

**IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED)**

**AND IN THE MATTER OF THE PLANNING APPEAL BY  
VINCENT TIMOTHY WALSH  
AGAINST THE TERMS OF A REFUSAL NOTICE ISSUED BY MID  
SUFFOLK DISTRICT COUNCIL RELATING TO PROPOSED  
RESIDENTIAL DEVELOPMENT COMPRISING ONE TWO BEDROOMED  
TWO STOREY SMALL DWELLING HOUSE  
AT  
20 BARLEYFIELDS THURSTON BURY ST EDMUNDS SUFFOLK IP31 3TF**

**PLANNING APPEAL REFERENCE NUMBER  
APP/W3520/A/07/2047349/NWF**

**PLANNING APPLICATION REFERENCE NUMBER 3191/06**

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**HEARING STATEMENT OF CASE**

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**APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY  
PLANNING ACT 1990**

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## Contents

Item	Page Number
1. Statement of Qualifications and experience of M A Jones	2
2. General Introduction	9
3. Description of appeal site	21
4. Planning Application	24
5. Planning Obligation	28
6. Policy Framework	30
7. Grounds of Appeal	44
8. Conclusions	49

**1. Statement of Qualifications and Experience of Michael Andrew Jones Planning Consultant.**

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 matter 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 term so 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. General Introduction**

2.1 The applicant Mr Vincent Timothy Walsh resides at the existing residential property at 20 Barleyfields Thurston Bury St Edmunds Suffolk IP31 3TF. He is both the owner and the occupier of the existing residential premises which comprises a small two storey

residential property which is linked to an existing row of residential properties in a terraced form. There are four residential properties in the said terrace which overlooks to the front a large car parking area and which is accessed by the adopted road known as Barleyfields which in turn is linked to another road known as Wheatfields which leads through to the centre of the village known as Thurston. Mr Vincent Timothy Walsh is the freehold owner of the property and his property being an end of terrace house includes a larger than normal garden.

2.2 The large end of terrace corner garden at 20 Barleyfields accommodates the site of the existing dwelling but also affords additional space upon which it is possible to construct a second residential dwelling in similar form and size to the existing residential dwelling known as 20 Barleyfields. There is a public footpath leading from Wheatfields along the side of the garden area of 20 Barleyfields and which then runs to another road known as Cloverfields. Reference is made to the extract from the Ordnance Survey plan annexed to this hearing statement and marked appendix A.

2.3 The appellant Mr Walsh has been approached by people on a number of occasions who have indicated that given the unusually large size of his end of terrace corner garden it would appear that he does have sufficient space to facilitate the erection of an additional residential dwelling to be built at the end of the said terrace thereby extending the terrace by one single residential unit.

After careful consideration of the advice received the appellant decided to approach the local planning authority being the Mid Suffolk District Council to ascertain whether there was indeed a realistic prospect for planning permission being granted for an additional residential dwelling on the large corner garden to form an extension to the existing terrace of four dwellings at Barleyfields. During the course of discussions with planning officers the appellant was informed that there was indeed a reasonable prospect for planning permission being granted for the erection of a further residential dwelling within the curtilage of 20 Barleyfields Thurston and that the siting of the proposed additional residential dwelling could form an extension to the existing four houses which comprise the existing terrace of properties. It was noted that there was a reasonable prospect for the proposed new residential dwelling to be located in a position between the existing flank wall of the existing residential dwelling at 20 Barleyfields and the line of the public footpath which runs along side the side of the garden of 20 Barleyfields connecting the road known as Wheatfields with the road known as Cloverfields in Thurston.

2.4 The appellant was encouraged by the advice received from planning officers at Mid Suffolk District Council and therefore in accordance with their guidance prepared a planning application. The planning application which will be described in more detail later in the hearing statement was duly completed and lodged in accordance with the requirements of the Mid Suffolk District Council.

2.5 The appellant was very surprised to subsequently receive an unexpected Notice of Refusal from Mid Suffolk District Council on 17<sup>th</sup> April 2007. The Notice of Refusal stated that the date of the planning application was 14<sup>th</sup> December 2006 and that it was registered on 26<sup>th</sup> February 2007. The documents to which the decision notice related included the block plan which was date stamped 26<sup>th</sup> February 2007. The planning application reference number quoted on the Decision Notice was reference number 3191/06. The Notice acknowledged that the application was an outline planning application and related to the proposal for the erection of one two-bedroom dwelling at 20 Barleyfields Thurston. The reasons for refusal comprised two reasons as follows:-

2.5.1 The proposed dwelling, by reason of its small plot size and building footprint will result in a cramped form of development which is out of keeping with the established pattern of residential development in the immediate vicinity of the site. In addition, the replacement of existing private amenity space with car parking will result in a car dominated environment which will detract from the visual amenity of the area. By failing to have regard to the character of the site and its wider surroundings the proposal in contrary to policy ENV3 of the Suffolk Structure Plan, policies GP1, SB2, H3 and H13 of the Mid Suffolk Local Plan 1998, and conflicts with paragraph 34 of the Planning Policy Statement number 1 (delivering sustainable development)

which states that design which is inappropriate in its context should not be accepted.

