

IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT
1990, THE PLANNING AND COMPENSATION ACT 1991 AND THE
PLANNING AND COMPULSORY PURCHASE ACT 2004

IN THE MATTER OF THE REVIEW OF THE BABERGH LOCAL
PLAN (ALTERATION NUMBER 2): PROPOSED POST INQUIRY
MODIFICATIONS

OBJECTIONS AND REPRESENTATIONS SUBMITTED ON
BEHALF OF GREAT CORNARD PARISH COUNCIL OF THE
STEVENSON CENTRE, STEVENSON APPROACH, GREAT
CORNARD, SUFFOLK CO10 0WD

RELATING TO LAND TO THE EAST OF CARSONS DRIVE,
GREAT CORNARD AND THE PROPOSALS SUBMITTED ON
BEHALF OF PERSIMMON HOMES (ANGLIA) LTD
REFERENCED UNDER ORIGINAL REPRESENTATION
NUMBERS 1522; 1523 AND 1590

SUBMISSIONS TO BABERGH DISTRICT COUNCIL OF THE
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COUNTY OF SUFFOLK

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1. Professional Background Of Author

My name is Michael Andrew Jones, solicitor and planning consultant. I have over 25 years experience in the field of town and country planning. During that period of time I have practiced as a specialist-planning solicitor undertaking a wide range of work relating to the preparation of and submission of planning applications and also attending to any resulting appeals. I have advised and worked on a large number of planning appeals including large and complex cases that have resulted in major inquiries. For example I was recently involved in the planning inquiry into the Bathside Bay container port inquiry. I am a member of the Law Society's Planning Panel and am also a Member of the Royal Town Planning Institute. I hold the degree of Master of Science in Environmental Management and the degree of Master of Law in Environmental Law. I also hold a number of other relevant post-graduate qualifications at Masters Degree level. I also hold the degree of Master of Arts in Town and Country Planning from the University of the West of England Bristol.

I have been involved in negotiating a number of complex planning schemes and I have assisted in helping clients promote complex town centre redevelopment schemes. I have worked on substantial compulsory purchase projects and I have advised on the implementation of compulsory acquisition schemes. I have also advised on all aspects of environmental issues including land contamination, water pollution, waste management and environmental assessments.

I have also advised clients on the pursuit of applications to the High Court in relation to challenges under Section 288 and 289 of the Town and Country Planning Act 1990 and also in relation to applications for judicial review in the High Court for the purpose of quashing planning decisions. Prior to entering private practice in 1997 I devoted the first 18 years of my career in the public sector acting as a legal advisor to various local authorities. Prior to leaving the local government service I held First Tier Chief Officer posts and my duties included the management of the planning function of a local authority.

I have also advised on various aspects of forward planning and I have attended and submitted detailed representations at Local Inquiries into the review of statutory development plans.

I have provided planning advice to clients from the private sector who have been involved in seeking to gain planning permission from local planning authorities. This has involved providing advice on the tactics to be involved including the preliminary submission of applications for Lawful Development Certificates to preserve the current position so far as Lawful Use Rights are concerned and then to prepare and submit planning applications including advice on the form and type of planning application together with the supplementary information to be included including supporting statements of case and a number of drawings and types of drawings together with attendance at meetings with senior planning officers to Negotiate the terms and conditions of a suitable planning permission together also with providing advice on any relevant amendments together with negotiations with the Environment Agency in respect of overlapping areas of jurisdiction on environmental impact assessments together with advice on other

documentation including wildlife habitat surveys including advice on other professional expertise required relating to the preparation and submission of the planning application together also with negotiations with the local highway authority and where appropriate with English Heritage and English Nature and liaison with other public bodies where required together with attending meetings of planning committees and submitting verbal representations to the committees in support of the planning proposals therein. The work has also involved providing advice on the other side of the fence for local planning authorities in their capacity as clients of the practice.

