

Hitcham Neighbourhood Plan 2022 - 2037

**Report by Independent Examiner to Babergh District
Council**

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Summary and Conclusion

1. The Hitcham Neighbourhood Plan has a clear vision supported by six objectives.
2. In December 2021, Inspectors in the process of examining the emerging Joint Local (JLP) (November 2020) requested that the JLP be split into two parts with Part 2 requiring further assessment to address matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. The settlement hierarchy was to be a consideration for Part 2 of the JLP. It has subsequently been decided to proceed with a full Joint Local Plan review and not a Part 2 Joint Local Plan.
3. Babergh District Council has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the former emerging JLP (November 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of these indicative numbers. That emerging JLP sought a minimum housing requirement figure of 17 dwellings for the Parish of Hitcham. I note that these have subsequently received planning permission, have been or are being constructed.
4. Policy HIT1 supports infill development of up to six dwellings within the settlement boundary. It does not allocate sites for development. Instead, it focuses on managing the impacts of any proposed growth and ensuring that community benefits are realised. Development outside the newly defined Settlement Boundary will be restricted and will be required to be in accordance with national, and district level policies. I have found that the Settlement Boundary, with agreed additions as suggested by Babergh District Council, has been defined in a logical way, taking into consideration the settlement character.
5. I have recommended modification to some of the policies in the Plan. These modifications are predominately in the interest of clarity and precision. My reasons with regard to all the suggested modifications are set out in detail below. None of the recommended modifications significantly or substantially alters the intention or nature of the Plan.
6. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Hitcham Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Hitcham Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

7. On 20 January 2020 Babergh District Council (BDC) approved that the Hitcham Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covers the whole of the Parish of Hitcham.
8. The qualifying body is Hitcham Parish Council. The Plan has been prepared by a Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2022 to 2037.
9. I was appointed as an independent Examiner for the Hitcham Neighbourhood Plan in May 2025. I confirm that I am independent from the Parish Council and BDC. I have no interest in any of the land affected by the Plan, and I have appropriate experience to undertake this examination. As part of the examination, I have visited the Plan area.

Legislative Background

10. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
11. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
12. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) *The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) *In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*
- 1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*
13. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
14. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

15. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
16. The *Hitcham Neighbourhood Plan 2024-2036 SEA Screening Opinion* was prepared by Land Use Consultants in May 2024. It states: *The Neighbourhood Plan does not directly impact on land use through the allocation of sites for housing or other forms of development. On this basis, it is considered that the Hitcham Neighbourhood Plan is unlikely to have significant environmental effects and full SEA is therefore not required.* The statutory consultees concurred with this conclusion.
17. BDC prepared the *Hitcham Neighbourhood Plan 2024-2036 Strategic Environmental Assessment and Habitat Regulation Assessment*

*Determination Notices in July 2024. It determined: In the light of the SEA Screening Report (May 2024) prepared by LUC and having considered the responses to this from the three statutory consultees, it is our determination that the Hitcham Neighbourhood Plan 2024 - 2036 **does not require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.***

18. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
19. As regards Habitats Regulations Assessment (HRA), the *Hitcham Neighbourhood Plan 2024-2036 Habitats Regulations Assessment Screening Report* was prepared by Land Use Consultants in May 2024. Since none of the policies in the Hitcham Neighbourhood Plan are expected to directly result in development, it found that they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a result of the Neighbourhood Plan, despite some impact pathways existing for certain European sites. Thus, it concluded: *At the Screening stage of the HRA, no likely significant are predicted on European sites as a result of the Hitcham Neighbourhood Plan, either alone or in combination with other policies and proposals.* Natural England concurred with this conclusion.
20. BDC in the *Hitcham Neighbourhood Plan 2024-2036 Strategic Environmental Assessment and Habitat Regulation Assessment Determination Notices* (July 2024) determined: *In light of the HRA Screening Report (May 2024) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Hitcham Neighbourhood Plan is ‘**screened out**’ from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.*
21. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
22. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
23. I note that the SEA and HRA reports were based on a draft neighbourhood plan with a different time period (2024-2036) to that of the submission plan (2022-2037). In the context of the policies in both versions of the Plan, I do

not consider these differing time periods to be significant in terms of SEA and HRA considerations.

24. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

25. The *National Planning Policy Framework* (NPPF) (December 2024) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
26. This neighbourhood plan and accompanying Basic Conditions Statement include references to the updated December 2024 version of the NPPF. Paragraph 239 in that version of the NPPF states: *For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025. As this neighbourhood plan was submitted to BDC prior to 12 March 2025, it is being examined under the policies of the former version of the NPPF (December 2023).* I suggest that this is mentioned in the Plan in an appropriate paragraph. **I see this as a minor editing matter.**
27. All subsequent references to the NPPF in this report are from that former version of the NPPF, unless specified, although I appreciate that the neighbourhood plan does refer to the updated 2024 NPPF.
28. The Basic Conditions Statement refers to the NPPF December 2024, whereas the submitted Plan is being examined against the NPPF 2023. In the circumstances of the policies in this Plan and the sections of the NPPF 2024 referred to in the Basic Conditions Statement, this is not materially significant and thus I do not consider it necessary to revise the Basic Conditions Statement.
29. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth,*

innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

30. Hitcham Parish is within the local authority area of Babergh District Council (BDC). The development plan for the Hitcham Neighbourhood Plan Area comprises the Babergh and Mid Suffolk District Council’s Joint Local Plan Part 1 (JLP) adopted on 21 November 2023. Some policies from previous Development Plan documents have been saved and these remaining saved policies also form part of the Development Plan. None of the saved policies are strategic policies relevant to the Neighbourhood Plan. The Submission Neighbourhood Plan was prepared having regard to the JLP policies.
31. Babergh and Mid Suffolk District Councils have confirmed that they will now proceed with a full Joint Local Plan review and not a Part 2 Joint Local Plan. For now, Part 1 of the Joint Local Plan remains in place. A new Joint Local Development Scheme, which sets out the timetable for the production of this new Joint Local Plan was published on 5 March 2025. Paragraphs 3.7 in the neighbourhood plan should be updated accordingly. **I see this as a minor editing matter.**
32. The strategic policies in the development plan include policies regarding housing provision, climate change and the conservation and enhancement of the natural and historic environment.

The Neighbourhood Plan Preparation

33. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
34. The initial consultation process began with a key issues drop-in consultation at Hitcham Village Hall on 22 October 2022. This was followed by a Household Survey in November 2022.

35. Residents and businesses were able to follow the progress of the Plan on the Parish Council's website. In addition, publicity included posters, flyers, articles in the Parish Magazine, Facebook, notices on the Hitcham noticeboard and updates at Parish Council meetings.
36. The consultation period on the pre-submission draft of the Plan ran from 13 July to 30 August 2024. A launch exhibition was held in the Village Hall on 13 July 2024. The documents and response forms were available at All Saints Church, the Village Shop and on the Parish Council website.
37. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements, and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their efforts.
38. BDC publicised the submission Plan for comment during the publicity period between 24 March and 9 May 2025 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of eleven responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
39. Some responses suggest additions and amendments to policies and text. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDC web site.

The Hitcham Neighbourhood Plan

40. Background information is provided throughout the Plan and in supporting documents. A clear vision for the Parish has been established and is supported by six objectives.
41. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified in this Plan as Projects) these have to be clearly differentiated from policies for the development and use of land.
42. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that

are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

43. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
44. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
45. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
46. In the interest of clarity, the Policies Map in Figure 22 should include the settlement boundary (Policy HIT1) and community facilities (Policy HIT12). Inset maps can be included where necessary. I note that the Parish Council had intended to make these modifications prior to the submission of the Plan and has subsequently agreed to these amendments.
47. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of the Settlement Boundary and Community Facilities on the Policies Map in Figure 22.**
48. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

Policy HIT1: New housing development

49. Paragraphs 82 - 84 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
50. Policy SP01 in the adopted JLP seeks to deliver a minimum of 7,904 net additional dwellings in the District over that plan period (416 dwellings per annum).

