. Any remaining CO2 emissions, from regulated energy sources (after requirements 1 and 2 have been met), must be reduced to zero

Requirement 3 may be met by either deliberately 'over performing' on requirements 1 and 2 so that there are no remaining emissions, or by investing in Allowable Solutions.'

4.15 The Standard Assessment Procedure (SAP) is adopted by Government as the UK methodology for calculating the energy performance of dwellings. The calculation is based on the energy balance taking into account a range of factors that contribute to energy efficiency:

- Materials used for construction of the dwelling
- Thermal insulation of the building fabric

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- Ventilation characteristics of the dwelling and ventilation equipment
- Efficiency and control of the heating system(s)
- Solar gains through openings of the dwelling
- The fuel used to provide space and water heating, ventilation and lighting
- Energy for space cooling, if applicable
- Renewable energy technologies

4.16 The calculation is independent of factors related to the individual characteristics of the household occupying the dwelling when the rating is calculated.

4.17 A Design Stage Standard Assessment Procedure Calculation for the home has been produced and a copy of the full calculation has been submitted with this application.

The key highlights of the calculation in relation to the Zero Carbon Home criteria is as follows:

1. Dwelling Fabric Energy Efficiency 46kWh/m2/year — Dwelling Fabric Energy Efficiency 45.4kWh/m2 PASS

2. CO2 Emission Target 10kgCO2/m2/year—Dwelling CO2 Emission Rate (DER) -0.91kg CO2/m2/year PASS

3. Over provision of items 1 & 2 above mean that requirement 3 is passed. PASS

4.18 In terms of water efficiency, there are no major water courses flowing through the site and there is therefore a very low risk of water pollution. There are drains, however, to the southern and north eastern boundaries of the site which will be fully protected during construction.

4.19 The use of water at the site would be regulated by fitting low consumption technology; each home would have its water restricted to 80 litres/person/day, the equivalent of the former Code for Sustainable Homes Level 6 rating. Each home would also incorporate rainwater harvesting and grey-water recycling for use as irrigation within the garden, for washing cars and flushing toilets.

4.20 In summary, it is believed the proposal complies with policy SG7.

Design

4.21 In terms of design and how it relates to the wider area, Low Fulney is a small settlement to the east of Spalding, South Holland's largest settlement.

4.22 The site comprises of approximately 0.49 hectares of land on the southern edge of Low Fulney. To the north, east and west of site are a mix of domestic dwellings and horticultural glasshouses. Weston Hills Road bounds the site to the south.

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4.23 The application site is currently used as paddock land within the ownership of the adjacent property 'The Gables' and benefits from an existing shared vehicular and pedestrian access to the public highway in front of number 19 Weston Hills Road. The site is located within a relatively flat landscape but benefits from some mature trees. Vegetation largely screens the site from public view.

4.24 The site lies in close proximity to the settlement of Spalding – 2.5 miles from the centre – and a bus service passes the site subject to this proposal. Walking and cycling are also viable options.

4.25 Most of the site paddock land with stabling on the western side of the site. Open watercourses bound the site on the eastern and southern boundaries. There is an existing mature tree on the north-eastern boundary of the site and an existing mature hedge where the site bounds 'The Gables'.

4.26 At an early stage it was felt that the design of the scheme should be influenced by the Low Fulney architectural vernacular. The scheme has therefore been designed in a modern context with vernacular architecture which responds directly to the site constraints. The design principles incorporated are intended to provide a modern sustainable home that seeks to create its own sense of place. The proposal does not aim to compete with the surroundings but instead to sit modestly within them.

4.27 The site presents some constraints to development. The topography of the site is comparatively flat, with some mature perimeter landscape features. The two main key constraints to the site are the potential for overlooking to 'The Gables' and 19 Weston Hills Road together with an aspiration to improve the view into the site from Weston Hills Road.

4.28 These constraints have shaped the proposals and demonstrate that it is possible to have a new sustainable family home on the site that integrates well within the site and its surroundings.

4.29 The design philosophy underpinning the proposals aims to ensure that the development has a clear affinity with the site's location. Low Fulney and its surrounding area has a clear architectural style that relates to post Second World War houses constructed on land that was formerly owned by the Land Settlement Association.

4.30 The form of these homes is unique within the South Holland District and the proposals seek to take architectural reference from these homes whilst also providing a modern, highly energy efficient home. The scheme is be residential in composition providing a two storey family home annex and garaging. The proposals consist of two separate buildings, garaging and domestic garden land up to 2 storeys in height. The new home would provide a significant garden which would allow for general amenity space, biodiversity improvements and home grown fruit and vegetables.

4.31 The proposed layout of the site is designed to enhance the views into the site as well as creating a space which makes good use of the land without having adverse impacts on the adjacent dwellings.

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4.32 Where possible all existing landscape features will be retained. The existing tree to the north-east boundary of the site would be retained and supplemented by new tree planting. The new home would have sufficient land to allow for home grown food production, biodiversity improvements and good design in relation to energy conservation.

4.33 Materials within the proposals have been carefully chosen to suit the architectural style, use materials with low embodied energy or materials that are either recycled or can be recycled and materials that reduce waste to landfill. It is intended that the home would be constructed using in the following materials:

- Concrete Foundation—High embodied energy but acceptable for Flood Risk reasons in small quantities.
- Frame—Steel frame, high embodied energy but recyclable.
- Brickwork—Reclaimed brickwork and therefore recycled
- Wall/ Roof Cladding—Eternit Thrutone Slates, made from 100% recycled material and timber cladding sourced from an FSC source.
- Internal Partitions, Floors and Roof Structure— Timber sourced from an FSC source.
- Windows & Doors—Oak timber sourced from an FSC source.
- Plaster/ Plasterboard—British Gypsum made from recycled gypsum.