This has included providing advice on the requirements for planning obligations and attending to the negotiation and settling of the terms of planning obligations to be required from prospective developers. This particular work has also been undertaken when acting for private clients negotiating with local planning authorities in that I have prepared and submitted detailed planning obligations many of them being unilateral planning obligations in support of a planning application where considered appropriate. Examples of cases include sites where I have negotiated applications for the approval of residential development schemes for developments of thirty five homes including the incorporation of requirements for an element of affordable housing in accordance with Circular 6/98 and in accordance with planning policy guidance note 3 on housing together with the negotiation of the appropriate planning obligation relating to contribution to educational provision arising from proposed residential redevelopment schemes. I have also been involved in other cases involving large scale residential development schemes where similar factors were considered. The type and nature of applications

negotiated also included cases of applications for large scale commercial development schemes. Such proposals included applications for large waste transfer stations and recycling facilities. The planning applications have also included other forms of proposed development including recreational and leisure facilities. During the course of the process detailed knowledge and experience has been further enhanced relating to National Planning Guidance and also relating to the statutory development plans.

A large number of planning appeals have been pursued including the usual planning appeals under Section 78 and also appeals relating to applications for Lawful Development Certificates, appeals against non-determination of planning applications and appeals against Enforcement Notices. A large number of appeals have in particular been pursued against various Enforcement Notices of various types. Some planning appeals have included major cases. For example I attended and acted as advocate at a major planning appeal relating to the proposed new container port at Bathside Bay near Harwich Essex. That particular planning hearing related to a case which was to be determined by Central Government. I dealt with planning appeals by written representations and I have also dealt with planning appeals at a large number of informal hearings. I have also attended Public Local Inquiries into planning appeals. Examples of the types of planning appeals dealt with on a routine basis include the following:-

Appeals against refusals of applications for residential development.

Appeals against refusals of commercial development.

Appeals against Enforcement Notices requiring the removal of caravans and mobile homes from land.

Appeals against refusal of applications for Lawful Development Certificate for large car sales and car breaking yards in greenbelt sites.

With reference to forward planning I have carried out work relating to the preparation for and attendance at local plan inquiries. The works included carrying out initial research after taking instructions from client and preparing a detailed statement of case and submitting the same and then attending the formal part of the hearing relating to the review in public before a planning inspector of the emerging local plan. The representations have related to for example the review of the statutory development plan for St Edmundsbury. I have also attended and made representations on behalf of client including parish Councils relating to the review of the Babergh District local plan. I have also undertaken similar work relating to other local plans. The work has been extremely complex involving the consideration of infrastructure requirements and demands for various services including a review of highway infrastructure and associated matters.

I have dealt with a large number of disputes over alleged breaches of planning control including dealing with matters such as application for planning injunctions in the County Court both on behalf of local planning authorities and against local planning authorities. I have also dealt with cases involving the conduct of enforcement appeals both on behalf of local authorities and against local authorities. For examples of Enforcement Notice Appeals I have conducted on behalf of local planning authorities include work on behalf of a large London borough Council which involved dealing with the case from start to finish including dealing with the Public Local Inquiry into the appeal as advocate on behalf of the local planning authority. I have also dealt

with resulting challenges by way of applications to the High Court against decisions of the Inspectorate on such Enforcement Notice appeals. I have also dealt with Breach of Condition Notices and on behalf of clients I have represented them in the Magistrates Court in defending prosecutions brought by Local Planning Authorities. I have dealt with a very large number of enforcement cases over a considerable period of time. I have also prepared and issued Enforcement Notices on behalf of local planning authorities.

In the case of actions in the High Court I have dealt with applications by way of challenge under the planning acts relating to decisions of the Planning Inspectorate including a number of challenges which have been settled under the terms of Orders to which the Treasury Solicitor has consented for the purpose of arranging for fresh public local inquiry to be held after defects were found in a previous inspectors decision letter. I have also dealt with applications for Judicial Review on planning matters including all of the preparatory work and organising the submission and marshalling of documentation together with the filing of all papers in the High Court together with all legal research on the case law concerning a high profile case relating to the challenge of a decision by Harlow District Council relating to the purported grant of planning permission for a large scale extension to the town centre of Harlow by a large developer. The decision of the Councils planning permission was quashed by Mr Justice Richards in the High Court.