51. In December 2021, Inspectors in the process of examining the emerging JLP (November 2020) requested that the JLP be split into two parts with Part 2 requiring further assessment to address matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. The settlement hierarchy was to be a consideration for Part 2 of the JLP. It has subsequently been decided to proceed with a full Joint Local Plan review and not a Part 2 Joint Local Plan.
52. BDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the former emerging JLP (November 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of these indicative numbers. That emerging JLP sought a minimum housing requirement figure of 17 dwellings for the Parish of Hitcham. I note that these have subsequently received planning permission, have been or are being constructed.
53. Policy SP03 in the adopted JLP retains Settlement Boundaries from earlier Local Plans and Core Strategies. These were to be reviewed, where necessary, as part of what was to be the preparation of the Part 2 Plan. Policy SP03 seeks to resist development outside these Settlement Boundaries, subject to a list of exceptions. For Hitcham, the Settlement Boundary is that defined in The Babergh Local Plan 2011 - 2031 Core Strategy and Policies (Core Strategy) (2014), which was carried over from the 2006 Babergh Local Plan. Policy SP03 recognises that development can take place outside settlement boundaries under various circumstances, including where it is in accordance with a made neighbourhood plan. In addition, it recognises that new housing development can come forward through neighbourhood plans.
54. The above paragraphs are relevant to Policies HIT1, HIT2 and HIT3.
55. I am required to test the indicative housing figure proposed by BDC. BDC is yet to publish a full JLP review, or to publish any revised supporting documentation regarding housing figures. Policy HIT1 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development.
56. Policy HIT1 supports infill development of up to six dwellings within the settlement boundary. It does not allocate sites for development. Instead, it focuses on managing the impacts of any proposed growth and ensuring that community benefits are realised. A neighbourhood plan is not required to allocate sites for housing development, whilst at the same time it must ensure that it is in general conformity with strategic policy.
57. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the full JLP review. I realise that full JLP review may find

it necessary to allocate sites for development in the Parish, once the settlement hierarchy and spatial distribution are established.

58. I am satisfied, as far as I can reasonably be expected to be, that until such time as the review of the JLP is available and the settlement hierarchy is established, local housing need can be accommodated through existing commitments and completions. In reaching this decision, I note that BDC has not made representations to the contrary.
59. Policy HIT1 focuses new development within a new settlement boundary, which is largely the adopted settlement boundary updated to reflect recent completions. BDC has suggested further modification of the Settlement Boundary to include the properties known as Walnut Lodge, Roxburgh Place and four dwellings ref. DC/18/01147/FUL. The Parish Council, at Regulation 14 consultation stage, agreed to make these amendments and has subsequently confirmed it has no objection to such amendments. I consider that this revised settlement boundary has been defined in a logical way, taking into consideration the settlement character and is in general conformity with strategic policy, where it recognises that settlement boundaries are due to be reviewed.
60. There is only one settlement boundary, therefore, there is no need to refer to the main built-up part of the village in the second paragraph of Policy HIT1. If the Parish Council wishes to do so, it can expand paragraph 7.5 to explain where the main built-up area is. **I see this as a minor editing matter.** The fifth paragraph of Policy HIT1 should refer to 'boundary' not 'boundaries'.
61. Policy HIT1 restricts development outside the settlement boundary, including restrictions in accordance with national policy. Footnote 9 cross refers to national policy regarding isolated homes in the countryside. Other development, such as rural exception sites for housing are also allowed in the countryside under national policy. Therefore, in the interest of precision, footnote 9 should be deleted.
62. Both Policy HIT1 and Policy HIT8 seek to preserve the individual identity and separation of the distinct hamlets within the Parish. The former emerging pre-submission JLP Nov 2020 proposed to identify Hitcham as a Hinterland Village and Cross Green, The Drive and The Water Run as hamlets. The settlement hierarchy will now be defined in the forthcoming full review of the JLP. The *Hitcham Design Guidelines and Codes (January 2025)* does identify hamlets. This is a supporting document to the neighbourhood plan. In the absence of a district -wide settlement hierarchy, in the interest of precision, both Policies HIT1 and HIT8 should refer to the distinct hamlets as identified in the *Hitcham Design Guidelines and Codes (January 2025)*. I will make further reference to this under Policy HIT8.
63. The fourth paragraph in Policy HIT1 refers to obstruction of any views. As explained under Policies HIT4 and HIT8 these should be identified as 'important views'. This matter is covered fully under Policy HIT4.

64. Subject to the above modifications, Policy HIT1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HIT1 meets the Basic Conditions.

65. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy HIT1 to read as follows:

HIT1: New housing development

The Neighbourhood Plan area will accommodate development commensurate with the designation of Hitcham in the relevant adopted settlement hierarchy, taking into account the rural character of the parish.

The focus for new development will be within the adopted settlement boundary, (as defined on the Policies Map), where it can best integrate with existing development and benefit from proximity to the existing community infrastructure.

