



Committee Report

Planning Committee North – 8 February 2022

Application no DC/21/3894/OUT

Location

Land To The Rear Of
1 Cullcott Close
Yoxford
IP17 3GZ

Expiry date 10 October 2021

Application type Outline Application

Applicant Parker Planning Services

Parish Yoxford

Proposal Outline Application - (Some Matters Reserved) for up to 5no. dwellings including means of access

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1. Summary

- 1.1. This application seeks outline planning permission, with only access to be considered for the erection of up to five dwellings on land to the rear of 1 Cullcott Close, Yoxford, IP17 3GZ.
- 1.2. This application is presented to the planning committee as East Suffolk Council is landowner of a small section of verge which runs adjacent to the proposed access. During the determination of the application, works have been undertaken along this verge without East Suffolk Council's consent. East Suffolk Council have since been notified as landowner under the relevant certificates.
- 1.3. The site is located outside of the Settlement Boundary for Yoxford and is therefore in the countryside for planning purposes, where new housing development will only be permitted where it is supported by policies within the Local Plan or where it is considered necessary in the countryside. Having assessed the application against the adopted plan policies the principle of development is considered to be contrary to SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4. The

principle of development has not been found acceptable in this instance; therefore, it is considered that the potential harm of the development to the rural setting outweighs any limited benefit that the development would provide.

- 1.4. Additionally, the application site is comprised of an area of approximately 0.95ha which is currently paddock land (including stables, an all-weather riding arena, workshop and ancillary outbuildings) associated with no. 1 Cullcott Close. The proposal to erect up to five dwellings would be a form of tandem backland development which is poorly related to the adjoining properties, out of character with the area, and would be detrimental to the amenity of existing and future residents. The scheme is therefore contrary to the NPPF, and Local Plan Policy SCLP11.2 which seek to resist backland development proposals which would detrimentally affect residential amenity. The scheme is contrary to the Development Plan and as identified in this report, there are no material considerations of collective weight that would indicate for a decision other than refusal.
- 1.5. For these reasons the application is recommended for refusal.

2. Site Description

- 2.1. The site is adjacent the existing settlement boundary for Yoxford, which is identified as a 'larger village' within the settlement hierarchy (SCLP3.2). The site is approximately 50m to the east of the A12 which runs north-south. Yoxford Conservation Area is located to the east of the site, following the boundary of Rookery Park, one of three historic parklands in Yoxford. There is vacant land to the north and south of the site.
- 2.2. The application form notes the site location as land to the rear of 1 Cullcott Close, however the site is located behind numbers 1, 3, 5, 7 and 9 Cullcott Close and Hedgehogs Bungalow, Kingsway and Tonamar which front onto the A12 and are to the west of the site.
- 2.3. The site levels are higher than those within Cullcott Close. The application site is situated within Flood Zone 1 and therefore at the lowest risk of flooding. Public right of way 21 runs along the northern boundary of the site.
- 2.4. The site is an area of approximately 0.95ha which is currently paddock land associated with no. 1 Cullcott Close. Within the site are stables, an all-weather riding arena, a workshop and ancillary buildings. The remainder of the site is fenced paddock land. Access is via a track to the north of 1 Cullcott Close.

3. Proposal

- 3.1. The proposed development is for the erection of up to five dwellings and means of access from Cullcott Close. The application includes an indicative layout and house types, which suggest that the development would comprise of five bungalows (which would have a maximum height of 6.196m). As the application seeks outline consent with some matters reserved (access to be considered) details relating to design, scale, landscaping and layout are subject to consideration at a reserved matters stage. However, given that the proposed access layout is detailed and essentially 'fixed' within any subsequent layout. It is therefore expected that any

reserved matters application would therefore be designed around the detailed access arrangement.

- 3.2. This application follows pre-application advice DC/20/4964/PREAPP where officers advised that the principle of development would be considered contrary to adopted policies.
- 3.3. During the application, the agent was advised that the proposal would not be supported and was recommended for refusal. However, the agent wished to overcome highways matters prior to determination. Subsequently an array of additional information was submitted between 21 October and 16 December 2021.

4. Consultations/comments

4.1. Approximately 42 representations were received throughout the determination of the application, (some are multiple representations from the same household) which object to the application on the following grounds (inter alia):

- Access
- Boundary issues
- Building work
- Contamination
- Dominating/Overbearing
- Drainage
- Fear of Crime
- Flooding
- Inappropriate in conservation area
- Landscape impact
- Light Pollution
- Loss of open space
- Loss of outlook
- Loss of Privacy
- Loss of view
- Noise
- Over Development
- Over Shadowing
- Overlooking
- Property Value
- Safety
- Scale
- Security
- Smells
- Traffic or Highways (including parking concerns)
- Trees
- Wildlife

4.2. Whilst 'loss of view' and 'property value' have been noted as reasons for objection, they are not material planning considerations.