I have dealt with compulsory purchase orders and the associated paperwork on behalf of local planning authorities including for example dealing with compulsory purchase order work for a local

authority Hampshire relating to a substantial site and dealt with the general vesting declaration and the associated legal work. I also dealt with the attendance at the Public Inquiry into the objections to the original compulsory purchase order. I also dealt with the claims for compensation arising there under and the negotiation before the same reached the Lands Tribunal. I also dealt with the provisional advice on compulsory purchase orders on behalf of private sector clients who were concerned about compulsory purchase schemes promoted by local planning authorities.

It should be noted that one particular aspect of my work includes spending a considerable amount of time working on applications for Certificates of Lawful Use and Development. I have prepared and submitted a wide range of applications for Certificates of Lawful Use and Development over a number of years and I am therefore very familiar with the law and practise governing Section 191 of the Town and Country Planning Act 1990. I have dealt with applications relating to commercial uses and also applications for residential uses. On a number of occasions I have been obliged to pursue the matters by way of an appeal resulting in a Public Local Inquiry. I am familiar with the standard of proof applied in cases of this nature.

2. Introduction

1. This statement of case focuses upon the land which is known as land to the east of Carsons Drive. It should be noted that in the original draft Local Plan there was no proposal for the incorporation of the land to the east of Carsons Drive into the area to be allocated for

residential development. It was envisaged that the land to the east of Carsons Drive would remain outside the settlement boundary for Great Cornard.

2. It was noted that a substantial area of land had already been proposed for residential allocation within the review to the Local Plan under site reference HS09J shown on the draft proposals map. The area of land so proposed for allocation was known as land at Shawlands Avenue, Great Cornard. Given the other areas of land also allocated for residential development in the draft proposals map which included sites referenced under HS09K and HS09A (or B) it was considered that adequate proposals had been put forward for reasonable additional residential development at Great Cornard.
3. It was noted that the site at Shawlands Avenue, Great Cornard appeared to be a natural extension to the existing settlement boundary of Great Cornard and it was noted that the allocation of that area of land would not have any significant impact upon the local landscape or indeed upon any part of the special landscape area.
4. It was noted that Planning Consultants known as a Boyer Planning prepared and submitted detailed representations at the Babergh Local Plan Inquiry under representation numbers 1522, 1523 and 1590. The representations were organised on behalf of their client, Persimmon

Homes (Anglia) Ltd in relation to the land to the east of Carsons Drive as follows:-

- a. Omission site (representation number 1522).
- b. Objection to extension of special landscape area to include the site (representation number 1590)
- c. Objections to allocation of land at Shawlands Avenue, Great Cornard (representation number 1523).

5. The representations put forward on behalf of Persimmon Homes (Anglia) Ltd focussed on the concerns expressed by the Company over the fact that the draft Local Plan omitted the land to the east of Carsons Drive from the area to be allocated for residential development. Our client Great Cornard Parish Council, felt that the representations put forward on behalf of Persimmon Homes (Anglia) Ltd were unlikely to be successful and considered that the Inspector conducting the Local Plan Inquiry would maintain the original allocation at Shawlands Avenue. However, our clients were subsequently astonished to learn that the Inspector had been persuaded to reconsider the proposals in the draft Local Plan relating to the said omission site at Carsons Drive. In his report the Inspector in essence decided to accept the fundamental points put forward in the written representation submitted on behalf of Persimmon Homes

(Anglia) Ltd which resulted in the proposal for the modification of the proposals map whereby the land previously allocated at Shawlands Avenue for residential development was to be removed from that allocation under reference HS09J on the proposals map and to be replaced by the allocation of the site known as land to the east of Carsons Drive, being the omission site. This particular decision was not only unforeseen and clearly not anticipated but also caused shockwaves within the local community. Our client, Great Cornard Parish Council, viewed the approach adopted by the Inspector with concern and disbelief in equal measure. It was considered almost inconceivable that the Inspector would form such a view given the fact that the omission site was clearly located within a sensitive part of the landscape which was subject to the proposal for the extension of the special landscape area to include the omission site.