Infill development

Within the defined settlement boundary, proposals for small windfall sites consisting of individual dwellings or small groups of up to six dwellings will only be supported where they are physically connected to the existing built-up area and would enhance its form, character and setting.

Proposals for new infill development should carefully consider and seek to limit obstruction of any Important Views. Tandem development should not disrupt the settlement pattern and must have sufficient off-road parking and garden space for the new development. Infill development should not overwhelm neighbouring dwellings and should be of a similar scale and height to adjoining properties.

Outside the defined settlement boundary, proposals for new housing development including the conversion of existing buildings, such as barns and farm buildings, self-build properties, and replacement dwellings will only be permitted where they are in accordance with national and district level policies.

Proposals for new development outside the distinct hamlets within the parish, as identified in the Hitcham Design Guidelines and Codes (January 2025), should preserve the individual identity and separation of the distinct hamlets and should avoid their coalescence.

2) modification to the settlement boundary in Figure 23 to include the areas suggested by BDC that include Walnut Lodge, Roxburgh Place and four dwellings ref. DC/18/01147/FUL.

3) the deletion of footnote 9 to Policy HIT1.

Policy HIT2: Housing Mix

66. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
67. PPG states: *In order to qualify as a First Home, a property must be sold at least 30% below the open market value. Therefore, the required minimum discount cannot be below 30%.*
- However, the First Homes Written Ministerial Statement does give local authorities and neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this (part extract from Paragraph: 004 Reference ID: 70-004-20210524).*
68. JLP Policy SP01 requires that the mix of tenure, size and type of new housing development should be informed by the district's needs assessment or any local housing needs survey where relevant.
69. JLP Policy SP02 requires that the mix of tenure, size and type of new affordable housing development should be informed by the district's needs assessment, any local housing needs survey and other relevant supporting evidence. The JLP specifically states that it does not address the issue of First Homes.
70. AECOM prepared the Hitcham Housing Needs Assessment (HNA) in January 2023, which provides robust evidence to support Policies HIT2 and HIT3.
71. Policy HIT2 seeks a mix of housing types and sizes to meet local needs. This includes affordable housing. First Homes should be at a 40% discount.
72. As regards First Homes discount, the HNA concludes: *Given the large gap between affordability of renting and ownership, affordable home ownership products offer good potential to extend home ownership in the parish. To be considered affordable to average earners, First Homes would need to be offered at a minimum discount of 40%.*
73. In the interest of precision, a footnote should be added to the end of Policy HIT2 stating that the discount level also applies to First Homes exception sites. Subject to this addition, Policy HIT2 has regard to national policy,

contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HIT2 meets the Basic Conditions.

74. **Recommendation: to meet the Basic Conditions, I recommend the insertion of a footnote at the end of Policy HIT2. The footnote to read: This 40% discount level also applies on First Homes exception sites.**

Policy HIT3: Affordable Housing on Rural Exception Sites

75. Paragraph 82 in the NPPF states: *local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet local needs and consider whether allowing some market housing on these sites would help to facilitate this.*
76. Paragraph 73 in the NPPF explains that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites. Such sites should be adjacent to existing settlements and proportionate in size to them.
77. Policy SP03 in the JLP cross refers to non-strategic policies including Policy LP07. That policy refers to criteria for community-led development and rural exception sites. JLP Policy LP07 requires a Rural Exception Site scheme to demonstrate that it is well connected to an existing settlement and proportionate in size to it. Community-led housing proposals must demonstrate that the scheme was initiated by a legitimate local community group and has general community support. Whilst not a strategic policy, it supports the strategic approach to the provision of affordable housing in JLP Policy SP02.
78. Policy HIT3 supports the provision of affordable housing on rural exception sites and community-led housing sites subject to a list of criteria. BDC has suggested revision to the beginning of the first paragraph to state: *Proposals for the development of small-scale affordable housing schemes on sites outside of but immediately adjacent to or otherwise well related to the settlement boundary will be supported where:*
79. In the interest of precision, I recommend such a modification as a site cannot be both immediately outside of the settlement boundary and otherwise well related to the settlement boundary. In addition, as there is only one settlement boundary, reference to the main built-up area is not necessary.
80. Criterion d. in Policy HIT3 refers to such sites being natural extensions to the built-up area. This contradicts the beginning of Policy HIT3 and thus such reference should be deleted. Location adjacent to the existing settlement boundary can only be a requirement for community - led developments as this is not a requirement for rural exception sites in the NPPF.