4.3. One additional representation of support was received from an address in Woodbridge.

4.4. The above is a summary of comments received; full comments can be viewed on the Council's public access page.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Yoxford Parish Council	19 August 2021	9 September 2021
<p><i>“YPC strongly opposes this application on the following grounds:</i></p> <p><i>1. Access – the access proposed is entirely unsatisfactory on the basis of traffic and road/public safety issues:</i></p> <p><i>(a) The Site was previously considered under East Suffolk’s Strategic Housing and Economic Land Availability Assessment (SHELAA), but was rejected on the grounds of access and no further consideration was then given to the suitability of the Site for development;</i></p> <p><i>(b) The access proposed to the Site is from the A12 to Cullcott Close and then down the north side of 1 Cullcott Close utilising an existing access track. The layout plan submitted with the application claims that the new vehicular access will be 4.5m wide. Even if this were legally and practically possible to achieve, it would not be a suitable access to the Development for cars (16 car spaces are to be provided as part of the Development) plus delivery and refuse collection vehicles. At 4.5m width, this does not allow 2 vehicles to pass safely;</i></p> <p><i>(c) YPC are of the view that the width of 4.5m shown for the access on the layout drawing is wrong. Achieving that width, would involve the development including part of East Suffolk’s own freehold land (Land Registry title number SK329817) which includes the existing public footpath;</i></p> <p><i>(d) The layout plan shows the access road having one footpath only on the north side and the Development proposes to utilise the existing public footpath for this purpose. No details are provided as to how this is to be achieved. No separation or physical barrier is shown between the vehicular access and the public footpath and with such a narrow access for vehicles, there is the potential for death or serious injury to pedestrians.</i></p> <p><i>2. The Site is not allocated for development in the adopted Local Plan;</i></p> <p><i>3. The Site should not be considered for potential development under The National Planning Policy Framework (July 2021) - Suffolk Coastal Local Plan (September 2021) Policy SCLP5.4 - Housing in Clusters in the Countryside In the view of YPC: * The Site does not comply with the ‘group of existing dwellings adjacent to an existing highway’ criteria required of Policy SCLP5.4. Whilst it may be considered as an application “for up to five dwellings within a cluster of at least ten existing dwellings”, the Development would not be well related to Yoxford as a “Large Village”; * The Development does not consist of “infilling within a continuous built up frontage”, and is not “in a</i></p>		

*clearly identifiable gap within an existing cluster, or .. otherwise located adjacent to existing development on two sides”; * The Development does represent an unacceptable extension of the built-up area into the surrounding countryside beyond the existing extent of the built-up area surrounding, or adjacent to, the Site; and * The Development will undoubtedly cause undue harm to the character and appearance of the cluster and result in harmful visual intrusion into the surrounding landscape.*

4. The Site is outside the defined village settlement. From a planning point of view it is to be treated as an application for development in the open countryside;

5. It is outside the original Conservation Area and also outside the recently extended Conservation Area. It adjoins Rookery Park which is in the extended Conservation Area and which also is identified in the Local Plan as being of District wide significance and has the status of Non- Designated Heritage Asset;

6. Impact on residents of Cullcott Close - so far as they are concerned, this is a development in open countryside of rear open land between the Cullcott Close development and Historic parkland. Not only is this unsatisfactory from a visual and (in view of the rising ground level) from an overlooking point of view, but will also cause the residents an unacceptable increase in the levels of traffic and other noise and light pollution;

7. Landscape – the Development will create an adverse impact by way of visual intrusion on the Rookery Park historic landscape which is of considerable importance to Yoxford.”

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	19 August 2021	1 October 2021

Summary of comments:

Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the following reasons:

- Obscured visibility at junction with Cullcott Close
- Access widths not meeting standards and NPPF.
- Lack of pedestrian connectivity to accord with the NPPF and PRoW comments.

The junction arrangement of the proposed new access onto Cullcott Close appears to be very tight and forward visibility to vehicles on Cullcott Close is partially obscured by a bund and planting. I would recommend that a swept path analysis drawing to demonstrate if vehicles can pass each other at this junction is supplied in the application to demonstrate the access is safe and fit for all user types.

Carriage way is annotated at being 4.5 metres wide with a 1.2 metre wide footway. This carriage way and footway arrangement is boarded with a fence immediately adjacent to them. This does not give any clearance to wing mirrors or any opportunity for pedestrians to step out of the way of

other pedestrians without stepping into the carriageway. And whilst manual for streets states 1.2 metres is suitable for an adult and child this would not allow for an mobility vehicle/ wheelchair and a person to pass on the footway especially immediately adjacent to a fence. The Suffolk design guide and manual for streets paragraph 6.3.23 recommend 2 metres minimum for a footway. This footway therefore does not provide for inclusive mobility and is contrary to the NPPF. The carriageway should have at least half a metre clearance before solid objects, for example a fence, to enable wing mirrors to over-sail and prevent the vehicles from moving into the middle of the carriageway.

It is not clearly shown how the footway from this development is to link into the existing footway facilities on the other side of the road of Cullcott Close. This will also be contrary to NPPF paragraph 110b, as it is not suitable for all road users and does not promote alternative transport modes.

The access arrangement with a number 1 Cullcott Close does not meet standard access design criteria and is ambiguous in its design. The existing kerb line between 1 Cullcott Close and the existing track is to be removed and gives little protection to the dark railings that are adjacent to the carriageway.

The proposed access road would not meet our adoptable standards on width lack of service maintenance strips, footway widths and materials used to state a few examples.