- 2.5.2 The development scheme fails to secure the appropriate provision of social infrastructure by way of a planning obligation under Section 106 to the Town and Country Planning Act 1990. On that basis the proposed development will be contrary to policy SC1 of the Mid Suffolk Local Plan 1998 and contrary to the Council's supplementary planning document for social infrastructure including open space, sport and recreation adopted February 2007.
- 2.6 The appellant approached planning officers at the local planning authority after receiving the notice of refusal relating to his planning application and asked for an explanation from the officers. In response he was informed by officers that the decision was in fact a "finely balanced decision" and that it could indeed have gone "either way". The planning officers informed the appellant that the proposal on the application site was in fact a 50-50 decision and advised the appellant that he may wish to consider submitting a tandem planning application with further papers in order to ascertain whether the decision could go the other way provided further information was provided which would help the planning officers grant an approval for the proposed development. Accordingly, whilst disappointed with the reaction from the Mid Suffolk District Council relating to the original application the appellant was however encouraged to prepare and submit a

tandem planning application for the same proposed development at the invitation of the planning officers who were obviously in two minds over the proposal.

2.7 The specific reasons for refusal adopted by the Council appear to be rather unusual as well as unexpected. The appellant was surprised by the precise wording adopted by the Council which relate to matters which were not mentioned through the course of the pre-planning application discussions with the planning officers. It appeared to the appellant that the planning officers had simply changed their mind over the principle of the development and had therefore introduced words which appeared to be an objection in principle to the development as mentioned in the first part of the first reason for refusal. Curiously, it was noted that the first reason for refusal appears to refer to a number of different issues which have been conjoined together thereby causing some confusion and self contradictory assertions.

2.8 It is also noted that the first reason for refusal also refers to matters of detail. It was rather puzzling to note that the reason for refusal alleged that there was a conflict with paragraph 334 of planning policy statement number 1 on delivering sustainable development in that it referred to a design which is inappropriate in its context. However, it should be noted that the planning application was purely an outline planning application and issues relating to design can be dealt with at a later stage in the reserved matters application. It should be noted that that the planning application

reference under number 3191/06 did in fact reserve issues such as appearance, scale and landscaping and accordingly design did not form part of the planning application. It is difficult to understand why a local planning authority should insert reasons for refusal which do not relate to the planning application before them. The appellant assumes that the Council felt that it was in a difficult position particularly having regard to the advice it had preferred to the appellant previously and was seeking to find as many ways as possible to keep the Council's options open in a subsequent planning appeal. Furthermore, the appellant was also puzzled by the reference to the impact of the proposed development upon existing private amenity space given that the proposal would only relate to the need to allocate one small area of the land to the front of the premises for the provision of one single car parking space. It should be noted that this was a point that was not mentioned in the pre-planning application discussions with planning officers and also appears to be a point without any substance whatsoever given the very large amenity space at the front of the premises. The reference in the first reason for refusal to an alleged "cramped form" of development it should be noted that when one examines the form of existing residential premises in the area it is quite clear that the proposed development of the appeal site would form a natural extension to the existing form of development at Barleyfields. Indeed it is considered that the proposed new residential dwelling to be erected to the side of 20 Barleyfields would compliment the existing residential development which faces the appeal site being the property known as number 22

Barleyfields which appears to be in a location almost directly opposite the appeal site located on the far side of the large area of land at the end of the road known as Barleyfields. In other words, it would appear that development on the appeal site would indeed be entirely consistent with the existing form of development at Barleyfields and would clearly be in keeping with the established pattern of residential development in the immediate vicinity of the appeal site. With reference to the issue of density it should be noted that the proposed development referred to in the planning application puts forward a form of development which is clearly consistent with the existing level of density in the immediate vicinity of the appeal site. It should be noted that all of the properties in the existing terrace of four dwellings which also include 20 Barleyfields are small houses. These small houses provide reasonable low priced housing which attracts people on modest incomes. It is noted that Central Government policy encourages the construction of small homes and it is considered that the proposal in this appeal falls in line with the general policies laid down by Central Government which encourages the constructions of small homes of the type proposed in the planning application lodged by Mr Vincent Timothy Walsh.

2.9 With reference to the second reason for refusal it should be noted that this particular reason for refusal is rather puzzling and also unusual. The reason for refusal does not relate to a point of principle concerning the development as such but merely refers to the Councils desire to obtain planning gain. Curiously, the

appellant was not informed of the Councils specific requirements on this point and was therefore rather perplexed to note that the Council required planning gain as stated in the second reason for refusal. It should be noted that the appellant does not have any objection in principle to the Councils request for the provision of planning gain and accordingly is quite happy to enter into a planning obligation pursuant to the terms of Section 106 of the Town and Country Planning Act 1990. The appellant maintains that if the appropriate information had been put to him in clear terms and the situation had been explained properly he would clearly have submitted a planning obligation as required by the Council. In this instance it would appear from the Councils reason for refusal that the Council was requiring planning gain under the terms of the Councils supplementary planning document relating to social infrastructure including open space, sport and recreation which was adopted in February 2007. Clearly, this document is very recent and some confusion may have arisen over its status and indeed its existence. Clearly, at the time that the original planning application was submitted the said supplementary planning document did not exist and most certainly had not been adopted by the Council. Accordingly, there is an argument that strictly the Council should not require the submission of a planning obligation in circumstances where the proposal for development is set out in a planning application which was issued and delivered by the applicant some time before the new policy was introduced. It is a convention in many local planning authorities that requests for planning gain are only put forward under the terms of

supplementary planning guidance in circumstances where that guidance has been formally adopted prior to the lodging of the planning application. It therefore follows that it is open to the Inspector to review the terms of the second reason for refusal and indeed to dismiss the points set out in the second reason for refusal on the grounds that it would be unreasonable to request the submission of planning gain in circumstances where the planning gain requested is based on the terms of a document which was not adopted at the date when the applicant originally lodged the planning application.