81. Subject to the above modifications, Policy HIT3 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HIT3 meets the Basic Conditions.
82. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to the beginning of Policy HIT3 to read as follows: Proposals for the development of small-scale affordable housing schemes on sites outside of but immediately adjacent to or otherwise well related to the settlement boundary will be supported where:**
- 2) modification to criterion d. in Policy HIT3 to read as follows: The site is self-contained, has logical natural boundaries and can be easily connected to community facilities such as the shop and the village hall, e.g., the area around The Causeway.**

Policy HIT4: Design

83. Paragraph 131 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
84. Paragraph 132 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
85. JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including landscape, biodiversity, geodiversity and the historic environment and historic landscapes. In addition, all development will be required to protect and enhance biodiversity. This policy is relevant to Policies HIT4, HIT5, HIT6, HIT7, HIT8, HIT9 and HIT10.

86. Policy HIT4 is a general design policy supported by background evidence in the *Hitcham Design Guidelines and Codes (January 2025)*. This document identifies Character Areas as part of a character appraisal and sets out design guidelines and codes to be given due weight in the planning process.
87. In the interest of precision, I suggest that the date of the publication of the *Hitcham Design Guidelines and Codes (January 2025)* is included in Policy HIT4. I have included this as January 2025, but with revisions required to the *Hitcham Design Guidelines and Codes*, I appreciate that the date will alter.
88. Policy HIT4 criterion f. refers to valued views. Policy HIT4 criterion l. refers to valuable sightlines to rural views. Design Codes RC.03 and LA.03 in the *Hitcham Design Guidelines and Codes (January 2025)* refers to valued views and Design Code SI.01 refers to any views. Policy HIT1 refers to any views. Policy HIT8 identifies a number of important views, which are referred to in a number of different ways, including important landscape views and important public local views. In the interest of precision, I suggest that reference to such views throughout the Plan and in the *Hitcham Design Guidelines and Codes* should be to 'Important Views', although it is not significant if the Parish Council wishes to name them all something different, such as Important Public Local Views. Whatever they are called, there should be continuity of their names throughout the Plan and *Hitcham Design Guidelines and Codes*. I will refer to this again under Policy HIT8.
89. Policy HIT4 criterion g. refers to new development including the palette of materials identified in the *Hitcham Design Guidelines and Codes*. The way this criterion is written implies that the whole palette is required for each development and I am sure that this is not the intention. In the interest of precision, I have suggested revised wording.
90. Policy HIT4 criterion q. and Design Code CL.02 require new developments to seek to provide direct connections to nearby valued assets. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development would not require such connections. Therefore, in the interest of precision, 'where appropriate' should be added to the criterion and design code.
91. Paragraph 136 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. I recommend the inclusion of such a requirement in the village setting and landscaping section in Policy HIT4. I have suggested additional wording.
92. The *Hitcham Design Guidelines and Codes* is not a policy document. Design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area, whereas design guidance, is guidance rather than a requirement. Therefore,

the table on page 10 in the *Hitcham Design Guidelines and Codes* should be modified to make it clear that applicants and the Parish Council should have regard to the guidance.

93. JLP Policy SP10 requires all development to mitigate and adapt to climate change by: adopting a sequential risk-based approach taking into account futureproofing measures for impacts of flooding; conforming to the principle of Holistic Water Management; applying existing and innovative approaches to sustainable design and construction; and identifying opportunities, where appropriate, to deliver decentralised energy systems powered by a renewable or low carbon source and associated infrastructure, including community-led initiatives.
94. Policy HIT4 criterion v. refers to resilience to climate change. The first sentence refers to water capture, recycling and water saving. Policy LP23 in the JLP seeks to incorporate such measures where feasible. Whilst that is not a strategic policy, I have no robust evidence before me to suggest that such measures should be required for all developments. Therefore, in the interest of clarity, I have suggested revised wording.
95. Subject to the above modifications, Policy HIT4 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HIT4 meets the Basic Conditions.
96. Policy HIT4 criterion h. should replace 'its' with 'their'. **I see this as a minor editing matter.**
97. References to the *Hitcham Design Guidelines and Codes* in paragraphs 1.10 and 8.8 should be updated. **I see this as a minor editing matter.**
98. As the *Hitcham Design Guidelines and Codes* is such an important background document, the Parish Council may wish to consider including the document as an appendix to the Plan. **I see this as a minor editing matter.**
99. **Recommendation: to meet the Basic Conditions, I recommend:**
 - 1) the inclusion of the date of the *Hitcham Design Guidelines and Codes* (January 2025) in Policy HIT4.**
 - 2) modification of criterion g. in Policy HIT4 to read as follows:**
Proposals should seek to complement existing development across Hitcham, having regard to the palette of materials identified in the Hitcham Design Guidelines and Codes (January 2025). This includes colours such as terracotta, pink, ochre and grey/brown and materials such as coloured render, red brick, red pantiles and weatherboarding.