Non statutory consultees

Consultee	Date consulted	Date reply received
Ward Member	N/A	6 October 2021
Summary of comments: Comments were received from the Ward Member (Cllr Burroughes) which neither supports nor objects to the proposed development. The comments requested that the application was determined by the Planning Committee due to the level of local concern.		

Consultee	Date consulted	Date reply received
SCC Fire and Rescue Service	N/A	27 August 2021
Summary of comments: Informative information in respect of access to water supply and fire fighting facilities.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	19 August 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	19 August 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	19 August 2021	23 August 2021
Summary of comments: Recommends a condition for the unexpected discovery of land contamination.		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	19 August 2021	6 September 2021
<p>Summary of comments:</p> <p>The proposed site does contain a public right of way (PRoW): Yoxford Public Footpath 21.</p> <p>The applicant has met with the Area Rights of Way Officer on site and is aware that the site contains Yoxford Public Footpath 21:</p> <ul style="list-style-type: none"> • An accurate plot of Yoxford Public Footpath 21 is required on all plans to illustrate how the footpath is to be accommodated with the proposed development. • A detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service. • If this development is approved then Footpath 21 must be clearly segregated from the vehicular access to ensure safe passage for users of the footpath and avoid any conflict with vehicles. • The applicant has been advised that this could be addressed with fencing, but if that was done then close attention must be given to bullet point 6 below: - any fencing is placed a minimum of 0.5m from the edge of the public right of way. - In addition, please note that any planting must be a minimum of 1m from the edge of the public right of way. • The surface of Footpath 21 is to remain natural. <p>SCC PRoW also included their general advice and developers responsibilities in respect of works which affect a public right of way within their response.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	19 August 2021	20 September 2021
Summary of comments: Comments received and incorporated into officers report.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	25 August 2021	No response
Summary of comments: No response received.		

Re-consultation consultees

Consultee	Date consulted	Date reply received
Yoxford Parish Council	N/A	4 November 2021
<p><i>Objections by Yoxford Parish Council ("YPC") to submission of amended plans for planning application DC/21/3894/OUT – outline application for up to 5 dwellings including means of access ("Development") – land to the rear of 1 Cullcott Close, Yoxford ("Site").</i></p> <p><i>The amended plans were submitted under cover of a letter from the Applicant's agents Parker Planning Services to ESDC dated 21 October 2021. The letter includes the following paragraphs which appear on the face of them to be incorrect and misleading:</i></p> <p><i>1. "As per correspondence within Appendix 1 to the Planning, Design and Access Statement (Parker Planning Services August 2021), the applicant has already had correspondence with Suffolk County Council PROW with regards the shared public footpath/ vehicular access to the application site. Scheduled works to widen the access, allowing for a segregated footpath were completed on the weekend of 16th and 17th October, 2021."</i></p> <p><i>YPC would like ESDC to make direct contact with SCC PROW officer to verify the correspondence with the applicant, and also for the applicant to clarify what it means by the "shared public footpath/vehicular access to the application site" and, in relation to "Scheduled works to widen the access", why works were carried out before a planning permission has been granted and also with whom were these works agreed, in particular, why was the public right of way blocked for a weekend during the carrying out of those works without the permission of the relevant PROW officer.</i></p> <p><i>2. "The clearance and widening of the existing access route of Yoxford Footpath 21 has been inspected by both the Ground Manager at Norse (contractors who undertook the works) and Ms. Claire Dickson Suffolk County Council Area Rights of Way Officer. We also understand that Ben Chester at SSC has been appraised of the works, which should assist with the upcoming re-consultation." YPC would like ESDC to clarify the reference to Norse as being the contractors who undertook the works, and also to verify whether any inspection by either Norse or Claire Dickson has taken place and in what capacities.</i></p> <p><i>The applicant has, since the date of the original application, without any relevant permission or consent, removed the trees and shrubs on either side of the section of the public right of way (Footpath 21) adjoining the Site; removed trees and shrubs on part of the adjoining land of ESDC; erected a new boundary fence on land belonging to ESDC thereby claiming as part of the Site and under the control of the applicant, a long thin triangle of land approximately 40m in length and 1.5m wide at the north-western end of the triangle.</i></p>		

Having carried out all of the above work, the revised plans are attempting to demonstrate that a widened 4.5m access drive can now be provided alongside (but segregated from) a realigned 1.5m Footpath 21. This can only be achieved by unlawfully claiming part of the adjoining land of ESDC and realigning Footpath 21 without any formal proposal for statutory diversion.

Our planning objections to the original application remain, but in view of the work carried out since the date of the original application, YPC do not consider that the application can be lawfully determined unless and until the points we have raised are satisfactorily dealt with.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	26 October 2021	9 November 2021

Summary of comments:

We OBJECT to this proposal for the following reasons:

We previously responded to this application on 6 September 2021 and advised that Yoxford Public Footpath 21 had to be accurately plotted on all plans. We are not satisfied that this has been done.

Drawing No. 210498-01, Drawing No. 210498-02, and plan LDA-227-02B all indicate a realignment of Yoxford Public Footpath 21 depicted in green shade. Any change in the definitive alignment of the public right of way can only be achieved with an official diversion, even if the intended diversion is minor. There has been no request to divert this public right of way.