For the annex, black stained vertical boarding, eternit thrutone slates and oak coloured windows and doors would be used.

4.34 It is believed the overall design of the scheme complies with policy SG16.

Flood Risk

4.35 The site lies within Flood Zone 3a and as such, a Flood Risk Assessment and Sequential Test has been carried out. They demonstrate that the site is within a safe location and would not flood. The Sequential Test takes on board the Council's own strategid Flood Risk Assessment. The site is therefore considered safe and sequentially acceptable. The surface water generated on site by the proposed development will be discharged through a Sustainable Drainage System, attenuated to Greenfield run-off via a pond with final discharge to the drain on the southern boundary of the site. It is considered the site complies with policies SG9 and SG11.

Transport and Accessibility

4.36 The main difference in travel patterns between urban and rural areas lies in the use of the car and this is reinforced by data which suggests that almost 60% of rural homes have two or more cars. It therefore can be generally accepted that living in rural areas creates a need for the use of a car and planning guidance recognises this as we shall consider later.

4.37 It is accepted that given the site's rural location the household is likely to have at least one conventional car. Should future occupants decide to use the car, however, it is likely to be for very short trips given the sites close proximity to Spalding, the largest settlement within the South Holland District. Spalding contains significant services including primary and secondary schools, supermarkets, doctors, dentist's recreation space/ facilities and further public transport links. Short trips of 3-4 miles is permitted in planning guidance as we shall see later in this statement, and the centre of Spalding is just 2.5 miles from the site subject to this proposal.

4.38 The proposed new home would provide two electric car charging points powered by electricity generated using on site photovoltaic modules. This would create a genuinely low carbon alternative to the conventional car, whereby vehicles can be powered through energy generated on site.

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4.39 The site lies in close proximity to a bus stop on Weston Hills Road (approximately 160m to the east of the site) which is serviced by the S138S bus route from Sutton St Edmond to Spalding. This bus is scheduled to stop at the Mallard Road stop at approximately 8.30am and 4.05pm on school days. This bus service provides a service directly to the schools as well as the centre of Spalding with further opportunities for public transport use via bus or train. The roads surrounding the site are categorised as 'Routes found useful by local cyclists' within Lincolnshire County Council's published maps and as such offers a further alternative to the occupants of the home.

4.40 Occupants of the new home would have the option of using the car in line with planning guidance, but it must be noted here that alternative transport options are available.

Access and highway safety

4.41 The access would be located off Weston Hills Road and there is perfectly sufficient visibility both left and right along Weston Hills Road to meet Highways standards. It would therefore not have a detrimental impact on highway safety.

Parking provision

4.42 The scheme would comply with local parking standards and the layout provides for sufficient parking in line with policy SG16.

Landscaping

4.43 Comprehensive landscaping has been designed to protect existing trees and hedgerows and supplement trees to enhance their attractive landscape features. A key element of the proposal is to improve and enhance biodiversity within the site and the scheme includes the provision of bird boxes, an insect hotel, log pile habitats as well as a new wild flower meadow, general planting and a new fruit orchard. The provision of all of the above will significantly improve biodiversity within the site. It is therefore believed that the scheme complies with policy SG16.

Recycling and waste facilities

4.44 Sustainable development demands a fundamental change in the way we design, produce, use and dispose of the products we consume. Every effort has been made to design out the production of on-site waste. The home would be provided with dedicated internal bins within the kitchen to allow the separation of recyclable and kitchen waste from landfill waste. These bins in-turn can be emptied into external bins and brought out to the kerbside of the road for collection by the Local Authority on the appropriate day. The home would also be provided with compost bins of a minimum 900 litre capacity, reducing garden and food waste going to landfill.

4.44 The occupiers of each home would be encouraged to grow their own food and therefore reduce waste. Each home would be provided with a space for a Kitchen garden which allows this to be cultivated in accordance with the occupiers wishes. As part of the Kitchen Garden, compost bins would be provided to each home reducing the need for removal of garden waste from each home.

National Planning Policy Guidance

4.45 In relation to rural housing the NPPG provides specific support for non-isolated locations that can help to support and retain local services and facilities.

4.46 The NPPG states that:

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"…it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

4.47 With the above in mind, the development site should be considered in line with National Planning Practice Guidance. Low Fulney and the surrounding area accommodate a number of services and facilities as shown in the next section which would benefit from the addition of further housing. Furthermore, it is interesting to note that whilst in some areas facilities and services may not be readily available on foot, the NPPG does recognise that *'sustainable transport solutions will vary from urban to rural areas'*. Accordingly, short car journeys and bicycle trips to places with services and facilities available are considered viable modes of transport.

4.48 We would further specifically highlight that the NPPG states that '*blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence*'. It is our opinion that the proposal shows overriding social, economic and environmental benefits in accordance with the NPPF and as such should be considered acceptable.

4.49 These requirements are applied in a local context via the local planning authority's development plan and other material policy and guidance documents, and other decisions made by the local planning authority and / or the Planning Inspectorate.

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5 National Planning Policy

Assessment of Sustainable Development

5.1 In making this assessment, Parker Planning Services Ltd addressed the following:

- Deliverability of the site
- Economic considerations
- Environmental considerations
- Social considerations
- Access to services and facilities

5.2 It is considered that in doing so this statement can demonstrate that the proposal is sustainable as defined by the NPPF.

Deliverability of the site

5.3 Sites will only be considered deliverable where they are available now, offer a suitable location for development now and are achievable with a realistic prospect that housing will be delivered on the site within 5 years. The Applicant will purchase the site subject to the granting of planning permission and there are no known issues with the site.