3) modification of criteria f. and l. in Policy HIT4 to refer to Important Views and the various references to such views in the Plan, including Policy HIT8 and its background evidence, to similarly refer to 'important views' (although it is not significant if the Parish Council wishes to name them all something different, such as Important Public Local Views).

4) modification of Policy HIT4 criterion q to include 'where appropriate' at the beginning of the sentence.

5) modification to the first sentence in Policy HIT4 criterion v. to read as follows: Proposals for residential and non-residential developments should consider resilience to climate change, for example flood and heat resistance, and, where feasible, include water capture, grey water recycling and water saving measures.

6) the inclusion of the following in the village setting and landscaping section of Policy HIT4: All new development should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

7) modification to the *Hitcham Design Guidelines and Codes (January 2025)* as follows:

i) update national and local policy on pages 8 and 9.

ii) modification to the table on page 10 to make it clear that applicants and the Parish Council should have regard to the guidance.

iii) modification to Design Codes RC.03, LA.03 and SL.01 to refer to Important Views (although it is not significant if the Parish Council wishes to name them all something different, such as Important Public Local Views).

iv) modification of Design Code CL.02 to include 'where appropriate' at the beginning of the sentence.

Policy HIT5: Built and Historic Environment

100. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability, at Section 16(2),

of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

101. The NPPF advises at paragraph 205 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
102. Policy HIT5 seeks to protect heritage assets and their settings. Criterion 2. in Policy HIT5 refers to retaining important buildings and spaces. However, in the context of this policy they are not identified. In the interest of precision, this criterion should be deleted from Policy HIT5. The remainder of the policy ensures the continued protection of heritage assets and their settings.
103. Subject to the above modification, Policy HIT5 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HIT5 meets the Basic Conditions.
104. **Recommendation: to meet the Basic Conditions, I recommend the deletion of criterion 2. from Policy HIT5.**
105. BDC has commented that on the penultimate line of the Objective 3 text, there needs to be the insertion of 'and' before 'providing a measurable net gain in biodiversity' so this matches the text on page 30. In addition, the fifth line of the note under Policy HIT5 should refer to the 'Babergh and Mid Suffolk Joint Local Plan', and the following sentence should read 'Babergh and Mid Suffolk District Councils'. **I see these as minor editing matters.**

Policy HIT6: Non-designated Heritage Assets

106. Paragraph 209 in the NPPF refers to the need for a balanced judgement in weighing applications that directly or indirectly affect non-designated heritage assets.
107. PPG states:

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

(Extract part of Paragraph: 040 Reference ID: 18a-040-20190723).

108. Policy HIT6 identifies 8 non-designated heritage assets. Each proposed non-designated heritage asset has been assessed against the criteria in the Historic England Listing: Historic England Advice Note 7, January 2021. The evidence for their justification is in Appendix B in the Plan. From the evidence before me and from what I was able to see during my visit to the Parish, I am satisfied that they are worthy of identification as non-designated heritage assets.
109. Policy HIT6 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Policy HIT6 meets the Basic Conditions.

Policy HIT7: Local Green Spaces

110. The NPPF in paragraphs 105 - 107 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*
- The Local Green Space designation should only be used where the green space is:*
- a) in reasonably close proximity to the community it serves;*
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - c) local in character and is not an extensive tract of land.*
- Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*
111. I have visited the Parish and seen the proposed Local Green Spaces (LGS). The justification for the designation of the LGS is found in supporting evidence in Appendix C in the Plan. I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. All these sites are in reasonable proximity to the local community, are local in character and are not extensive tracts of land. I have found that all the proposed sites meet the criteria for designation.
112. My comments on each of the proposed LGS sites are set out below.