Drawing No. 210498-01 labels a 'Low lying fence (1.0m in height, or lower) provided to segregate the access drive and footpath, whilst not impacting on vehicle wing mirror overhang'. We have concern over what this means – if it means a car's mirror could overhang the fence onto the footpath then that is unacceptable.

Drawing No. 210498-01 depicts the public right of way as 1.5 m wide with a fence immediately adjacent. As per our previous response any fencing must be a minimum of 0.5m from the edge of the public right of way. In addition, any planting must be a minimum of 1m from the edge of the public right of way. This effectively creates a footpath within a minimum 3m wide corridor. We are not satisfied there is space within the access drive to provide such widths.

At no point is the footpath to be blocked or obstructed even on a temporary basis whilst any works occur. If a closure is required a formal application for closure will need to be sent to pro.w.east@suffolk.gov.uk which can take a few weeks to process.

SCC PRow also reincluded their general advice and developers responsibilities in respect of works which affect a public right of way within their revised response.

Consultee	Date consulted	Date reply received
SCC Highways Department	26 October 2021	26 November 2021

Summary of comments:

Notice is hereby given that the County Council as Highway Authority make the following comments:

These comments are made as a follow on to my previous comments and amended plans submitted on the 24 November 2021.

- The issue of the close boarded fence to one side of the carriageway is still an issue and will mean that this road will not be considered for adoption by Suffolk County Council as the highway authority for the reasons as set out in my previous response dated 30th September 2021. Any signage on this road coming forward should clearly state that it is a non-adopted road.
- I welcome the footway leading from the development to link into Cullcott Close, however it is still not demonstrated as to how this links into wider footway links. For example the 1.5m footway reduces to 1.2m then joins onto a 1m service strip that forms part of the existing adopted highway. It would be beneficial if this link carried on at a width of 1.5m and link into Main Road.
- The amended access design whilst widened, a tracked path plot of vehicles entering the access and demonstrating that they can pass has not yet been provided to demonstrate that vehicles for example LGV's grocery deliveries vans etc can pass at the proposed access junction?
- The access and footway layout is also a straight crossover on one plan, and does not have any tangents to allow vehicles to enter and not mount the kerb, again a tracked path plan will be required to demonstrate if this can be achieved.
- The access plans submitted do not show red line boundaries and have different dimensions indicated for carriageway widths?
- If this remains a non-adopted road, how will refuse trucks collect refuse and where will bins be presented that will not block and highway, rights of way, private drives or visibility?

Consultee	Date consulted	Date reply received
SCC Rights Of Way	N/A	01 December 2021

Summary of comments:

As highlighted in previous responses the proposed site contains Yoxford Public Footpath 21. Our previous objection to this consultation related to a failure to depict the definitive alignment of Yoxford Public Footpath 21. This has now been addressed in the amended plans and we remove our objection.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	10 December 2021	20 December 2021

Summary of comments:

The Applicant is aware that the proposed site contains a public right of way (PROW): Yoxford Public Footpath 21, and we would make the following comments on this latest consultation:

- The green section labelled 'Segregated footpath' should be a bound surface. . Maintenance of the hedge should be Conditioned.
- A 2-way public right of way finger post must be erected where Yoxford Public Footpath 21 meets the access footway.
- Detailed plans must be presented to show how the eastern end of the access affects Yoxford Public Footpath 21.

Further advice was provided in respect of the applicants responsibilities for development within the vicinity of a PROW.

Consultee	Date consulted	Date reply received
SCC Highways Department	10 December 2021	24 January 2022

Summary of comments:

With the latest plans (210498-01D, Sheets 1-3 received 16 December 2021), previous comments relating to the adoptable highway have been addressed enough to provide a response in terms of planning. Notice is hereby given that the County Council as Highway Authority recommends that any permission includes the condition outlined in the response received 24 January 2022.

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Adjacent to Conservation Area	2 September 2021	23 September 2021	East Anglian Daily Times

Category	Published	Expiry	Publication
Conservation Area	26 August 2021	17 September 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Adjacent to Conservation Area Date posted: 27 August 2021 Expiry date: 20 September 2021
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General Site Notice	Reason for site notice: Conservation Area Date posted: 20 August 2021 Expiry date: 13 September 2021
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7. Planning policy

National Planning Policy Framework 2021

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.3 - Housing Development in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.6 - Non-Designated Heritage Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.8 - Parks and Gardens of Historic or Landscape Interest (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

8. Planning considerations

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Suffolk Coastal Local Plan (covering the former Suffolk Coastal Area) was adopted on 23 September 2020.
- 8.2. Paragraph 47 of the NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”
- 8.3. Paragraph 10 of the NPPF reinforces that the heart of the Framework is based on a presumption in favour of sustainable development, with Paragraph 11 further confirming that permission should be granted unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.4. East Suffolk Council’s Statement of Housing Land Supply (covering 01 April 2021 to the 31 March 2026) concludes that a five-year supply of housing land can be demonstrated as follows:
- The statement confirms that the Suffolk Coastal Local Plan area of East Suffolk has a housing land supply of 6.52 years.
 - The statement confirms that the Waveney Local Plan area of East Suffolk has a housing land supply of 5.74 years.
- 8.5. A copy of the Statement of Housing Land Supply can be viewed online at <https://www.eastsuffolk.gov.uk/planning/planning-policy-and-local-plans/open-data/housing-land-supply/>.
- 8.6. In this instance there are no material considerations as to why the policies within the recently adopted Local Plan should not be considered when determining the application, or why the application should be found acceptable as a departure from those policies.