6. Under the terms of the representations put forward by the developer, Persimmon Homes (Anglia) Ltd, it was anticipated that of the total site of 16 hectares an area of 4.4 hectares would be developed to provide housing to achieve up to 174 dwellings at a density of approximately 35 to 40 dwellings per hectare. Under the terms of the proposals the balance of the site was to be allocated for provision of public open space and woodland planting in order to provide a new definable

boundary to the edge of the settlement. Clearly, the proposal for the allocation of the land to the east of Carsons Drive for residential development constitutes a fundamental departure from the original proposals set out in the draft emerging Local Plan. It is also significant that the proposals include the allocation of a substantial area of public open space coupled with woodland planting. These proposals appear to be an admission that the proposed allocation of the omission site for residential development will have significant landscape impacts which must be addressed by the implementation of a scheme of mitigation works designed to address the problem. Furthermore, it was surprising that the omission site should be allocated for residential development despite the clear and cogent arguments in favour of retention of the site with an area outside the settlement boundary for Great Cornard and also the argument in favour of the incorporation of the said omission site into the special landscape area.

3. Main Issues

1. We act on behalf of Great Cornard Parish Council of The Stevenson Centre, Stevenson Approach, Great Cornard, Suffolk CO10 0WD.
2. Our clients, Great Cornard Parish Council, formally object to the modification of the draft proposals map on the emerging review of the

Babergh District Local Plan (Alteration Number 2) on a number of grounds including the following:-

- I. That the proposed residential allocation of the land for residential development will inevitably have a severe and significant adverse impact upon the landscape.
- II. The proposed allocation for residential development will have an adverse impact upon highway interests in that it will generate substantial additional traffic movements which will require highway improvements to be carried out along an existing attractive country lane leading to Newton resulting in significant engineering works and the consequential damage to hedgerows and trees.
- III. The proposed allocation site for residential development will also have an adverse impact upon the setting of the listing building known as Abbas Hall which is a Grade I listed building.
- IV. The proposed allocation site for residential development will have an adverse impact upon visual amenities in the area and particularly when viewed from Abbas Hall and from the existing residential development on the edge of Great Cornard.
- V. The proposed allocation site for residential development is not consistent with the principles of sustainable development and

would contravene the sustainability appraisal which should properly be followed.

- VI. The proposed allocation site for residential development would contravene Policy ENV8 of the Suffolk County Structure Plan.
- VII. The proposed allocation site for residential development would also contravene Policies CS1 and ENV4 of the Statutory Development Plan.
- VIII. The proposed allocation site for residential development would also contravene Policy ENV16 of the Suffolk County Structure Plan 2001.
- IX. There is no overriding need to allocate the site on land to the east of Carsons Drive for residential development because it has not been demonstrated that there is adequate housing need to override all other planning considerations.
- X. The previously proposed site allocated under the draft emerging review of the Local Plan at Shawlands Avenue is sufficient to address the required housing need at Great Cornard after taking into account all of the existing commitments for residential development at Great Cornard.
- XI. The proposed development of the site for residential purposes would have an adverse impact upon the local biodiversity.

- XII. The proposed development of the site for residential development would also have an adverse impact upon ecological considerations.
- XIII. The proposed allocation site for residential purposes is not consistent with the normal sequential approach to the allocation of land for residential development under the terms of Planning Policy Guidance Note number 3.
- XIV. The proposed allocation of the site for residential development will undermine the clear effective natural boundary which currently encompasses Great Cornard along the land having a contiguous boundary with the said omission site. Accordingly release of the site would undermine one of the principle local landscape features which incorporates a line of mature trees which are protected under terms of Tree Preservation Order Number T132.
- XV. The proposed residential allocation of the site would also constitute an inefficient use of land in contravention of the guidelines set out in Planning Policy Guidance Note No 3 given the substantial size of the allocation to be put forward for the provision of public open space and woodland and other forms of screening development.