113. *1. Meadow adjacent to the village hall.* This meadow is demonstrably special to the local community because of its informal recreation provision.
114. *2. Community play area.* This grassed amenity area with play equipment is demonstrably special to the local community because of its informal recreation provision.
115. *3. Hobbets.* This area includes a reservoir and woodland and is used as a footpath link. It is demonstrably special to the local community primarily because of its informal recreation provision and historical significance.
116. *4. Church Green.* This small green triangle of land includes a bench under a tree. It is demonstrably special to the local community primarily because of its informal recreation provision.
117. *5. Falls footpath wooded area.* This area is demonstrably special to the local community because of its informal recreation provision and richness of its wildlife and flora and fauna.
118. *6. Browns Close bellmouth – 2 parcels.* These two green parcels of land are home to wild orchids. They are demonstrably special to the local community because of the richness of this flora. These parcels of land should be numbered 6 in Appendix C, rather than numbered 8. **I see this as a minor editing matter.**
119. Policy HIT7 refers to the LGS on Figure 26. Due to its scale, this does not sufficiently identify the exact boundaries of the LGS. In the interest of precision, I suggest that Policy HIT7 also refers to the LGS Figures in Appendix C in the Plan.
120. Subject to the above modification, Policy HIT7 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HIT7 meets the Basic Conditions.
121. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of reference in Policy HIT7 to the Figures in Appendix C.**

Policy HIT8: Landscape and important views

122. The NPPF, in Paragraph 180 requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes.
123. Policy HIT8 seeks to protect the visual scenic value of the landscape and countryside. It seeks to prevent coalescence and loss of individual settlement identity. It identifies Important Public Local Views, although these views are described in a number of ways in the policy and accompanying text. As mentioned under Policy HIT4, I have recommended continuity of

naming of these views as 'Important Views' throughout the Plan. Therefore, I will not make such a specific recommendation here.

124. PPG advises that proportionate, robust evidence should support the choices made and the approach taken in any policy in a neighbourhood plan. In this particular instance, in such a small parish, local knowledge of important views is significantly robust evidence. The important views have been identified either as a result work undertaken by Steering group members or suggestions from the local community. I have seen these important views and understand their significance to the local community.
125. For the same reasons as referred to under Policy HIT1, the third paragraph in Policy HIT8 should refer to the *Hitcham Design Guidelines and Codes (January 2025)*. I have suggested revised wording.
126. Subject to the above modifications, Policy HIT8 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy HIT8 meets the Basic Conditions.
127. Figure 28 is not of a sufficient scale to clearly identify the viewpoints. In the interest of clarity, this figure should be modified on an ordnance survey base, to a scale that clearly identifies the viewpoints. It may be appropriate to include inset maps for this purpose.
128. **Recommendation: In addition to renaming the views as Important Views or as otherwise chosen by the Parish Council, to meet the Basic Conditions I recommend:**
- 1) modification to the third paragraph in Policy HIT8 to read as follows:**
- The different hamlets within the parish identified in the *Hitcham Design Guidelines and Codes (January 2025)* shall maintain the existing clear landscape breaks between them in order to prevent coalescence and loss of individual settlement identity and distinctiveness.**
- 2) modification to Figure 28 on an ordnance survey base, to clearly identify the viewpoints of the Important Views. It may be appropriate to include inset maps for this purpose.**

Policy HIT9: Dark skies

129. Paragraph 191 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
130. Policy HIT9 seeks to minimise light pollution and retain the dark skies in the Parish. As such, Policy HIT9 has regard to national policy, contributes

towards sustainable development, and is in general conformity with strategic policy. Policy HIT9 meets the Basic Conditions.

Policy HIT10: Natural Assets

131. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing sites of biodiversity and minimising impacts on biodiversity and providing net gains in biodiversity.
132. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain (BNG) to be a condition of receiving planning permission. The requirement for a minimum of 10% biodiversity net gain came into force on 12 February 2024 for major developments and on 2 April 2024 for small sites.
133. JLP Policy SP09 requires development to protect and enhance biodiversity through biodiversity net gain. Whilst not a strategic policy, JLP Policy LP16 seeks a minimum of 10% increase in biodiversity.
134. Policy HIT10 seeks to protect and enhance biodiversity, avoiding loss or substantial harm to biodiversity habitats and species and supporting net gain in biodiversity. As such, Policy HIT10 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy HIT10 meets the Basic Conditions.