Principle of Development:

- 8.7. The East Suffolk (Suffolk Coastal) Local Plan was adopted toward the end of 2020 and represents (along with any neighbourhood plans) the Development Plan for the District.
- 8.8. The spatial strategy of the Local Plan is to generally direct housing growth to defined settlements identified by SCLP3.3 Settlement Boundaries and the accompanying policies maps.

- 8.9. The application site was put forward for consideration as part of the Local Plan 'call for sites' where it was identified that the site was potentially suitable for development (noted as being for 15 dwellings, where the proposal is for five dwellings), but discounted because of issues related to access. It is common practice for a large number of sites to be presented for consideration within Ultimately, the site was not incorporated into the Yoxford settlement boundary, and it is not allocated for housing development within the Local Plan.
- 8.10. For planning purposes, it is therefore a countryside location, and it turns to other policies within the Local Plan which allow for limited housing growth in such locations, subject to certain criteria and controls.
- 8.11. Local Plan Policy SCLP12.34 outlines the strategy for the rural areas of the district. SCLP12.34(c) is most applicable to the proposal, as this criterion seeks to deliver “The provision of new housing which contributes to providing a mix of housing choice in rural areas and helps to sustain rural communities, including through allocations in or well related to Large Villages and Small Villages.” This policy was considered under recent appeals APP/X3540/W/20/3245440 and APP/X3540/W/20/3256782 to be an “overarching policy” which sets out the policy for the rural areas, rather than one which underpins the principle of development. As such SCLP12.34 is not intended to be considered in isolation from the other plan policies. The proposal would therefore need to accord with the exceptions for where new development in the countryside is considered acceptable.
- 8.12. The key policy is Policy SCLP5.3: Housing Development in the Countryside, which sets out that outside of the defined Settlement Boundaries, new residential development will be limited to:
- a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);
 - b) Limited development within existing clusters (in accordance with Policy SCLP5.4);
 - c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;
 - d) Subdivision of an existing larger dwelling;
 - e) Conversion of an existing building (in accordance with Policy SCLP5.5);
 - f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);
 - g) Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.
- 8.13. Having assessed the proposed development against policies SCLP5.4, SCLP5.5, SCLP5.6, and SCLP5.11, these policies do not lend support to the principle of development. The proposal is open market dwellings on a site within the countryside, that does not form a gap within a cluster of existing development. Whilst SCLP5.4 does allow for new development within clusters in the countryside, the site would fail to meet the definition of a 'cluster' which must consist of a continuous line or close group of ten (as five dwellings are sought) existing dwellings adjacent to an existing highway. Appeal decision APP/X3540/W/20/3251575 was dismissed as the proposed development was not considered to consist of infilling within a continuous built-up frontage. Other recent appeals APP/X3540/W/20/3252036 and APP/X3540/W/20/3249337 have also established that dwellings within the settlement boundary do not form part of the cluster. As such, all dwellings to the west of the site which are within the settlement boundary

do not form part of the cluster. Furthermore, SCLP5.4 requires developments of more than three dwellings to demonstrate that meaningful and effective community engagement has taken place in the development of the scheme and that the mix of dwellings proposed would meet locally identified needs. No evidence has been provided which confirms that this has been done.

8.14. Accordingly, the starting point is that this proposal is contrary to the Local Plan Policies, as such the principle of development is not considered acceptable.

Highways Safety and Public Rights of Way:

8.15. Suffolk County Council (SCC) as Local Highways Authority (LHA) initially recommended that permission be refused for the following reasons:

- Obscured visibility at junction with Cullcott Close
- Access widths not meeting standards and NPPF.
- Lack of pedestrian connectivity to accord with the NPPF and PRow comments.

8.16. The full concerns raised by the highways authority can be viewed in their responses above.

8.17. However, following the submission of revised plans, as of their response dated 24 January 2022, Suffolk County Council as Highway Authority have confirmed that following the submission of the latest plans, previous comments relating to the adoptable highway have been addressed enough to provide a response in terms of planning. The highways authority has therefore recommended a number of conditions with any grant of permission, including:

- Access to accord with drawing 210498-01 Rev D
- Refuse/Recycling details
- Construction management plan
- Surface water drainage details
- Details of estate roads and footpaths
- Parking provision
- Secure cycle storage details
- Offsite highways improvements
- Delivery of visibility splays and removal of permitted development rights within them

8.18. As noted above, the proposed site does contain a public right of way (PRow): Yoxford Public Footpath 21. Whilst it is appreciated that the proposal is in outline form, where the overall layout of the site is not formally being considered, the response from SCC PRow team requests that the PRow is included on all plans to illustrate how the footpath would be accommodated within the proposed development site. The PRow response noted that footpath 21 must be clearly segregated from the vehicular access to ensure safe passage for users of the footpath and avoid any conflict with vehicles.