- XVI. The proposed allocation site for residential development would create a wholly unjustified and exceptional precedent which would be cited in other cases for the release of further greenfield sites for development within or adjacent to the designated special landscape area. This would erode the ability of the Local Planning Authority to prevent greenfield sites from being allocated for development where such sites are located adjacent to the existing settlement boundary of Great Cornard.
- XVII. The proposed allocation of the omission site for residential development would constitute a significant enlargement of the existing settlement known as Great Cornard and in terms of area is far too large to be absorbed having regard to the current size of the settlement.
- XVIII. The proposed allocation of the omission site for residential development would not form part of a natural extension to the existing settlement known as Great Cornard. The proposed allocation of the site for residential development does not incorporate existing natural boundaries and would appear to be an artificial extension to the settlement constituting a significant wedge of residential development protruding into the open countryside unrelated to the existing settlement known as Great Cornard.

- XIX. The proposed allocation of the omission site for residential development would also have an adverse impact upon the public footpaths crossing the omission site and would have a detrimental impact upon the users of such footpaths and their visual amenities.
- XX. Inadequate consideration has been given to potential alternative sites for residential development and there is no rational grounds for first considering the release of the omission site in preference to other potential omission sites.
2. It will be noted from the preceding paragraph that there are a substantial number of planning reasons why the site should not be allocated for residential development. It is clear that when one considers the material planning considerations there are a large number of reasons why the proposed allocation should not be confirmed. It is contended that the natural existing boundaries for Great Cornard as a settlement should be respected. It should also be recognised that Great Cornard has already contributed a substantial number of sites for residential development and accordingly have had more than its fair share of residential allocations within the existing settlement. Furthermore, it is also contended that consideration should be given to the local infrastructure.

3. When one examines the local services it is noted that the services are already under pressure. In particular, it is well known that there are already current drainage problems in the area and it is considered that the new proposed residential allocation for another 170 houses on the omission site would further exacerbate the problem. Furthermore, a substantial number of additional residential dwellings would place further pressure on the local educational facilities and particularly in relation to school places. It would also place greater pressure on the local Primary Care Health Trust relating to the provision of medical services.

4. It should also be noted that the Highway Authority has clearly indicated that the allocation of the omission site for residential development would necessitate substantial off site highway works being required. It is recognised that the site east of Carsons Drive, Great Cornard would require access from the existing classified county road known as C732 that runs from Carsons Drive through Cornard Tye to its junction with the A134 Newton Road. The C732 is a narrow road which bends and is undulating. Its width on average is approximately 4.1metres. The C732 is used by drivers as a short cut from the Carsons Drive area to the A134. The Highway Authority

has estimated that the residential development on the omission site if granted would generate up to 1570 trips per day. It is estimated that owing to its direct access onto the C732 it is likely that at least 30% of the traffic generated will use the C732 thereby creating an additional 500 trips per day along the C732. It is recognised that the existing junction of the C732 and the A134 is already seriously substandard both in terms of visibility and layout. In essence the junction is very dangerous.

5. At the end of the C732 its width and junction alignment is poor. The combined junction of Carsons Drive, the C732 and Head Lane is poorly laid out. There is a right turn stacking lane for Head Lane on a bend and the C732 junction is not within the line of view.
6. Having regard to the location of the omission site it would obviously cause considerable additional traffic to use the substandard C732 which would have to be substantially improved in order to facilitate the development proposed on the omission site. The additional infrastructure required in highway terms would be as follows:-
 - I. The C732 would require a minimum width of 5.5metres throughout the whole of its length. This would involve

substantial engineering works and the consequential impact upon the local landscape.

II. It will be necessary for the junction of the C732 and the A134 to be improved to provide a proper layout and adequate visibility including splays of 7.5metres in set back by 215 metres in each direction along the A134. Furthermore, the radius kerbs must be improved.

III. The junction of Carsons Drive and C732 will need a layout and width improvement. Furthermore, footpaths must be provided from the omission site into Carsons Drive.