2.10 Without prejudice to the foregoing submission the appellant however maintains that if the Inspector feels that the Council is justified in now seeking planning gain under the terms of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 then the appellant is obviously prepared to accept such a requirement given that the requirement is of course for the benefit of the community as a whole. It should be noted that the reason for refusal adopted by the local planning authority is not specific in its reference to the extent of the planning gain required. Furthermore, it does not precisely identify the purpose of the required planning gain. Clearly, by construing the exact wording adopted in reason for refusal number 2 it is difficult to ascertain what the Council is seeking to secure by way of planning gain. The reason for refusal appears to be a rather confused and ambiguous reference to the requirement for planning gain without being specific. In a strictly legal context one must

contend that the second reason for refusal appears to be meaningless and incapable of being understood. There is no precise indication that any thought has been given to the policy framework in the supplementary planning guidance document and how it may impact upon the proposal set out in the planning application put forward by the appellant.

2.11 However, it would appear from more recent correspondence just received from Mid Suffolk District Council that the intention behind the second reason for refusal is to secure a financial contribution to the provision of off-site open space within the village of Thurston. It should be noted that this point only became clear under the terms of correspondence issued by the Council in response to a tandem planning application submitted by the appellant to Mid Suffolk District Council. In this respect we would refer to a letter dated 4<sup>th</sup> July 2007 issued by Philippa Kelly Planning Officer at Mid Suffolk District Council which refers to the request for the submission of an appropriate Section 106 planning obligation. It should be noted that the appellant did not receive any such letter from Mid Suffolk District Council relating to the first planning application which is of course the subject of the current planning appeal. A copy of this letter is attached to this hearing statement and marked appendix B. It is clear from the terms of the letter that in the case of a proposal for a two bedroomed residential property the required planning gain amounts to a financial contribution of £1,928.00 for the provision of off-site public open space. Accordingly, in order to address the

second reason for refusal we have prepared a draft planning obligation in the standard form setting out the usual restrictions and imposing the normal covenants. A copy of the said bilateral planning obligation is attached to this statement and marked appendix C. However, it should be noted that whilst this document is now proffered as an exhibit annexed to this hearing statement it was not possible for the appellant to prepare and submit a planning obligation before his application was refused by the Council given that at the relevant time he was not properly informed of the position. This may be explained by reference to the fact that the policy was only just being introduced at the stage that the planning application was refused. Given those circumstances one would again question why the Council has actually adopted the second reason for refusal in the current appeal. On another point it should be noted that discussions have now recently taken place with Ms Kelly planning case officer at Mid Suffolk District Council and she has indicated a willingness on the part of the Mid Suffolk District Council to consider and indeed accept the terms of a planning obligation from the appellant as part of the appeal process in order that the terms of the planning obligation can be formally concluded and delivered to the Council thereby obviating the need for the Inspector to give consideration to the second reason for refusal. It is therefore anticipated that provided Mid Suffolk District Council can move relatively quickly in concluding the work on the planning obligation and accepting the draft document now put forward then there will be no need for the second reason for refusal to be considered. There is therefore the

possibility that the execution and delivery of the planning obligation will mean that the second reason for refusal will be withdrawn by the local planning authority. Indeed it is highly unusual in our own experience for issues relating to planning obligations to be considered as part of the contentious process within a planning appeal in any event.

### **3. Description of the Appeal Site**

3.1 The appeal site forms part of the curtilage of the premises known as 20 Barleyfields Thurston Bury St Edmunds Suffolk. It is located within an existing well established residential area. The appeal site is surrounded by existing residential properties and access to the appeal site is provided by the roads known as Wheatfields and Barleyfields which are existing adopted residential estate roads. The road known as Barleyfields is a cul-de-sac and at the end of the cul-de-sac there is an unmetaled large parking area which provides extensive car parking facilities. The layout of the car parking area is essentially informal in appearance and provides more than adequate parking space for the existing residential dwellings which front on to the said car parking area. Given the substantial amount of land available it is clearly possible to allocate one car parking space for the proposed new residential dwelling on the appeal site.

- 3.2 The appeal site is not overlooked by existing residential development and accordingly a proposed new residential dwelling could be sited on the appeal site without having any impact upon the privacy of adjacent residential occupiers.
- 3.3 The appeal site is screened from other properties in the area by vegetation and by a public footpath which provides a reasonable degree of space and separation from the curtilage of adjacent residential properties such as number 21 Cloverfields.
- 3.4 The width of the appeal site is adequate to provide the footprint for the proposed new residential dwelling which would be joined on to the side wall of the existing property known as 20 Barleyfields Thurston.
- 3.5 The site area comprises 60.2 square metres. The frontage of the site is 3.6576 metres and the depth of the site is 16.4592 metres. The appeal site is served by existing mains sewage and mains surface water drainage.
- 3.6 The location of the appeal site is ideal in terms of sustainability. The site is located within a long established residential neighbourhood where there is a broad range of community facilities all located within a short level ten minute walk from the appeal site. The appeal site is close to established community facilities including shops, open spaces and transport facilities. There is also good access to the local railway station at

Thurston and to bus stops and also to local businesses. There is also a local public house and a local sandwich shop together with related facilities.