5.4 The site is a short walk and cycle ride from the services and facilities in Low Fulney as well as the vast number of businesses that operate there which will be listed shortly. In line with the revised NPPF and NPPG, services and facilities should be protected wherever possible. Delivery of this site would help the council work towards meeting its housing supply as well as meeting central government desires for the provision of further housing across the country. Development of the site would commence and be delivered on the site within the five year period; there are no known reasons why development on this site could not be achieved within the plan period.

Environmental Considerations

5.5 Development should contribute to protecting and enhancing the natural, built and historic environment, including making effective use of land and moving towards a low carbon economy. The site forms previously developed land and its reuse for 1 no. self-build, zero carbon family homes would be an efficient use considering its ideal location in relation to services, facilities and bus stops in the village. It is considered that the site is well connected to existing infrastructure provision; as such it is unlikely the development of the site will generate negative associated infrastructure works that might damage the environment in and around the locality of Low Fulney.

5.6 Whilst located outside of a settlement boundary, the site is bounded by existing residential development to its east and west. The layout would seek to respect the existing residence adjacent to the site whilst making the most effective use of the land available in order to provide a suitable, sustainable development. The proposal site is connected to the local pub 0.9 miles away and there is a bus service to Spalding. Consequently, the location of the site means that local services and facilities lie within a reasonable distance and it is our assertion that the proposal would not result in over dependence on private motor vehicles. Whilst it should be noted that the NPPF does recognise that sustainable transport solutions will vary between rural and urban areas as we will consider in more detail shortly, walking, cycling and public transport are realistic and viable options for residents on the site within Low Fulney.

Economic Considerations

5.7 Developments should seek to utilise land that is in the right place and at the right time in order to support growth and infrastructure with the aim of building a strong, responsive and competitive economy. Whilst paragraph 83(d) of the NPPF states that in order to support a prosperous rural economy, planning decisions should enable *"the retention and development of accessible local services and community facilities".* As already highlighted, sites to meets these needs may be found beyond existing settlements and in locations not well served by public transport.

5.8 It is considered that the proposal would result in direct economic benefits to the locality of Low Fulney, but also the wider area. Some short-term benefits would arise from the employment of local persons and businesses for the physical construction of the development and their use of local facilities during the construction period. In the long-term,

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economic benefits would arise from the provision of 1 no. new dwelling, providing additional support for the services and facilities already on offer in Low Fulney and the surrounding area. As stated at paragraph 78 of the revised NPPF, development in smaller settlements may support services in villages nearby. It is also anticipated that trades people would be required to help maintain the properties and wider landscaping of the development.

5.9 It is our contention that these benefits are not outweighed by any perceived harm, which is how this application should be decided.

Social Considerations

5.10 Developments should seek to support strong, vibrant and healthy communities, ensuring a sufficient range and number of homes are provided to meet the needs of present and future generations.

5.11 The proposal is for a self-build dwelling which would satisfy an Objectively Assessed Need (OAN) because the self-build register maintained by South Holland District Council provides an evidence-base for self-build housing requirements in the district.

5.12 The decision of the Court of Appeal (*Braintree DC v SSCLG* [2018] EWCA Civ. 610 Case No: C1/2017/3292) reinforces the importance of new development in supporting the social sustainability of rural villages and this should not be overlooked. It is our assertion that this proposal would support a village that can only benefit from new development.

Access to Services & Facilities

5.13 The application site is well located to a variety of services, facilities and employment opportunities within the village of Low Fulney and the surrounding area.

5.14 Services and facilities considered advantageous when assessing a sites sustainability fall under the following headings:

- Education
- Religion
- Food and Drink
- Transportation
- Community

5.15 Locations are not expected to display the full range of services and facilities required on a day to day basis, rather those considered important to a community's well-being.

5.16 Services and facilities available in Low Fulney and the surrounding area include:

- Saint Paul's Church, Spalding (2 miles)
- The Bell Inn Public House (0.9 miles)
- Moose Village Hall, Spalding (2 miles)
- Spalding Academy School (1.7 miles)
- Spalding High School (2.1 miles)
- Spalding Primary School (3 miles)
- Lidl Supermarket (2.5 miles)
- Sainsburys Supermarket (3.3 miles)
- Morrisons Supermarket (3.8 miles)

5.17 Businesses in the Low Fulney area include:

- Flamingo Flowers UK (0.5 miles)
- David Bowman Ltd Produce Wholesaler (0.5 miles)
- Chris Eley Produce Ltd (0.5 miles)

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- Mick Cawley Motor Engineering (0.6 miles)
- Butters Factory Shop (0.7 miles
- Spalding Taxis (0.7 miles)
- Wyeplants Ltd (0.9 miles)
- Opperman Plants Ltd (1 mile)
- West Nursery (0.4 miles)
- Y & S Humphreys (0.5 miles)
- Scalextric Racing (0.1 miles)

5.18 A comprehensive range of services and facilities are located in Spalding which is a designated primary settlement in South Holland. Most services and facilities are within 3 miles of the proposed site.

5.19 We considered in Section 4.4 how National Planning Practice Guidance recognises there are differences between urban and rural areas and how short car journeys are acceptable, particularly if the rural housing crisis is to be addressed. Whilst it may be the case that not all services are easily accessible on foot for the site subject to this proposal, only a short cycle/ car journey is required. Building on this point we draw attention to the appeal APP/L2630/W/15/3003743, a proposal for 7 houses in South Norfolk. Here the main issue was the suitability of the site for housing having regard to the principles of sustainable development. Many residents highlighted the limited access to local facilities and services. The Inspector deemed in this instance that while there were a lack of services and facilities available within the immediate vicinity of the site, the NPPF:

5.20 "24….recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and account needs to be taken of this. Even though future residents are likely to rely on the private car to meet most needs, the nearest towns … are only about 3-4 miles away. Journeys to these locations would be short and this is a significant factor in assessing the sustainability of the appeal site."