Policy HIT11: Accessibility and connectivity

135. Section 9 of the NPPF promotes sustainable transport with an emphasis on giving priority to pedestrian and cycle movements. Paragraph 104 also states that: *planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*
136. JLP Policy SP08 seeks strategic infrastructure provision. Supporting text explains at paragraph 11.01: *the provision of infrastructure is fundamental to maintaining the quality of life, prosperity and environmental credentials of the area.*
137. Policy HIT11 seeks to make the Parish safer and more accessible, with an emphasis on the provision of safe and attractive pedestrian, bridle and cycle routes. This has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy HIT11 meets the Basic Conditions.

138. The paragraph numbering needs amending from the top of page 66. **I see this as a minor editing matter.**

Policy HIT12: Community facilities

139. Paragraph 97 in the NPPF seeks to ensure that planning policies plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments. In addition, amongst other matters, it seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
140. The JLP does not have a specific strategic policy with regard to retaining community facilities. Policy SP03 does cross refer to non-strategic Policy LP28 with regard to protecting and enhancing existing community facilities and supporting new facilities. JLP Policy SP08 requires all development to make provision for appropriate contributions towards community infrastructure.
141. Policy HIT12 seeks to prevent the loss of existing community facilities and supports enhancement of these facilities. The community facilities are identified on Figure 32. In addition, it supports the provision of new and enhanced community facilities.
142. Policy HIT12 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy HIT12 meets the Basic Conditions.
143. BDC has noted that 'Local Plan' should be deleted from the first sentence in paragraph 10.2. **I see this as a minor editing matter.**

Policy HIT13: Business and rural diversification

144. Paragraphs 88 and 89 in the NPPF support a prosperous rural economy. Planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. The sustainable growth and expansion of all types of business in rural areas may be through the conversion of existing buildings.
145. JLP Policy SP03 restricts development outside settlement boundaries. Exceptions include where development is in accordance with a number of non-strategic policies including Policy LP09(2). This supports a change of use to small scale employment within a residential curtilage subject to criteria. Policy LP22(1) requires evidence to justify the need for new agricultural buildings outside settlement boundaries.

146. JLP Policy SP05 seeks to ensure that land used for employment purposes outside of designated strategic employment sites shall be protected for ongoing employment use unless such use is convincingly demonstrated to be unviable.
147. JLP Policy SP10 requires all development to identify opportunities, where appropriate, to deliver decentralised energy systems powered by a renewable or low carbon source and associated infrastructure, including community-led initiatives.
148. Policy HIT13 supports the expansion of existing businesses, and the provision of new small-scale businesses appropriate to a rural area, subject to a list of criteria including that there is no significant adverse impact on the character of the area and amenity of residents. In addition, it supports the provision of services for homeworkers and supports in principle community energy generating proposals.
149. Policy HIT13 positively encourages new buildings for agricultural use. To be in general conformity with strategic policy, this needs to include the requirement for justification for new agricultural buildings outside settlement boundaries.
150. Subject to the above modification, Policy HIT13 has regard to national policy, contributes towards sustainable development, particularly the economic objective, and is in general conformity with strategic policy. Modified Policy HIT13 meets the Basic Conditions.
151. **Recommendation: to meet the Basic Conditions I recommend the addition of the following sentence to the end of the second paragraph in Policy HIT13:**
- There must be demonstrable evidence to justify the need for any proposals for new agricultural buildings outside the settlement boundary.**

Referendum and the Hitcham Neighbourhood Plan Area

152. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

153. **I am pleased to recommend that the Hitcham Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
154. I am required to consider whether or not the Referendum Area should extend beyond the Hitcham Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

155. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, the introduction, including Figure 1, will need updating, as will paragraph 4.3 and the table in paragraph 4.5. The numbering of the Figures in the Plan and in Appendix C and any cross referencing need to be checked. In addition, the Glossary entries should be relevant.

Janet Cheesley

Date 10 June 2025

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (2023)
The National Planning Policy Framework (2024)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
Babergh and Mid Suffolk District Council's Joint Local Plan Part 1 (November 2023)
Regulation 16 Representations
All Supporting Documentation submitted with the Plan
Examination Correspondence (On the BDC web site)