3.7 With reference to the specific dimensions of the appeal site it should be noted that the appeal site does form part of the curtilage of 20 Barleyfields as mentioned above. The full extent of the frontage of 20 Barleyfields amounts to 8.2296 metres. It should be noted that the length of the garden which will be allocated to the proposed new residential dwelling on the site is 5.1816 metres. The garden will obviously have a width of 3.6576 metres under the terms of the appeal proposals. The length and width of the car parking space on the site would amount to 3.6576 metres. Accordingly, in total inclusive of the car parking space to the end of the rear garden on the appeal site it is proposed that the total length of the proposed plot will be 16.4592 metres. There will be a total width of 3.6576 metres.

3.8 Given the size of the garden area at 20 Barleyfields it should be noted that after the residential property is constructed on the appeal site there will still be a very substantial area of garden left to be enjoyed by the existing occupier of 20 Barleyfields Thurston.

#### **4. The Application**

- 4.1 The application lodged by the appellant which is the subject of this appeal comprises a proposal for the erection of a two storey two bedroomed small residential dwelling on the end of the existing terrace of four properties facing the large communal car park area at the end of the estate road known as Barleyfields Thurston.
- 4.2 The planning application was supported by a design and access statement in accordance with the terms of circular 1/06 and a duplicate copy of the said design and access statement is annexed to this hearing statement and marked appendix D.
- 4.3 The planning application was an outline planning application but acknowledged that issues concerning access and layout formed part of the outline planning application. However, it was made clear that issues relating to appearance, scale and landscaping did not form part of the planning application. Discussions concerning the proposals in the planning application were pursued with a Mr Richard Harbord and the appellant was encouraged by the guidance provided by that officer. A copy of the duly completed planning application form is attached to this hearing statement and marked appendix E.

4.4 In further support of the planning application the appellant also submitted a number of indicative drawings showing the internal layout of the proposed new residential dwelling at both ground floor and at first floor. It will be noted from the plans that are attached at appendix F annexed to this hearing statement that the proposal includes a kitchen and dining area on the ground floor and a lounge also on the ground floor. A stairwell from the ground floor area leads up to the first floor which provides accommodation for a landing and access to a bathroom and also access to two bedrooms. The said internal layout plans were supported by further documentary details including a set of papers which set out the precise measurements for all of the rooms on the first floor of the premises and also the precise measurements of the garden area to be allocated to the proposed new dwelling and measurements of the garden area to be retained by the existing dwelling known as 20 Barleyfields Thurston. The details also included measurements concerning the precise layout of the ground floor area and the Inspector is asked to examine the attached papers contained within appendix F under the heading of "detailed plans".

4.5 In a further part of the planning application a photograph of the frontage of the existing property known as 20 Barleyfields was submitted which also incorporated an annotated diagram showing the position and impact of the proposed new development comprising the two storey two bedroomed

residential property to be built on the end of the said terrace of four properties. It will be noted from the photograph which is exhibited at appendix G annexed to this hearing statement that the proposal can easily be accommodated within the appeal site and will have no adverse impact upon visual amenities. Indeed, it will be noted that the proposal clearly puts forward a form of development which is entirely in accordance with the existing form of development on the site. It will form a seamless extension to the existing form of established residential development at the end of Barleyfields. It will be noted that there is adequate car parking space in the area and that it will be possible to create additional car parking space immediately in front of the proposed residential development. The Inspector is asked to consider the photograph and the annotation on the said photograph annexed to this hearing statement and marked appendix G.

- 4.6 Attached to this statement at appendix H is a copy of the Notice of Refusal issued by Mid Suffolk District Council which has of course already been the subject of criticism as set out in the general introduction within part 2 of this hearing statement.
- 4.7 With reference to the consultations on the planning application it should be noted that Suffolk County Council responded on 2<sup>nd</sup> April 2007 stating that it had no objection to the proposal but would require a planning condition to be attached to the

necessary planning permission. The planning condition required by the highway authority was therefore as follows:-

**“The use shall not commence until the areas within the site shown on the submitted block plan registered on 26<sup>th</sup> February 2007 for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes”.**

**“The reason for this planning condition to ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the on-site space for the parking and manoeuvring of vehicles where on street parking and manoeuvring would be detrimental to highway safety to use as the highway”.**

4.8 It therefore follows that the views of Suffolk County Council only focused on one minor aspect of the proposal. A copy of the letter issued by Suffolk County Council is annexed to this hearing statement and marked appendix I.

4.9 It should be noted that the appellant is only aware of one objection being put forward to the proposals set out in the planning application. Apparently the objection was put forward by Heather and Paul Thacker who occupied a residential property in Barleyfields which was not directly

affected by the proposals set out in the planning application. It was therefore difficult to understand why the objection was put forward. However, the objection is of course academic given that the appellant understands that both Heather and Paul Thacker have since left Barleyfields. It should be noted that when they were at Barleyfields they occupied a property known as 16 Barleyfields Thurston which is some way removed from the appeal site. It is submitted that the objection put forward by Heather and Paul Thacker is misconceived and irrelevant. Furthermore, given the fact that they have moved away no weight can now be attached to the objection in any event.