8.19. The PRow team initially raised concerns and subsequently objected to the proposed development, as Public Footpath 21 was not accurately plotted on all plans, further noting that:

- Drawing No. 210498-01, Drawing No. 210498-02, and plan LDA-227-02B all indicate a realignment of Yoxford Public Footpath 21 depicted in green shade. Any change in the definitive alignment of the public right of way can only be achieved with an official diversion, even if the intended diversion is minor. There has been no request to divert this public right of way.
- Drawing No. 210498-01 labels a 'Low lying fence (1.0m in height, or lower) provided to segregate the access drive and footpath, whilst not impacting on vehicle wing mirror overhang'. We have concern over what this means – if it means a car's mirror could overhang the fence onto the footpath then that is unacceptable.
- Drawing No. 210498-01 depicts the public right of way as 1.5 m wide with a fence immediately adjacent. As per our previous response any fencing must be a minimum of 0.5m from the edge of the public right of way. In addition, any planting must be a minimum of 1m from the edge of the public right of way. This effectively creates a footpath within a minimum 3m wide corridor. We are not satisfied there is space within the access drive to provide such widths.

8.20. Additional information provided by the applicant on 16 December 2021 illustrates a segregated 1.5m wide pedestrian access adjacent to the 4.5m wide vehicular access (in addition to a 0.5m maintenance strip along the southern edge of the access drive).

8.21. This information was considered sufficient to overcome the PRoW objection, subject to conditions for the maintenance of the hedge adjacent to the footpath; the 'segregated footpath' should be finished in a bound surface; correct signage to mark the right of way and detailed plans as part of any reserved matters to show how the eastern end of the access affects Yoxford Public Footpath 21.

8.22. These conditions are in addition to those suggested by the highway's authority. With both sets of conditions applied, Suffolk County Council as Local Highways Authority and Public Rights of Way team are satisfied that the access and footway arrangements are acceptable.

Landscape, Historic Parkland, and Conservation Area Impact:

8.23. Within the Local Plan there are 17 historic parklands, three of which are located in Yoxford; Cockfield Hall Park, Grove Park and Rookery Park, which is adjacent to the application site. These all have the status of non-designated heritage assets. East Suffolk Council will encourage the preservation and enhancement of these parks and gardens of historic interest and their surroundings.

8.24. Proposals affecting or within the designated and non-designated parks and gardens will be required to be accompanied by landscape design and management proposals, to ensure a high level of design, mitigation and enhancement is achieved.

8.25. The Council's Landscape Manager has reviewed the proposal and has raised a holding objection due to insufficient/inaccurate information in respect of the existing trees within the site.

8.26. From the topographical survey plan there appears to be existing trees on site, and aerial photos confirm this. Existing trees in excess of those shown on the topographical plan are

shown on the indicative site layout plan so in this respect there is no clarity as to exactly what trees are on site, which are included for retention and what condition they are in. Without any form of tree survey or arboricultural impact assessment which is to a BS5837:2012 Trees in Relation to Design, Demolition and Construction standard, it is considered that the potential impacts of the development cannot be fully assessed.

- 8.27. It is noted that the application is in outline, where details of landscaping are subject to reserved matters. However as noted above, due to detailed access arrangements, any subsequent layout is likely to be limited to that illustrated on the indicative layout plans.
- 8.28. The site presently forms a largely undeveloped area which provides a buffer between the development in Cullcott Close/A12 and the historic parkland.
- 8.29. The application is accompanied by a Heritage Impact Assessment (HIA) which is considered to accord with the requirements of paragraph 194 of the NPPF. The application site does have some historical connection to the locally listed parkland at Rookery Park, but this would remain evident from the researched record, even if was developed in the manner suggested. Further, the addition of built form in an area of extant built form within the village, will not essentially alter the character of the surroundings to this part of the Yoxford Conservation Area. This conclusion would be different if the development represented an isolated pocket of built form in the Conservation Area's setting which had always previously been undeveloped, and which was surrounded by undeveloped land. The Council's Design and Conservation Team have not raised any concerns regarding adverse heritage impacts arising from this proposal.

Ecology & RAMS:

- 8.30. The application is accompanied by an Ecology Report, undertaken by Wild Frontier Ecology (dated August 2021). The report concludes that the development poses low risks of impacting most protected and valued species due to the unsuitability of the existing habitats and expected avoidance of the site by such species. For the small number of protected and valued species which could feasibly occur on or close to the site, the risks of negative impacts can all be satisfactorily addressed by adopting the advised mitigation measures within the report. Specifically, this includes an EPS licence or DLL for GCN which are confirmed present in a nearby pond. The mitigation and enhancement measures outlined with the report would be controlled by condition.
- 8.31. The development site is within the recreational disturbance Zone of Influence for Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Habitats Regulations Assessment of the Local Plan has identified that new residential growth in East Suffolk will result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of Habitats Sites in East Suffolk.
- 8.32. The Suffolk Coast RAMS provides strategic mitigation measures to address this impact. To fund this mitigation financial contributions are collected from new developments. In order to conclude that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites the relevant financial contribution to the strategy is required to be secured prior to determination. The required contribution has been secured. The proposal is therefore considered to accord with SCLP10.1.