7. The Highway Authority considers that the omission site is not sustainable in highway terms. It therefore follows that the proposed allocation of the site does not accord with Planning Policy Guidance Note No 13 on Planning and Transport. The Highway Authority considers that there will not be any great take up in sustainable transport arising from the development of the omission site. There is a clear absence of any effective cycle networks and the site would not encourage any additional pedestrian traffic.

8. There is another important issue which should also be taken into account. This relates to the historic and artistic associations with the

life of one of England's greatest painters, Gainsborough. In particular, it should be noted that the painter, Gainsborough, produced his masterpiece entitled "Mr and Mrs Andrews" in 1750. In that painting the sweep of the Great Cornard hillside is depicted in the background and this is the area of land which is now threatened by the proposed allocation of the omission site to provide the site for 170 dwellings. It should be noted that sites with historic and artistic associations are invariably sites worthy of preservation and it is a material planning consideration which needs to be taken into account. Another painting produced by Gainsborough is entitled "Cornard Wood" which was painted in 1748 and it is considered that the view in this painting should also be taken into account in the same way that the painting entitled "Mr and Mrs Andrews" should be. Gainsborough was of course one of the foremost landscape painters of the 18th Century. He was born in Sudbury and he wrote that Cornard Wood showed "how strong my inclination stood for landscape". It should be noted that Gainsborough painted Cornard Wood from the grounds of Abbas Hall which is a 13th Century Grade I Listed Building. It should be noted that the current owner of Abbas Hall Mr Stefan Kosciuszko has objected to the proposed allocation of the omission site and indicated that "the site they want to build on is

exactly at the intersection of the heritage views of these two world famous Gainsborough paintings. It is a disaster”.

9. When one examines the planning reasons adopted by the Inspector in his decision to recommend the rejection of the proposed residential allocation at Shawlands Avenue (Policy HS09J) in the draft plan one is struck by the fact that the reasons referred to in his report are clearly applicable to the omission site on land to the east of Carsons Drive. By way of example the following quotations from the Inspector’s report relating to the Shawlands Avenue site are clearly applicable also to the omission site:-

- I. The site will be very expensive to develop because of necessary highway improvements which in themselves would result in an unacceptable degree of further urbanisation.
- II. Development would have an unacceptable impact on an area of biodiversity which should be left undisturbed.
- III. The proposal would “result in development intruding on the elevated setting of the village and into attractive landscape. The proposed development would encroach on the upper slopes of the Stour Valley well beyond the existing settlement onto land which forms the backdrop to Great Cornard and the terracing effect would be detrimental to the area. The site has a poor relationship

to the existing urban edge and I consider that the visual impact would be unacceptable. Even the Council's own sustainability appraisal is not generally favourable. Not a sustainable site". It is curious that the Inspector did not consider the above reasons for rejecting the omission site.

10. In his report the Inspector also noted at paragraph 3.96.12.3 that the Carsons Drive site is "about 16 hectares with 4.4 hectares of the site proposed for housing. The site is intended to accommodate between 154 and 176 dwellings and in my view the upper end of these figures is a reasonable assessment." It should be noted that the Inspector in his report then proceeds to acknowledge a number of the difficulties such as:-

- I. The C732 is narrow and twisting but its width increases when it approaches the A134..... the C732 would need some widening and a new footway provided from the site to the C732 and Shawlands junction.
- II. The view from the lake to the east would be marginally affected by the development in the southern triangle on drawing number 6.
- III. That the site "reads more with the built up area of the village than the countryside".

The above assessment appears to be very short on detail. It is also considered that the reasoning put forward by the Inspector is misconceived and fails to take into account all of the relevant material planning considerations mentioned above. Given the importance of this particular decision it is surprising that full consideration was not given to each and every material planning consideration. If consideration had been given to all of the material planning considerations as mentioned above it is submitted that the site would not have been recommended for incorporation into the residential allocation.