4.10 The appellant was confused by the way in which the planning officers dealt with the planning application given that it was an outline planning application. It would appear that the officers assessed the planning application as if it were a detailed planning application rather than an outline planning application. This may to some extent explain the confusion in the wording of the first reason for refusal which is obviously entirely misconceived.

## **5. The Planning Obligation**

5.1 Given the points set out in the second reason for refusal it was felt appropriate to now address that particular reason for refusal but without prejudice to the other points previously mentioned in the general introduction within section 2 of this hearing

statement. As previously mentioned the draft bilateral planning obligation has been prepared on behalf of the appellant and a copy of the document is contained in appendix C annexed to this hearing statement. It should also be noted that the said draft planning obligation has also been submitted by both facsimile transmission and by first class post to the planning case officer Ms Philippa Kelly at Mid Suffolk District Council for her consideration. It is anticipated that she will refer to the matter to the Council's legal officer but it would appear that the issues concerned with the planning obligation are in essence now a mere formality.

- 5.2 It is considered that the terms of the draft planning obligation annexed to this hearing statement at appendix C contain the standard form of covenants one would expect in a planning obligation of this nature. It should be noted that many of the clauses contained within the said draft planning obligation are familiar clauses to solicitors who carry out work on planning obligations within the local government service. None of the clauses are contentious and it is not expected that there will be any substantive dispute between the parties involved in this appeal concerning the terms of the said planning obligation. It should also be noted that the appellant is the sole freehold owner of the said residential premises at 20 Barleyfields and accordingly he has the power to bind the said land under the terms of the said planning obligation. These are obviously

minor technical issues which can be readily resolved in subsequent correspondence with the Councils solicitor.

- 5.3 Please note that the said standard planning obligation obviously includes the normal provision which states that the terms of the planning obligation only come into effect upon the implementation of the necessary planning permission. This is of course a reasonable provision and follows the standard practise relating to such planning obligations.

## **6. Policy Framework**

- 6.1 In the reasons for refusal the Council seeks to rely upon extracts from National Planning Policy Guidance as set out in Planning Policy Statement number 1 and in part upon the local policies set out in the Statutory Development Plan. It is considered that the Council has failed to consider the policies set out in National Planning Guidance fully and has also failed to interpret its own statutory development plan correctly.

- 6.2 With reference to Planning Policy Statement number 1 on delivering sustainable development we would point out that the proposal set out in the appeal is clearly sustainable development. It is development located within an existing built up area and within a village which is supported by a wide range of existing communal facilities. It is also supported by local educational services and associated social services. It is located

within an area which has excellent public transport links including a busy railway station in the centre of Thurston directly opposite the public house. It is also well served by existing well established bus routes which enjoy the support of a frequent service. The village itself is located in close proximity to a large administrative town known Bury St Edmunds. Furthermore, the village is also served by both an excellent public highway network and a major trunk road known as the A14 which is easily accessible from the centre of Thurston within a matter of minutes. In other words, the appeal site is located in an excellent location with access to service and access to public service links and also to major trunk roads. It is clearly located within a sustainable location and therefore fully complies with Planning Policy Statement number 1.

- 6.3 Furthermore, the proposal is of course an outline planning application and issues relating to design are of course to be considered at the reserved matters stage. That is why issues relating to the appearance of the property and indeed the scale of the property can be considered under reserved matters applications. The only matters to be considered as part of the outline application are issues relating to access and layout. It is therefore puzzling to find that the first reason for refusal refers to issues which are only relevant to reserved matters applications. The officer who drafted the reason for refusal obviously misunderstood the planning application and this muddled thinking is clearly exhibited in the first reason for

refusal. However, without prejudice to that point it should be noted that the indicative plans put forward a proposal for a form of development on the site which is entirely consistent with the existing form of development at the end of Barleyfields. It is clear from the photographic evidence and the annotation to the photographic evidence contained within appendix G annexed to this hearing statement that the proposed development will form part of a natural extension of an existing row of terraced modern properties. The development will adjoin the current property and will complete the current row of four dwellings. It is therefore entirely in keeping with the existing form of development. The appearance of the development is therefore clearly anticipated as blending in seamlessly into the format of the current dwellings in the vicinity. It should be noted that planning application indicates that the colour of the bricks and the materials will match those currently in view within the street scene. In the planning application form at page 2 it is stated that the brick exterior will match the existing and that the interior walls will incorporate the usual insulated breezeblock with full cavity fill. The tiles on the roof will be designed to match the existing. These issues can all be subject to planning conditions on any reserved matters approval. It is therefore improper for the Council to raise these issues at this stage.

- 6.4 With reference to National Planning Policy Guidance it is significant that the Council refrains from referring to those parts

of the National Planning Guidance Notes which are directly relevant to the appeal proposal. The Council has deliberately avoided any mention of Planning Policy Statement number 3 on housing and planning. In Planning Policy Statement number 3 Central Government clearly provides support for the construction of new small homes within existing settlement boundaries. It also supports the adoption of higher density development schemes. The Inspector is asked to consider all of the advice set out in Planning Policy Statement number 3 and a copy of which is attached to this hearing statement and marked appendix J. It is contended that the proposal in this appeal for a new small home within an existing settlement boundary which will constitute a more efficient use of existing urban land is entirely in accordance with Central Government Policy as set out in Planning Policy Statement number 3. In essence the appeal proposal ensures that an additional family can now live on a site which hitherto has only supported one household. This clearly constitutes the recycling of existing urban land and constitutes a more efficient use of existing urban land. It is therefore fully in accordance with National Planning Policy Guidance.