5.21 In making their assessment the Inspector highlighted guidance within the NPPG, which states that, *'sustainable transport solutions will vary from urban to rural areas'*. Consequently, whilst all the facilities and services may not be readily available on foot, bicycle and short car journeys should be considered a viable mode of transport.

5.22 A similar appeal in Breckland is APP/F2605/W/16/3148954, where again the main issue was access to services and facilities. The Inspector in their decision stated:

"7. The site is in the countryside, outside any defined settlement boundary. The proposal conflicts with the approach of Policy CP14. The dwellings would not be isolated in that there would be other dwellings and buildings nearby. They would be remote from towns and villages where services, facilities and employment are focused. It is likely that their occupiers would be reliant on journeys by car, at least for the most part. The Framework promotes sustainable transport modes including walking, cycling and public transport. However, it also recognises that opportunities to maximise their use will vary from urban to rural areas."

5.23 An appeal decision of particular interest to this scheme due to its similarities was allowed on 21st August 2018 in Besthorpe, also in Breckland District. The appeal is for 1 no. dwelling and the decision in appendix 1 provides clear information in relation to the distances from services and facilities and the need for private car, particularly in light of the new NPPF. The most relevant paragraphs from that appeal decision are as follows:

5.24 "11. The Council considers that the route to the bus stop and from thence to Attleborough does not provide easy access to the facilities there. However, as previously noted, there is a footpath along Silver Street to the bus stop and the service runs regularly (about every ½ hour) into Attleborough. The total journey from the appeal site, if timed to meet a particular bus, would take about 20 minutes. *Attleborough is about 2.5 – 3 miles away by road, so even if the occupants of the new dwelling were to use a private car to travel there, the journey is a relatively short one* [emphasis added].

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14. The new house would help to support local services and the Framework accepts, in paragraph 103, that sustainable transport solutions will vary between rural and urban areas. I consider that any harm arising from the distance of the site from the development boundary and public transport facilities is minimal and not great enough to demonstrably outweigh the benefits noted above.

15. Therefore, whilst there is a conflict with policies CP14 and DC2 of the DPD, I conclude that this is outweighed by the benefits set out above and the requirements of the Framework and these material considerations indicate that planning permission should therefore be granted for the proposal."

5.25 Paragraph 11 is of particular interest because it clearly states that a car journey of 2.5 – 3 miles to the market town of Attleborough is acceptable in line with planning policy guidance. Spalding is the primary settlement in South Holland District, designated as a main town, services and facilities in Spalding are around 3 miles from the site with parking available within 3 miles of the site and the bus stops in close proximity to the site are not as far away as they are with this successful appeal.

5.26 Finally, as previously discussed in Section 3.3, 'isolation' in line with Paragraph 79 is not related to 'access to services' rather to proximity to other dwellings. The Court of Appeal case further clarified that access to services by sustainable means is to be considered in the context of other policy considerations such as supporting the rural economy. The proposal site is in close proximity to existing residential development and located in a reasonably sustainable location with good access to a vast array of local facilities and services. A number of excellent employment opportunities are available in the village, and a short car journey is all that is required to enjoy the abundance of services, facilities, clubs, societies, employment opportunities and transport options available in the wider area. We have seen already how car journeys of around 3 miles are deemed appropriate by planning guidance and planning inspectors in order to support the rural economy and address the rural housing crisis.

5.27 It is therefore considered that the site subject to this proposal has sufficient access to services and facilities on offer in Low Fulney and the surrounding area for new dwellings to be provided and for the site to be considered a sustainable location in line with the National Planning Policy Framework.

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6 Conclusion

6.1 To conclude, this proposal is for full planning permission for the erection of 1 no. self-build family dwelling with associated annex, parking and garden area on land north of Weston Hills Road, Low Fulney, Spalding, PE12 6NE. The purpose of this report is to demonstrate that an appropriate scheme can be delivered on the site and the principle of development is acceptable.

6.2 South Holland District Council concedes it does nor have a 5 year housing land supply and this will be lower than previously thought following the adoption of the new NPPF which has raised the bar. Paragraph 11(d) of the NPPF is therefore applicable as local policies are judged out of date in so far that they relate to the restriction of housing outside of settlement boundaries. There should therefore be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Taking this into account, it is considered that there would be no significant impacts outweighing the benefits of this proposal in terms of providing 1 no. dwelling in a sustainable location.

6.3 Accordingly, we believe a residential development on the proposed site would form a viable and sustainable proposal in keeping with both national and local policy. Whilst it is acknowledged that the proposal would inevitably have a localised impact, it is considered that the proposed scale, density and pattern of development would be respective of and sensitive to the wider village and its rural character. The proposal would not be obtrusive or visually dominant being effectively screened which would enable the development to assimilate with the wider countryside, thus reducing any associated impact significantly.

6.4 The proposal addresses identified local and national housing requirements and would help support the services and facilities provided within Low Fulney, Spalding and the surrounding area. The site should not be considered isolated in line with the decision of the Court of Appeal; it is located within a group of other dwellings and whilst not all services are provided within the village, the NPPF and NPPG, as supported by a number of appeal decisions, have clearly indicated that short car journeys are acceptable in rural settings in order to access services, whilst the Court of Appeal noted that the support of new development on neighbouring settlements should also be considered.

6.5 To conclude, we would emphasise that there is an overwhelming argument in favour of this proposal. All planning applications should be considered on their own individual merits with the basic assessment process being whether the positives outweigh the negatives. As such, we highlight that the proposal takes account of all relevant Local Planning Authority and National Planning policies, and it constitutes sustainable development in economic, environmental and social terms. At present there is a clear government drive for the provision of housing, and regardless of whether a Council has a 5 year housing land supply or not, the new NPPF is promoting the supply of significant housing development to boost numbers, particularly in village locations and rural areas. We therefore consider the benefits of the proposal clearly outweigh any harm by a considerable degree.

