

SUPPLEMENTARY COMMENTS

**LAND OFF SHAY LANE
IPSTONES**

AUGUST 2024

1 Comments on LPA Statement of Case

1.1 The Local Authority confirms that its reasoning for refusing the application is set out within its delegated report. We have responded to that document within the original Grounds of Appeal and thus do not seek to repeat the content of that document unnecessarily. We do however wish to respond to the specific comments raised within paragraph 5.2 of the Local Authority's Statement of Case, as follows:

- Paragraph 6.2 – this information is provided for context in order that the Planning Inspector may understand the rationale behind the proposal. We have not at any time proposed, nor suggested that this was a proposal for an agricultural workers dwelling.
- Paragraph 6.3 – this information was likewise provided for context.
- Paragraph 6.4 – again this information is for context and highlights the sustainable approach that the appellants want to adopt for the development
- Paragraphs 6.5 – 6.6 – for avoidance of doubt the application was submitted prior to changes to the NPPF and owing to their continued shortfall in housing land supply (3.58 years) the presumption in favour of sustainable development is engaged.
- Paragraph 6.14 – we disagree with the Local Authority's conclusions on this point and that is largely the nub of the issue. We contend that the proposal is in keeping with the character and appearance of the area, responding positively to the specific characteristics and levels within the site to arrive at a scheme which will not be harmful. The Local Authority's Trees &

Woodlands Officer (who provides the Planning Officer's with advice on landscape impact) has concluded similar, as discussed in paragraphs 6.33 and 6.34 of the Grounds of Appeal.

- Paragraph 6.15 – 6.16 – We disagree that the proposal will represent a prominent intrusion into the countryside for the reasons set out within the Grounds of Appeal, and which are supported by the conclusions of the Local Authority's Trees & Woodlands Officer.
- 6.36 – 6.38 – The Local Authority has sought to rely on the consultation response issued by the Conservation Officer in defence of its refusal, but has failed to provide any evidence to counter the very clear conclusions raised within the Grounds of Appeal Heritage Statement that the site does not hold any significance from a heritage perspective, and will not cause harm to the setting of the Conservation Area. This will become apparent during the appeal site inspection. One suspects the Conservation Officer has never visited the site.

2.1 The proposal will deliver a number of benefits, as discussed within paragraphs 6.40 – 6.53 and we submit that no adverse impacts will arise to significantly and demonstrably outweigh the benefits of the development when assessed against the NPPF taken as a whole. The proposal will not result in a prominent intrusion into the countryside; it will constitute a sensitive, high quality development that responds positively to the constraints of the site, and which will not cause harm to the setting of the Conservation Area. The proposal has been found to be acceptable in all other respects and consequently we submit that there is a compelling case for planning permission to be granted.

3 Comments on Third Party Representations

3.1 The Parish Council continues to maintain its objection to the application on the grounds that the site would be outside the settlement boundary, would not be infill, would be out-of-keeping with properties in the general area, and does not blend in with existing buildings. These issues have been addressed within the original Grounds of Appeal and thus we do not seek to repeat those arguments here.

3.2 We nevertheless wish to point out that this site is not read in the context of surrounding built development. Owing to the presence of mature landscaping and changes in levels across the site, the site is discreet in relation to neighbouring properties such that a proposal with a differing design can be accommodated without harming the area. The design of the dwelling is, in any event, in accordance with the guidance set out within the adopted Design SPD, and the Local Authority has not raised any concerns in respect of the detailed design of the dwelling in its determination of the application.

4 Planning Conditions

4.1 There are no objections in principle to the suggested conditions, but we request changes to the triggers of some of those conditions as listed below:

- Condition 1 – Change to trigger requested to “before any works above slab level are undertaken”
- Condition 2 – Change to trigger requested to “prior to occupation”
- Condition 3 – Change to trigger requested to “prior to installation” or “before any works above slab level are undertaken”
- Condition 10 – Change to trigger requested to “prior to installation” or “before any works above slab level are undertaken”.