- 6.5 With reference to the policies quoted in the first reason for refusal from the Suffolk County Structure Plan we note that there is a reference to policy ENV3. This policy statement is as follows:-

**“ENV3 – To conserve and enhance the special character of Suffolk, the local planning authorities will require high standards of siting, design and landscaping in all development. Designs and layouts should respect the characteristics of their sites and surroundings, while achieving densities of development consistent with the efficient use of land. In new housing, a mix of types, sizes and densities of dwellings should be provided consistent with local needs, the characteristics of the area and the principles of good design.”**

- 6.6 We have considered the above policy and we have to say the proposals set out in the planning application prepared by the appellant and which are the subject of the current appeal are clearly consistent with the terms of the above policy statement. The proposals do not in any way contravene any of the criteria set out in that policy statement. On the issue of design it should be noted that the policy is strictly irrelevant because the design issues do not fall to be considered as part of the outline planning application or the appeal relating thereto. The same issue applies to landscaping. Accordingly, strictly the points set out in that policy statement are not relevant to the current outline planning application. Nevertheless, it is considered that when a reserved matters application is considered the terms of the above policy can easily be satisfied in any event. With reference to the issue of layout it should be noted that the proposed layout of the development is entirely consistent with

the existing pattern of development in the area. It is also consistent with the existing density level for residential development in Barleyfields. The layout therefore fully respects the characteristics of the appeal site and the surrounding area in Barleyfields. It also achieves a density of development consistent with the efficient use of land as required by policy ENV3.

- 6.7 With reference to the policies set out in the Mid Suffolk Local Plan 1998 mentioned in the first reason for refusal it should be noted that the proposed development does not contravene any of the criteria set out in policies GP1, SC1, SB2, H3 or H13 of the Mid Suffolk Local Plan 1998. The terms of policy SC1 are as follows:-

**“Where proposals for development cannot be adequately serviced or will overburden existing infrastructure, the district planning authority will not grant planning permission until these matters are resolved.**

**The district planning authority will seek to enter into planning obligations with the developer to secure an agreed programme for the development of the infrastructure necessary as a result of their development proposals.**

**Favourable consideration will be given to proposals which, by means of an appropriate planning agreement or planning condition, allow for the phasing of development to ensure that development does not proceed in advance of necessary services, community facilities and infrastructure.”**

6.8 Clearly, this particular policy is relevant to the second reason for refusal. However, given our discussions with Mid Suffolk District Council recently and taking into account that we have now prepared and submitted a draft bilateral planning obligation it is quite clear that the recently revealed intentions of the local planning authority can easily be addressed through the mechanism of a negotiated bilateral planning obligation in any event. Given this particular development it is therefore clear that planning policy SC1 which is quoted in the second reason for refusal is not a contentious issue and accordingly this particularly policy requirement has been satisfied in any event. It therefore follows that there is no contravention of the terms of policy SC1 in any event. Furthermore, having regard to the strict wording of policy SC1 there is no possibility of the appeal proposal in any way causing any overburden on the existing infrastructure within Thurston. The proposal merely relates to one small two bedrooled dwelling and accordingly strictly the terms of policy SC1 are not relevant in this appeal.

6.9 The terms of policy SB2 quoted in the first reason for refusal state as follows:-

**“within settlement boundaries, development or changes of use appropriate to their surroundings will normally be permitted unless, to a material extent, they are considered to adversely affect:-**

- the character and appearance of the settlement;**
- the privacy and amenity of neighbouring properties;**
- road safety including impact of traffic generation;**
- existing open spaces providing important facilities or amenities for the local community;**
- existing wildlife areas, trees or other landscape features within or abutting settlement boundaries;**
- listed buildings, their settings or the appearance of a conservation area.**

**The district planning authority will refuse development which does not have a form, scale or character in keeping with the surrounding area.**

**Excessive infilling or inappropriate forms of development will be refused.**

6.10 It should be noted that this policy is indeed a permissive policy and therefore supports the proposals set out in the appeal. It only states that proposals should be rejected if they have an adverse impact upon one of the criteria set out in the policy statement. It is contended that the appeal proposals will not contravene any of the criteria set out in the policy statement. It would appear that the Council may be considering the issue of the character and appearance of the settlement which appears to be the only criterion that may be relevant to the appeal site. However, it is contended that the development on the appeal site will not adversely affect the character or appearance of the settlement. Indeed it is a form of development entirely consistent with the existing character and appearance of Barleyfields.

6.11 With reference to policy GP1 it is noted that it states as follows:-

**Poor design and layout will normally be refused in new development. The district planning authority will normally grant permission for proposals which meet the following design criteria:-**

**- proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development;**

- materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate;
- the siting of buildings and the creation of open spaces between existing and proposed buildings should maintain or enhance the character of the site, with attention to the treatment of boundaries particularly on the edge of settlements;
- layouts should incorporate and protect important natural landscape features, including existing trees, shrubs and hedgerows;
- proposals should make proper provision for the garaging, parking and turning of motor vehicles and for footways and access in a manner that does not dominate the appearance and design of the layout;
- landscaping should be regarded as an integral part of design proposals;
- the interrelationship between buildings and open spaces in any layout should act to minimise opportunities for criminal activity, consistent with good layout and architectural design.