6.6 It is considered therefore, that the principle of the proposed development is in accordance with the NPPF and should be approved.

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Appendix 1 – Besthorpe Appeal Decision

The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2018

by Katie Peerless DipArch RIBA

an Inspector appointed by the Secretary of State

Decision date: 21st August 2018

Appeal Ref: APP/F2605/W/18/3198911
Land adjacent to 1 Rookery Cottages, Silver Street, Besthorpe, Attleborough NR17 2LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Brian Stebbings against the decision of Breckland District Council.
- The application Ref 3PL/2018/0006/O, dated 2 January 2018, was refused by notice dated 21 February 2018.
- The development proposed is the subdivision of the property to provide for the erection of 1 No. dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for the subdivision of the property to provide for the erection of 1 No. dwelling at 1 Rookery Cottages, Silver Street, Besthorpe, Attleborough NR17 2LD in accordance with the terms of the application, Ref 3PL/2018/0006/O, dated 2 January 2018, and the plans submitted with it, subject to the conditions set out in Annex A to this Decision.

Procedural matter

2. The application is for outline permission with all matters reserved apart from access.

Main Issues

3. I consider the main issue in this case is whether the proposed new dwelling represents sustainable development with reference to its location, the relevant Development Plan policies and the National Planning Policy Framework 2018 (the Framework).

Site and surroundings

4. The appeal site is presently part of the garden of 1 Rookery Cottages and lies at the end of a small development of residential properties about 200m as the crow flies outside the development boundary of Besthorpe. The A11 Attleborough by-pass runs close to the site boundary, albeit at a lower level, and a bridge carries Silver Street over the A11 by to meet Norwich Road, which runs between Besthorpe and the larger settlement of Attleborough. There is a footpath along the route over the A11 and this leads to a bus stop on Norwich Road, about 480m from the appeal site.

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Reasons

5. Attleborough is identified as a major centre for employment and residential growth in policy SS1 of Breckland District Council's Adopted Core Strategy and Development Control Policies Development Plan Document (2009) (DPD). The DPD sets out the hierarchy for residential development in the District and policies CP14 and DC2 restrict development to within identified settlement boundaries.

6. The officer's report on the planning application, on which the Council rely for its statement of case, refers to the advice in the previous version of the Framework, citing paragraphs 7 and 8, which have since been superseded by paragraphs 8 and 9. The Council has also asked that the previous references to paragraph 49 should now refer to paragraph 11(d) of the later version and notes that paragraph 34 has now been superseded by paragraph 103.

7. It appears from the report that the Council does not have an up-to-date supply of deliverable housing sites. The appellant's statement also claims that it does not and I have not been informed of any change to that situation. The presumption in favour of sustainable development as set out in paragraph 11 of the Framework should therefore be applied to the application.

8. Although the Development Plan must always be the starting point for considering planning applications, in circumstances where the plan is out of date in respect of housing provision, the presumption in favour of sustainable development notes that permission should be granted for applications unless any adverse impacts of doing so would demonstrably outweigh the benefits.

9. The latest version of the Framework notes that all 3 objectives of sustainable development (economic, social and environmental) are not criteria against which every decision can or should be judged but that decisions should guide development towards sustainable solutions and that local circumstances should be taken into account to reflect the character, needs and opportunities of each area. Paragraph 84 of the revised Framework also recognises that there may be a need to find sites outside existing settlements to meet the needs of rural communities.

10. The officer's report agreed that there would be economic and some social benefits deriving from the proposed development and that it could meet the environmental criteria subject to conditions. It concluded however that the location outside the settlement boundary was unsustainable in terms of some social aspects as the site has poor accessibility to local facilities.

11. The Council considers that the route to the bus stop and from thence to Attleborough does not provide easy access to the facilities there. However, as previously noted, there is a footpath along Silver Street to the bus stop and the service runs regularly (about every ½ hour) into Attleborough. The total journey from the appeal site, if timed to meet a particular bus, would take about 20 minutes. Attleborough is about 2.5 – 3 miles away by road, so even if the occupants of the new dwelling were to use a private car to travel there, the journey is a relatively short one.

12. The Council appear to have considered whether there are significant benefits that outweigh the conflict with development plan policy in respect of the perceived unsustainability of the location. However, the Framework applies the test in the opposite way; permission should be refused only if any adverse impacts would demonstrably outweigh the benefits.

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13. It seems to me that this would not be the case here. The only objection is the location which is close to existing development, the settlement boundary and access to public transport. The appeal proposal would make a small but nonetheless important contribution to the housing stock in the area and would make good use of a site which can be classified as 'previously developed land' as it falls within the definition of this category in the Glossary of the Framework. This states that the definition includes land, such as the appeal site, which is within the curtilage of a permanent structure, provided that is not a residential garden in a built-up area (my emphasis).

14. The new house would help to support local services and the Framework accepts, in paragraph 103, that sustainable transport solutions will vary between rural and urban areas. I consider that any harm arising from the distance of the site from the development boundary and public transport facilities is minimal and not great enough to demonstrably outweigh the benefits noted above.

15. Therefore, whilst there is a conflict with policies CP14 and DC2 of the DPD, I conclude that this is outweighed by the benefits set out above and the requirements of the Framework and these material considerations indicate that planning permission should therefore be granted for the proposal.

Conditions

16. The Council has suggested a number of conditions that it would wish to see imposed should planning permission be granted. I agree that conditions relating to the submission and approval of the details of the reserved matters are appropriate and I shall also require details of parking and turning areas to be submitted for approval to comply with local requirements.