Residential Amenity:

- 8.33. Noting that the scheme is in outline form, where details of appearance, scale and layout are subject to consideration at a reserved matters stage, there are concerns about the impact of the proposed development on the properties which back on to the development site, due to the changes in levels. The site levels are higher than those on Cullcott Close which means that any development of the site would need to carefully consider orientation, location, height, and massing of any dwellings; in addition to any boundary treatments.
- 8.34. From the site looking back towards Cullcott Close the land levels are on par with those of the first-floor of the adjacent dwellings. The levels continue to rise towards the historic parkland.
- 8.35. The proposed properties are indicated to be single-storey but would essentially have a similar height to the existing dwellings in Cullcott Close, resulting in loss of privacy or overlooking. The change in levels will also give a sense of dominance to the proposed dwellings, which would be unneighbourly and, depending on final layout and scale, could impact access to daylight/sunlight, particularly if new boundary treatment was proposed adjacent to these properties.
- 8.36. There would also be an increase in noise from the development post construction, although this is likely to be no more than expected for a residential development. There are also concerns regarding the intensification of the proposed access adjacent to 1 Cullcott Close, which will run behind the existing cul-de-sac, noise from car movements may also impact amenity of existing residents.
- 8.37. When considering the impact of development on residential amenity, in accordance with SCLP11.2, the Council will have regard to the following:
- a) Privacy/overlooking;
 - b) Outlook;
 - c) Access to daylight and sunlight;
 - d) Noise and disturbance;
 - e) The resulting physical relationship with other properties;
 - f) Light spillage;
 - g) Air quality and other forms of pollution; and
 - h) Safety and security.
- 8.38. Development will provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity. In this instance, it is considered that the proposed development would result in harm to neighbouring amenity, contrary to SCLP11.2.

9. Conclusion

- 9.1. This application seeks outline planning permission, with only access to be considered for the erection of up to five dwellings on land to the rear of 1 Cullcott Close, Yoxford, IP17 3GZ.

- 9.2. Whilst there would be some limited benefits in permitting the development, such as the creation of jobs through construction, potential boost to local businesses and economy and boosting the local housing supply, these benefits, collectively, are limited in weight and not sufficient to overcome the conflict with the policies in the Development Plan.
- 9.3. The site is located outside of the Settlement Boundary for Yoxford and is therefore in the countryside for planning purposes, where new housing development will only be permitted where it is supported by policies within the Local Plan or where it is considered necessary in the countryside. Having assessed the application against the adopted plan policies the principle of development is considered to be contrary to SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4. The principle of development has not been found acceptable in this instance; therefore, it is considered that the potential harm of the development to the rural setting outweighs any limited benefit that the development would provide.
- 9.4. The application site is comprised of an area of approximately 0.95ha which is currently paddock land (including stables, an all weather riding arena, workshop and ancillary outbuildings) associated with no. 1 Cullcott Close. The site includes a number of trees, noted on the topographical survey plan (LDA-227-01B). Existing trees in excess of those shown on the topographical plan are shown on the indicative site layout plan so in this respect there is no clarity as to exactly what trees are on site, which are included for retention and what condition they are in. Without any form of tree survey or arboricultural impact assessment which is to a BS5837:2012 Trees in Relation to Design, Demolition and Construction standard, it is considered that the potential impacts of the development cannot be fully assessed. Given that the layout is likely to be relatively fixed, due to the proposed detailed access arrangements. The indicative layout outlines that up to five dwellings would be erected in the form of tandem backland development which is out of character with the area. The development would inevitably result in an inward-looking development which has poor connectivity with the existing development form, contrary to SCLP11.1.
- 9.5. Furthermore, the application would be detrimental to the amenity of existing and future residents. Due to the changes in levels between the application site and Culcott Close/A12 the new dwellings, although indicated to be single-storey, would be overbearing and dominating to the adjoining development. This would also result in the loss of privacy, outlook and potentially loss of light to the existing dwellings adjacent to the eastern boundary of the site. There would also be an increase in noise from the development post construction, whilst this will predominately be noise expected from a residential development, due to the location of the access, adjacent to 1 Cullcott Close, which will run behind the existing cul-de-sac, noise from car movements may also impact amenity of existing residents. It is therefore considered that the development would be detrimental to the amenity of existing and future residents. The scheme is therefore contrary to the NPPF, and Local Plan Policy SCLP11.2 which seek to resist backland development proposals which would detrimentally affect residential amenity.