6.12 The terms of policy GP1 do not appear to be relevant in terms of design to the current appeal given the fact that it is an outline planning application. However, with reference to the layout issues it is considered that the layout on the appeal site is

entirely consistent with the surrounding form of development and accordingly there is no contravention of the terms of policy GP1. With reference to the landscaping proposals those proposals are also reserved matters and accordingly do not fall to be considered as part of the current appeal. In essence, it would appear that a large part of policy GP1 is simply not relevant to the current appeal in any event. There is clearly no contravention of the terms of that policy statement.

6.13 With reference to the terms of policy H3 of the Mid Suffolk Local Plan 1998 the policy states as follows:-

**“Within settlement boundaries, applications for housing development will be considered in relation to the appearance and character of the village, the effect on nearby residential amenity and highway safety, the availability of services and facilities and policies for the protection of visually important open spaces and the surrounding countryside**

**- residential development within the settlement boundaries of villages will normally take the form of:-**

**- the infilling of small undeveloped sites, unless it is desirable to retain a site in undeveloped form as an important amenity or open space in the village scene; or**

**- a small group of dwellings, up to 5 in number, well related to its surroundings and the character of the village; or**

**- in those villages, where a wider range of services and facilities exist, groups of up to 9 dwellings well related to each other and the character of their surroundings.**

**In villages, housing development in the form of estates of 10 dwellings or more will be permitted only on sites allocated in the local plan.”**

6.14 Clearly, having regard to the terms of the planning application and the appeal proposals the proposed development is entirely consistent with the criteria set out in policy H3. It constitutes the infilling of a small undeveloped site and proposes a small dwelling in an existing village which enjoys the benefit of a wide range of services. It is also a proposal which is in accordance with the appearance and character of the road known as Barleyfields. Accordingly, the policy is clearly satisfied under the terms of the appeal proposal.

6.15 With reference to the final policy quoted by Mid Suffolk District Council it should be noted that the policy known as H13 states as follows:-

**New housing development will be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings. Proposals for residential development should take account of the following:-**

- design and layout should respect the character of the proposal site and the relationship of the proposed development to its surroundings;
- design should complement the scale, form and materials of traditional building in the area;
- amenities of neighbouring residents should not be unduly affected by reason of overlooking or loss of daylight;
- dwellings should have adequate privacy, sufficient daylighting and sunlighting and be provided with private amenity space or gardens;
- landscape features, including hedges and trees, should be retained unless this is impracticable or unnecessary;
- historical, ecological or architectural features of a site should be retained unless this is impractical or unnecessary, and where possible enhanced;
- road layouts should be designed to the standards and requirements of the county highways authority;

**- road layouts should reduce traffic speeds in residential areas and provide for the safety of pedestrians and cyclists;**

**- dwellings should have satisfactory access to the adjacent highway and car parking provision in accordance with the approved parking standards of the district planning authority.**

**When granting planning permission the district planning authority may include conditions to secure the satisfactory provision of a landscaping schemes and its subsequent maintenance for a period of not less than 5 years.**

6.16 Again it would appear that Mid Suffolk District Council is confused over the form of the application and its status. Given that it is an outline planning application many of the points set out in the policy statement are irrelevant. Issues relating to scale and design do not form part of the application and can easily be conditioned under a reserved matters application. However, in relation to issues concerning layout and density it is contended that the principles set out in policy H13 are fully complied with by the appeal proposals. The proposal is entirely in accordance with the existing form of development in the area and the proposal would clearly blend in with the surrounding existing built environment. The layout and density clearly

respects the character or the locality and the proposed dwelling will have adequate privacy and sufficient day lighting and sun lighting. It will also have adequate private amenity space and garden area. The access issues have already been addressed in the design and access statement annexed to this hearing statement and accordingly the appeal proposals fully comply with the relevant parts of policy H13.

## **7. Grounds of Appeal**

7.1 The two reasons for refusal relating to the Outline Planning Application are ill considered and misconceived. It is contended that the proposed development is by its design and layout entirely appropriate within the area and in character with the surrounding existing built development. Reference should be made to the detailed Design and Access Statement submitted in support of the Planning Application. The proposal clearly constitutes a reasonable and acceptable form of development of a plot of land which clearly falls well within the settlement boundary and is clearly appropriate for housing development. The proposal was discussed by the Applicant with a planning officer at an early stage at the offices of Mid Suffolk District Council and the Applicant was encouraged by the discussions and therefore submitted the Application. Accordingly, the Applicant was subsequently astounded and amazed to find that the Council had now resiled from its previous encouraging observations and therefore must pursue a

formal Planning Appeal. It is therefore contended that the Council's decision to refuse the Planning Application is misconceived, contrary and inconsistent with the issues discussed in previous discussions with the Council which had indicated that a development scheme would be acceptable.

7.2 It is contended that the proposed development scheme conforms with the appearance and character of the locality. It is also contended that the proposed development does not in any way contrive any of the policies relating to the protection of the character and appearance of the locality. The proposed development is not inconsistent with the character of the area. Reference will be made to adjacent plots of land where similar forms of development exist.