17. Because of the proximity of the site to the dual carriageway of the A11, I shall impose a condition requiring details of the noise insulation of the new dwelling to be submitted for approval and implemented, to protect the amenities of the future occupants.

Conclusions

18. For the reasons given above I conclude that the appeal should be allowed.

Katie Peerless

Inspector

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Annex A

Conditions to be attached to planning permission 3PL/2018/0006/O

1) 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 before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

3) The development hereby permitted shall begin not later than 1 year from the date of approval of the last of the reserved matters to be approved.

4) The following detail shall form part of any Reserved Matters submission:

   i) Parking provision in accordance with adopted standard; and,

   ii) Turning areas.

5) Prior to commencement of the development, a scheme for protecting the proposed dwelling from noise coming from the nearby A11 trunk road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include protection to amenity and garden area and should not rely on the requirement to close windows. All works which form part of the scheme shall be completed before the property is occupied.

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Appendix 2 – Tharston, South Norfolk Appeal Decision

The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th September 2018

Appeal Ref: APP/L2630/W/18/3197272
Land north of Picton Road, Tharston, Norfolk NR15 2YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Tom Mayes against the decision of South Norfolk District Council.
- The application Ref 2017/2686, dated 21 November 2017, was refused by notice dated 1 February 2018.
- The development proposed is the erection of 3 No. dwellings with associated access and car parking areas.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 3 No. dwellings with associated access and car parking areas at land north of Picton Road, Tharston, Norfolk NR15 2YD in accordance with the terms of the application, Ref 2017/2686, dated 21 November 2017, subject to the conditions set out in the Schedule attached.

Procedural Matters

2. The application was made in outline with all matters reserved for later determination apart from access. Consideration has been given to the indicative plans over how the development might proceed. My decision is based on the revised layout with the development served from the single, existing access point.

3. On 24 July 2018, since this appeal was made, Government published the revised National Planning Policy Framework (the Framework). Having granted the parties an opportunity to make further comment, my decision reflects this.

Main Issues

4. The main issues are (a) whether the three dwellings would have reasonable access to services and facilities and (b) the effect of the proposal on the character and appearance of the area, including in respect of trees.

Reasons

a) Access to services and facilities

5. The proposed dwellings would be located adjacent to a small cluster of housing situated about a mile from the centre of the expanding settlement of Long Stratton. There are a wide range of services and facilities within this large community and the appeal site falls within the Long Stratton Area Action Plan

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(LSAAP) boundary, which is part of the Norwich Policy Area (NPA), some 0.2 miles beyond the edge of its defined development boundary.

6. The LSAAP sets out that Tharston and Hapton parishes are not considered suitable for new housing. However, parishes comprise large geographical areas and the appeal site, whilst some distance from the main villages of both Tharston and Hapton, is a relatively short distance from that of the larger centre of Long Stratton.

7. The relevant development plan policies are those of the Joint Core Strategy (JCS) and the Local Plan Development Management Policies (DMP). JCS Policy 4 mainly sets out the housing delivery for the NPA and is of strategic relevance. Although not quoted in the decision, JCS Policy 1 seeks to address climate change by linking development growth with proximity to public transport and a reduced need to travel, as does JCS Policy 6 by encouraging walking and cycling.

8. DMP Policy DM 3.8 applies design principles to all development, which includes that access is provided by routes and public spaces that meet different requirements of accessibility without an unsatisfactory domination of traffic. DMP Policy DM 3.10 seeks that development utilises all opportunities to integrate with local sustainable transport networks and is designed to maximise the use of such and to reduce the need to travel.

9. As the proposal is outside the defined LSAAP development boundary there would be conflict with DMP policies DM 1.1 and DM 1.3 were there to be no overriding economic, social and environmental benefits. There would be some harm in undermining the objective to concentrate development within defined boundaries, to locate this with existing services and facilities and provide good access to these without an over reliance on private car use, as underpinned by the policies referred to.

10. However, this is a small proposal for three houses, located close to Long Stratton, which would result in relatively limited harm through the conflict with the aims of the aforementioned policies. Although the roads connecting the site with Long Stratton are initially unlit and without footpaths there are public rights of way and green infrastructure routes indicated in the LSAAP which offer some degree of connectivity by means other than by private car.

11. Occupiers of the proposed houses would have access to the wide range of regularly required services in Long Stratton, such as employment areas, supermarkets, surgeries and schools, through making relatively short car or bicycle journeys. The appellant also shows the site to be close to two bus stops providing a service to larger centres.

12. The revised Framework and the accompanying Planning Practice Guidance (PPG) are material considerations. The proposal would be adjacent to existing housing, within reasonable proximity to services, and therefore not comprise the development of isolated homes in the countryside that paragraph 79 of the Framework seeks that planning decisions avoid. Moreover, paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

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13. With regard to the location outside the LSAAP development boundary, the PPG states that all settlements can play a role in delivering sustainable development in rural areas and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

14. The development plan policy conflict found by the Council would be disproportionate with the limited impact of this modest proposal when considered in the context of the Framework/PPG advice. Although the proposal is within a small rural cluster of housing outside the development boundary of Long Stratton, where there would be some reliance on short journeys by car to access regular needs, the three dwellings would nonetheless have reasonable access to services and facilities for the reasons explained.

b) Character and appearance of the area

15. The site frontage is densely lined with mature ash trees which the arboricultural report shows would be unharmed by the development and retained, thereby softening the visual impact of the three dwellings proposed. Approval is sought in outline and the layout and landscaping of the development would be the subject of reserved matter determination. Some management of the trees would be beneficial to their future and for highway safety reasons, but I am not persuaded that there would be such shading of the houses that this would lead to circumstances requiring their removal.

16. The DMP states in paragraph 4.69 that development will be permitted where it can be demonstrated that there exists a harmonious and sustainable relationship between trees and structures. There is no evidence that this would not be the case with this proposal, which I find would comply with Policy DM 4.8 regarding the protection of trees and hedgerows.