11. Of all of the material planning considerations one would have thought that the landscape issues are perhaps paramount. One must of course consider the history to the proposal to allocate the omission site as part of the extended special landscape area. It should be noted that the Council at previous meetings of its own full Council unanimously approved the extension to the existing Stour Valley special landscape area. This particular process goes back to July 2001 when by unanimous vote of the full Council, which was subsequently reconfirmed when the Council adopted the Local Plan on the 28th February 2003, the Council clearly demonstrated its commitment to

the area being located within the special landscape area. The following previous publicly recorded statements by the Council must be taken into account:-

- I. *“The locality around this part of Great Cornard was scrutinised and the resulting extension to the Stour Valley special landscape area was put forward in the first deposit draft of the Plan”.*
- II. *“The area identified for special landscape area designation closely reflects the overall context of the Stour Valley, and includes woodland and valley features, and the historic setting of Abbas Hall”.*
- III. *“The special landscape area designation for this part of Great Cornard has been rigorously assessed and its inclusion in the Babergh Local Plan alteration number 2 second draft is felt to be justified”*

12. It is considered that the land to the east of Carsons Drive should be regarded in landscape terms as being a highly sensitive landscape area within category B2. It comprises designations and features of national importance in accordance with the guidelines provided by Gomms which sets out the principles designed to assess landscape value. Curiously, in a previous report issued by the landscape partnership in May 2002 the landscape partnership acknowledged the value of the omission site in landscape terms in the sense that they assessed the area as being good in landscape terms and having a strong strength of

character. This indicated that in my view the area should be conserved.

13. It is only possible to fully appreciate the landscape issues by conducting a detailed site visit on the land to the east of Carsons Drive, Great Cornard. It is clear from a site inspection that the Grade 1 building known as Abbas Hall can be clearly seen from the omission site. One also has good views across the site when one uses the public footpaths that traverse the site. The landscape is very attractive and it is clearly prominent when viewed from the local public highway network including the road leading up to Cornard Tye. This is clear even if one uses the local highway network using a low private motor vehicle. If residential development were permitted on the site then the first floor of the dwellings on the omission site would provide an opportunity to observe most parts of Abbas Hall and wide ranging views across Great Cornard. It is also clear from an assessment of the topography and the size of the site that the omissions site will clearly be much wider and much longer than the alternative site previously proposed for residential development at Shawlands Avenue.

14. It is clear that the objective of landscape conservation is to ensure the retention of diversity in landscape forms and to also ensure that landscapes are visually attractive are preserved for those who reside in the area or visit the area. These objectives were of course acknowledged by the Countryside Commission in 1988. Clearly, landscape conservation is necessary where the character of the landscape is strong and where there are individual features which are notable for historical value, ecological value or visual value. It is also clearly acknowledged that landscapes need to be managed. It is interesting to note that the proposed extension of the special landscape area to include the omission site will be of considerable benefit particularly in management terms. In particular it should be noted that the Stour Valley landscape has been the subject of various management plans. In this respect one can refer to the former Dedham Vale and Stour Valley Project Management Plan (1992) and the subsequent Dedham Vale Area of Outstanding Natural Beauty and Stour Valley Management Strategy 2004 – 2009.

15. In order that further consideration may be given to landscape issues a series of photographs are annexed to this Statement of Case in Appendix A annexed hereto. It will be noted that the photographs clearly indicate that the landscape is worthy of preservation and

conservation. Furthermore, it is also worthy of management under the terms of the above mentioned management plans.

16. In general terms it is noted that the overall proposed density for the site is extremely low when one takes into account the full extent of the proposed allocation. In essence the allocation clearly contravenes national planning guidance concerning the need to carry out the efficient development of land. The objective behind the policies is obviously to protect greenfield sites from unnecessary extensive low density development schemes. Curiously, the proposal in this case flies in the face of existing national policy guidance on this particular issue. In essence the proposal in the current allocation constitutes perhaps the most inefficient and misconceived proposal for residential development in the open countryside. There is no justification for this approach and on these grounds alone the proposal contravenes the principles of sustainable development in that it involves the inefficient and wasteful use of a finite resource namely open countryside. The number of dwellings amounting to 176 could easily be located on an alternative site which would have far less impact upon the landscape and could easily be located within an existing settlement boundary elsewhere.