7.3 The assumption put forward in the first reason for refusal concerning the plot size is misconceived. It should be noted that the proposed development relates to a plot size which is similar to other existing dwelling units in the area. It should be noted that the existing house at 20 Barleyfields is in itself a standard small dwelling and the proposed new dwelling is very similar in size, albeit only slightly smaller. It should be noted that the site is surrounded by a large number of generally small dwellings and accordingly the proposal for a small two bedroomed dwelling is entirely in keeping with the existing pattern of residential development within the immediate vicinity of the Appeal site. It will not lead to a cramped form of

development given the substantial amount of open space in the area and the substantial distance between the Appeal site and other residential properties (other than the immediately adjacent property known as 20 Barleyfields itself).

- 7.4 With reference to the car parking issue and the alleged loss of private amenity space it should be noted that the proposed development will not lead to a substantial reduction in private amenity space. As a matter of fact it is noted that under the terms of the proposed development scheme the proposed new small dwelling will have a reasonable size rear garden and a reasonable sized front garden. It should be noted that the current size of the plot owned by the Appellant including the frontage of the existing house on the plot is 8.2296 metres wide. The proposed development width is 3.6576 metres wide. The length of the dwelling will be 7.62 metres being the same as the current length of the existing house known as 20 Barleyfields. The height of the proposed two floor spaces will be 4.72 metres. The length of the garden will be 5.1816 metres long and will have a width of 3.6576 metres. The length and width of the car parking space will be 3.6576 metres. Accordingly, in total from the car parking space to the end of the garden will be a distance of 16.4592 metres. The total width will be 3.6576 metres. It is therefore clear from the dimensions that there will still be adequate private amenity space even after the car parking space is provided. It therefore follows that the Council's reason for refusal on this basis is also misconceived. It should be noted

that under the proposals the paving surfaces will be resin and bound aggregate to provide a smooth, even and well laid surface to avoid tripping. The private car parking area will be hardcore gravel to blend in with the existing treatment on adjacent car parking spaces. The garden fence perimeter adjoining the public footpath will be screened with conifers. The appearance of the development is clearly designed to blend in with the existing current dwellings in the vicinity. The colour of the bricks and materials to be utilised will match those currently utilised in the existing house at 20 Barleyfields. The Appeal proposal is therefore clearly appropriate and will clearly blend in with existing development of small scale dwellings which are served by a communal car parking access. The adjoining public footpath and on the side of the plot of land will provide good access to the local railway station, bus stops, local shops and businesses.

- 7.5 It therefore follows that the proposed development has regard to the character of the site and its wider surroundings and accordingly is entirely consistent with the policies set out in the statutory development plan. The Council is entirely wrong to contend that it in any way contravenes Policy ENV3 of the Suffolk Structure Plan or Policies GP1, SB2, H3 and H13 of the Mid Suffolk Local Plan 1998. Furthermore, it does not conflict with the policies set out in paragraph 34 of Planning Policy Statement Number 1 on delivering sustainable development. It is curious that the Council is seeking to put forward specific

design issues relating to an Outline Planning Application in any event given that issues concerned detailed design can in any event be dealt with by way of a condition on the Outline Planning Permission which can then be dealt with under reserved matters if necessary. Without prejudice to that point however it is contended that the Plans and Drawings lodged with the Application clearly indicate a proposed form of development which is entirely acceptable and in terms of design fully accords with the character of the area.

7.6 The location site is within a well established development. There is a broad range of community facilities within a ten minute walk. The location site is close to an established community and facilities include shops, open spaces and transport modes. It is therefore in a sustainable location and in accordance with Planning Policy Statement Number 1. The following should also be noted.

(a) With reference to Policy SB2 and H16 it should be noted that the development clearly respects and indeed enhances existing residential amenities. The form of existing development and the character of existing development is respected by the proposal contained in the Appeal which is clearly in keeping with the current development in the area.

- (b) With reference to Policy H14 on the question of a range of house types it should be noted that the proposed development is clearly designed to provide a small dwelling which is in demand in the locality.

7.7 The proposed development will immediately adjoin the existing house known as 20 Barleyfields. It will complete the current row of four dwellings. When finished it will clearly have the appearance of a continuation of the existing form of terraced development on the site.

## 8. **Conclusions**

8.1 It is clear from the review of the policy framework that the proposals set out in the planning application which are the subject of the current appeal are clearly consistent with those policies. Indeed the policies appear to be supportive of this form of development.

8.2 The proposals set out in the appeal are entirely in accordance with National Planning Guidance as put forward by Central Government and particularly in planning policy statement number 3 which is annexed hereto.

8.3 The appellant entered into reasonable discussions with planning officers at the appropriate times and was given every encouragement to submit the proposal. He was given the

- impression that his proposal would be acceptable and therefore expected to receive an approval from the local planning authority.
- 8.4 On the issue of the proposed planning obligation the appellant is happy to execute the form of planning obligation now apparently required by the local planning authority and accordingly the terms of this appeal fully accord with policy SC1.
- 8.5 The proposal relates to the provision of a small home which is the type of home which is currently in great demand within the village of Thurston. It will constitute a small affordable dwelling which will clearly address local housing needs.
- 8.6 The proposed development will not have any adverse environmental impact.
- 8.7 The proposal relates to a form of development which is entirely consistent with the existing form of development in Barleyfields. It is sited in such a position that it will not have any adverse impact upon the privacy of adjacent residential occupiers.
- 8.8 The site is located in a sustainable location and fully accords with all of the requirements relating to sustainability put forward by Central Government.

8.9 It is therefore recommended that the appeal be allowed and planning permission be granted for the outline planning application.

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