17. The dwellings would quite closely mirror the siting and extent of the housing situated on the facing side of Picton Road. Reserved matter approval could ensure the new houses were of a design, scale and position which would be in keeping with the built surroundings. There is merit in the appellant's case that the proposal would provide symmetry and a neat pattern of built form along the road and I consider this would be an appropriate and visually satisfactory form of rounding-off within a small enclave of housing.

18. Subject to the retention of the trees, and to satisfactory reserved matter details, this proposal would not have a detrimental impact on the rural character of this location and satisfy the design principles in DMP Policy DM 3.8 and JCS Policy 2. Therefore, on this second issue, the proposal would result in no material harm to the character and appearance of this area.

Planning Balance

19. The Council has referred to two appeal decisions[1] I have recently made in the Rural Policy Area (RPA) of South Norfolk where my attention had been drawn to the 2017 Strategic Housing Market Assessment (SHMA). In these cases, the Council acknowledged this evidence cast doubt over its previously held position that the JCS provided for a five year supply of deliverable housing sites in the

[1] APP/L2630/W/17/3188918 and APP/L2630/W/18/3193882

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RPA. The appellants in each of these cases had not disputed this evidence as it would not have been advantageous to their cases. Quite reasonably, in dismissing the appeals, the Framework's 'tilted balance' was first applied, whereby any adverse impacts were found to significantly and demonstrably outweigh the benefits.

20. The SHMA evidence provides for the reverse in the NPA whereby the objectively assessed need (OAN), taking into account the contribution made by student accommodation, points to the JCS providing an 8.08 year housing land supply. In the third dismissed appeal decision[2] submitted, which like this case fell within the NPA, it was noted that whilst the SHMA provided a more recent OAN this was insufficient to prove the currently adopted development plan could demonstrate a five year housing land supply. It would not be appropriate for an appeal over a minor proposal for three dwellings, not the subject of an Inquiry providing the means to undertake a detailed housing land supply assessment, to reach a conclusion in support of the OAN provided by the SHMA.

21. However, this decision does not turn on the issue of whether or not there is a five year housing land supply. The revised Framework continues to support the Government's objective of significantly boosting the supply of homes. Even assuming the SHMA was proven the proposal would still provide housing supply benefits.

22. The proposal would gain the support of paragraph 68 of the revised Framework which promotes small sites of less than one hectare due to their important contribution to meeting housing requirements, as they have the potential for a relatively quick build-out. The proposal would also make effective use of land, which is currently under-utilized and not the subject of any beneficial purpose, as supported by part 11 of the Framework. Although I would not find it necessary to attach a condition to this effect, the proposal could provide the benefit of self-build opportunities.

23. On balance, the modest benefits provided by this proposal in respect of housing supply would outweigh any limited harm identified.

Conditions

24. I have considered the conditions recommended by the Council in the light of paragraph 55 of the revised Framework. This states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Those required to be discharged before development commences should be avoided, unless there is a clear justification. Those included have been amended to ensure enforceability.

25. As this is an outline application the usual conditions relating to the submission of details are required, with the exception of means of access. For certainty, a condition is necessary that the development is carried out in accordance with the plans and reports submitted. In the interests of highway safety a condition is necessary requiring the formation of the access and visibility splays prior to occupation. A condition requires the development to achieve the water saving standards sought by the Council's policy over this matter.

[2] APP/L2630/W/17/3191743

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26. A condition is not necessary to govern external materials as these may be decided at the reserved matters stage. As the approval relates to a development served by a single shared access onto the highway it is not necessary to condition the nature of any individual access gating. On-site parking and turning spaces can be addressed at the reserved matter layout stage. As this is a relatively small development of three dwellings, and not located within a high flood risk area, there is not the evidence to justify a condition requiring a sustainable drainage system. There is no firm evidence to justify conditions addressing potential contamination on a purely precautionary basis.

Conclusion

27. The proposal, whilst outside of any defined settlement boundary, is adjacent to a cluster of housing within a reasonable distance of the wide range of services in Long Stratton. The proposal would round-off development without requiring the loss of trees and cause no material harm to rural character. The readily available contribution to housing supply on this under-utilized site, whilst modest, would outweigh any recognisable harm. Therefore, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions

1) 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 before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 red-line site location plan; 7865 02 1:200 site access and visual splay; Preliminary Ecological Appraisal dated November 2017; submitted bat roost assessment dated December 2017; Arboricultural Report V1.0 by BH Trees And Woodlands Consultancy Limited dated 24 October 2017.

5) No dwelling shall be occupied until the site access and visibility splays onto Picton Road shown in the plan approved have been laid out, drained and constructed in accordance with details that shall have had the prior written approval of the local planning authority. The site access and visibility splays shall thereafter be retained and maintained in accordance with these approved details.

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6) No dwelling shall be occupied until details of how it shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day have been submitted to, and approved in writing by, the local planning authority. All required water conservation measures shall thereafter be installed and maintained to achieve this agreed rate to ensure the required water consumption is not exceeded for the lifetime of the development.

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Appendix 3 – Newman's Green, Suffolk Appeal Decision

The Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2018

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2018

Appeal Ref: APP/D3505/W/18/3196882
Land to the east of Appleshaw, Mills Lane, Newman's Green, Suffolk CO10 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Suffolk County Council Corporate Property against the decision of Babergh District Council.
- The application Ref DC/17/03990, dated 31 July 2017, was refused by notice dated 11 October 2017.
- The development proposed is erection of two detached two storey dwellings, formation of two vehicular accesses and associated hard/soft landscaping.