17. When one applies the sequential test to the site it is clear that it is a site which one would not recommend for allocation for residential development. There are a number of alternative sites already within the area which are more suitable for residential allocation. One example is of course the Shawlands Avenue site.

18. It is significant that the Council originally excluded the omission site from any proposal for residential allocation. It is considered that the Council's original approach to this site was the correct site and that the Council should for the sake of consistency and after considering all material planning considerations retain the site as open countryside. The current proposal for reallocating the site for residential development is unjustified and based upon insufficient information. The Council should also take into account its own analysis of the site under the terms of the sustainability analysis. It is clear that the Council does not regard the site as sustainable within the terms of its own sustainability factors. It therefore follows that the site is clearly not a sustainable site and cannot therefore be allocated for residential development.

19. In considering this matter one must also take into account the information set out in the appendices annexed to this Statement of

Case which trace the sequence of correspondence and reports issued relating to the site over a number of years. It is clear for the appendices that the site has always primarily been regarded as open countryside and it is considered that it should be retained as such.

4. General Landscape Considerations

1. It should be noted that there is concern over the revised proposed extent of the Special Landscape Area as indicated on the current proposals map. It is felt that the extent of the Special Landscape Area in the area around Great Cornard and Cornard Tye should be increased much further. Furthermore, the wording of the policy framework should be tightened upon in order to seek to reinforce the Special Landscape Area designation. Obviously the same principle applies to the Areas of Outstanding Natural Beauty and it is important that the local authority adopts a similar approach to both types of area. It therefore follows that there is a clear need to prevent any further possibility of inappropriate development in areas of outstanding natural beauty or Special Landscape Areas. It is important that the policies in the local plan are fully consistent with central government policy guidance and particularly the provision set out in the revised Planning Policy Statement Number 7 that was introduced on 3 August 2004. At the same time it is also

important that the policies are consistent with national planning guidance set out in Planning Policy Guidance Note Number 9 on Nature Conservation and also with the terms of Planning Policy Guidance Number 15 on The Protection of The National Built Heritage and Planning Policy Guidance Note Number 16 on Planning and Archaeology.

2. At the present time the current proposals relating to the proposed Special Landscape Area are far too small. The area should be extended up to and including the omission site.
3. It is curious to note that the current line proposed for the Dedham Vale and Stour Valley area of outstanding natural beauty and Special Landscape Area has been drawn in such a way as to exclude the omission site. It is considered that the current lines drawn on the proposals map are patent nonsense because the area is clearly part of the Stour Valley. A cross reference should be made to policies CR05 whereby if one applies a tight interpretation of the policy it could exclude the landscape area from protection as not being within the 'protected Stour Valley area'.
4. The Omission site is located within the following landscapes:-

Landscape character: This area consists of arable plateau, farmland and pasture.

Landscape characteristics:

- Arable farmland
- Gently sloping small to medium scale fields
- Several farms and small hamlet
- Old hedgerows interspersed with mature trees.

Geology and soils: predominately Quaternary till. The soils are a mix of tills being deep slowly permeable to well-drained loamy soils over clayey sub-soils.

Topology: Land over 60m rising to 70m generally slightly undulating.

Land cover use: Generally land cover use is arable farming but there is some pasture for horses.

Vegetation: This area has hedges of hazel, thorn and other species interspersed with mature ash and oak.

Field pattern: Small to medium scale with irregular patterns.

Accessibility: Several footpaths usually grass strips through or alongside arable fields.

Perceptual: Widely visible area, simple medium scale, quiet, extensive views.

Distinctiveness: unusual.

Conclusion: Conserve and manage – **suitable for inclusion in SLA.**

It is considered that the whole of the area described above which ideally should be included within the new enlarged Special Landscape Area because it is within the category known as B2 being a landscape of national significance.

5. Conclusions

1. It is considered that the site east of Carsons Drive which has been referred to as the omission site should be retained as open countryside and not allocated for residential development.
2. It is also considered that the site should now be incorporated into the extended special landscape area in order to protect the site in the future from further attempts to reallocate it for residential development.