10. Recommendation

10.1. Refuse planning permission.

10.2. The reasons for the decision to refuse permission are:

1. This application seeks outline planning permission, with only access to be considered for the erection of up to five dwellings on land to the rear of 1 Cullcott Close, Yoxford, IP17 3GZ. The site is located outside of the Settlement Boundary for Yoxford and is therefore considered to be in the countryside for planning purposes, where new housing development will only be permitted where it is supported by policies within the Local Plan or where it is considered necessary in the countryside. Having assessed the application against the adopted plan policies the principle of development is considered to be contrary to SCLP3.2, SCLP3.3, SCLP5.3 and SCLP5.4. The principle of development has not been found acceptable in this instance due to the clear conflict with the Local Plan. This policy conflict, in addition to those detailed matters of concern set out in refusal reasons two and three, far outweighs any limited benefits that the development would provide.
2. The application site is comprised of an area of approximately 0.95ha which is currently paddock land (including stables, an all weather riding arena, workshop and ancillary outbuildings) associated with no. 1 Cullcott Close. The site includes a number of trees, noted on the topographical survey plan (LDA-227-01B). Existing trees in excess of those shown on the topographical plan are shown on the indicative site layout plan so in this respect there is no clarity as to exactly what trees are on site, which are included for retention, and what condition they are in. Without any form of tree survey or arboricultural impact assessment which is to a BS5837:2012 Trees in Relation to Design, Demolition and Construction standard, it is considered that the potential tree impacts of the development cannot be fully assessed. Although indicative, the layout is likely to be relatively fixed, due to the fundamental layout principles established by the detailed proposed access arrangements. The indicative layout outlines that up to five dwellings would be erected in a backland form of development that is out of character with the area. The development would inevitably result in an inward-looking development which has poor connectivity with the existing development form, contrary to SCLP11.1.
3. The proposed development would be detrimental to the amenity of existing and future residents. Due to the changes in levels between the application site and Culcott Close/A12 the new dwellings, although indicated to be single-storey, would be overbearing and dominating to the adjoining development. This would also result in the loss of privacy, outlook and potentially loss of light to the existing dwellings adjacent to the western boundary of the site. There would also be an increase in noise from the development post construction, whilst this will predominately be noise expected from a residential development, due to the location of the access, adjacent to 1 Cullcott Close, which will run behind the existing cul-de-sac, noise from car movements may also impact amenity of existing residents. It is therefore considered that the development would be detrimental to the amenity of existing and future residents. The scheme is therefore contrary to the NPPF, and Local Plan Policy SCLP11.2 which seek to resist backland development proposals which would detrimentally affect residential amenity.

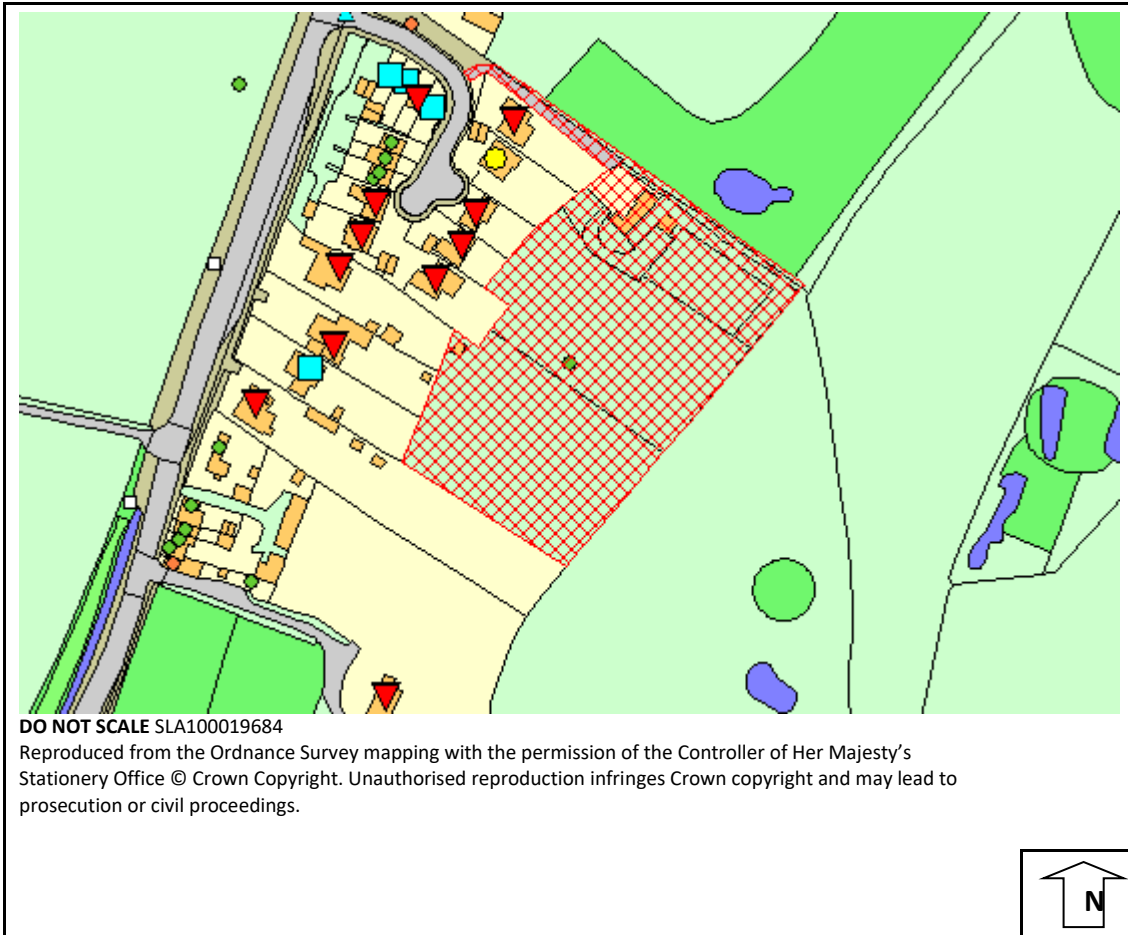
Informatives:

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.

Background Papers

See application reference DC/21/3894/OUT on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support