Decision

1. The appeal is allowed and planning permission is granted for erection of two detached two storey dwellings, formation of two vehicular accesses and associated hard/soft landscaping at land to the east of Appleshaw, Mills Lane, Newman's Green, Suffolk CO10 0AB in accordance with the terms of the application, Ref DC/17/03990, dated 31 July 2017, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The application was made in outline with all detailed matters reserved for later consideration apart from access. I have dealt with the appeal on this basis treating the site layout in drawing no. 16-0422 A02 – 01 as indicative, other than in respect the proposed entrances and passing bay.

Main Issue

3. Whether the proposal would amount to sustainable development having regard to development plan and national policies.

Reasons

4. The development plan comprises the Babergh Local Plan Core Strategy and Policies 2014 (CS) and the saved policies in the Babergh Local Plan Alteration No.2 2006 (LP). Policy CS2 directs most new development to the larger centres, including Core and Hinterland Villages, with development in the countryside allowed only in exceptional circumstances or where there is a proven justifiable need.

5. The proposal relates to a site within the small settlement of Newmans Green, which is located between the town of Sudbury and the Hinterland village of

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Acton. There is no settlement boundary defined for Newmans Green and so it is classed as countryside for the purposes of development plan policy. The refusal notice refers to Policy CS11 which does not appear relevant as this just provides criteria for allowing development in Core and Hinterland Villages.

6. Policy CS15 sets out considerations for new development to be assessed as being sustainable, including the need to make sure proposals are served by an appropriate range of services and minimise the need to travel by car by encouraging walking, cycling and public transport. Saved LP Policy CN01 requires all new development proposals to be of appropriate scale, form, detailed design and choice of materials for the location and Policy HS28 establishes criteria for the refusal of residential infilling.

7. As shown by the indicative layout this proposal would result in a development that would fit in with the general grain and pattern of surrounding development. The Council provides little reasoning over any harm found to the character and appearance of the settlement and refers just to the permanent loss of the open characteristics of the site. As this proposal is in outline in respect of all details apart from access I find no material conflict with LP Policy CN01, which is capable of being complied with through appropriate reserved matters.

8. The proposal for two dwellings would not comprise over-development in relation to the size of site and the Council has provided no substantiation over why the land should remain open as an important feature in visual or environmental terms. Subject to satisfactory reserved matter details there would be no conflict with LP Policy HS28.

9. The Council's decision centres on the location of the two dwellings and their relative remoteness from services. Newmans Green contains no facilities, although there is a bus stop nearby which would provide occupiers of the development a somewhat infrequent means to access those in either Acton or Sudbury. These centres would not be a convenient walking distance and the connecting roads are unlit and without footpaths. I agree that future occupiers of the houses would be largely dependent on private car use to meet their daily needs.

10. The proposal would therefore conflict with policies CS2 and CS15 insofar as these seek to promote sustainable development through resisting new housing in locations without services and which would result in an undue reliance on private car journeys to meet regularly-required needs.

Other Matters

11. Consideration has been given to the further concerns raised by interested parties at the application stage. I would not differ from the view of the local highway authority which has not substantiated a highway safety objection to the small amount of vehicular movements generated by this relatively modest scheme for two dwellings. The effects on the living conditions of neighbouring occupiers, including over privacy and outlook, are matters that can be addressed through the consideration of reserved matters over appearance, landscaping, layout, and scale.

12. Water supply, foul and surface water drainage and nature conservation considerations are all matters that would not weigh decisively against the

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principle of development and could be addressed at the reserved matters stage.

Planning Balance and Conclusion

13. The starting point remains the development plan with the National Planning Policy Framework (the Framework) a material consideration in this decision. The policies of the CS generally conform with the aims of the Framework to promote sustainable transport through walking, cycling and public transport by actively managing patterns of growth in support of this, whereby significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

14. However, the Framework objectives for sustainable development include delivering a sufficient supply of homes. Since the decision on this case the Council's July 2018 Annual Monitoring Report indicates that Babergh can demonstrate at least the five year housing land supply required by paragraph 73 of the Framework. I am not aware of this position having been independently tested and this written representation appeal would not provide the appropriate means to carry out such an exercise. Therefore, there are not the grounds on which to find the Council's policies as out-of date in respect of housing supply and so it is not necessary to apply the 'tilted balance' of Framework paragraph 11. This would have been to consider whether any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole.

15. Nevertheless, meeting the requirements of paragraph 73 is not intended as a ceiling on further housing, where the Framework continues to support Government's objective to significantly boost the supply of homes. The two dwellings would be within the built-up part of this small settlement and reserved matter control could ensure there would be no material harm to its character and appearance or to the living conditions of nearby residents. The location would not comprise the development of isolated homes in the countryside which paragraph 79 of the Framework seeks that decisions avoid.

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

17. Although there would be some degree of harm through this proposal running contrary to the adopted settlement strategy of the CS this would be off-set by the national policy considerations set out above. The contribution to housing supply from two dwellings would be quite limited but the Framework recognises in paragraph 68 that small sites can make an important contribution to meeting the requirement of an area, and are often built-out relatively quickly.

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18. An even planning balance would weigh in favour of this proposal and material considerations would exist to indicate approval would be justified other than in full accordance with the development plan. Therefore, the proposal would amount to sustainable development and I conclude that the appeal should be allowed. This is subject to the standard conditions for outline applications and others which specify the plans approved and the need for agreement over access specifications, for reasons of certainty and highway safety respectively.

Jonathan Price

INSPECTOR

SCHEDULE OF CONDITIONS

1) 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 before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: A02 – 01 site layout plan in respect to access, A02 – 02 site location plan.

5) Prior to the occupation of either of the dwellings hereby allowed the access arrangements approved shall be constructed in accordance with detailed specifications that shall have had the prior written approval of the local planning authority and thereafter be maintained as agreed.

---End of Conditions---

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