Shimpling Neighbourhood Plan 2018 - 2037

Independent Examination correspondence document

First published: **29 October 2026**

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Introduction

Outside of the Examination Procedures Note already published on the website page mentioned below this document provides a written record of all relevant correspondence had between the Independent Examiner (Ann Skippers), the Parish Council (the Qualifying Body or 'QB') / their Consultant (Ian Poole), and Babergh District Council during the examination of the Shimpling Neighbourhood Plan.

As required, specific documents will continue to be published on our Shimpling webpage: https://www.babergh.gov.uk/w/shimpling-neighbourhood-plan

Copies of e-mails / letters etc. appearing on the following pages:

1. **E from Examiner dated 27 Oct 2026: Questions for clarification.**
2. **E to Examiner dated 9 November 2026: Response to Questions for clarification.**

1. E from Examiner dated 27 Oct 2026: Questions for clarification.

Dated: 27 October 2026
From: Ann Skippers
To: Paul Bryant (BMSDC), Ian Poole (Shimpling NP Consultant)
Fwd to: Claire Douglas-Hughes (Shimpling NP Working Group)

Dear Paul and Ian,

I am making good progress with the above examination.

Some matters have arisen on which I would be grateful for your kind assistance and that of the Parish Council. Subject to the satisfactory resolution of these issues, I do not consider at this stage that a hearing will be needed, but this will depend on the information provided.

It is not unusual at all for me to have a few queries or to ask for some further information (as you very well know) so I'd like to reassure the Parish Council that this is quite 'normal' for me.

I would be most grateful if both Councils as appropriate would respond to these queries which are detailed in the attachment. [BDC note. This now copied below]. I have sent you this in word format so that some of the answers may be easily added in to it if you so wish.

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination, but I know it is half term this week. Please may I therefore ask for your response by close of business on Friday 6 November 2026. However, if a little more time is needed please do let me know. [BDC note: A short time extension has been requested and accepted]

It would be very helpful to me if all the answers could be collated together or that just one bundle of responses is sent to me at the same time from each Council and that Paul coordinates this.

This email, the attachment with the questions (and the responses to them) will be a matter of public record and should be placed on the appropriate websites.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if there are any questions about this stage of the examination.

Ann Skippers MRTPI
Independent Examiner

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Questions of clarification from the Examiner to the Parish Council and BDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information.

Please do not send or direct me to evidence that is not already publicly available.

1. With regard to **Policy SPG 5 - Replacement Dwellings and Conversions Outside the Settlement Boundary**, there are arguably two areas of ambiguity in the policy's wording. These are the reference to the "original" dwelling and the phrase "significantly larger".
   In respect of the reference to the original dwelling, this could be the original dwelling as on a particular date, the original dwelling as first constructed or the original dwelling as existing at the time of any planning application for a replacement dwelling. There may be other interpretations too such as the original dwelling as first built and any allowance under permitted development.

   It would therefore be helpful to add a definition as a footnote to the policy or as part of the supporting text.

   Please could I be provided with a suitable form of words, bearing in mind this should be broadly consistent with any applicable BDC level policies.

   With regard to the phrase "significantly larger", again this is arguably open to interpretation. It would be useful to add an explanation or definition into the policy and/or its supporting text.

   Please could I be provided with a suitable form of words for this phrase.

2. With regard to **Policy SPG 12 - Design Considerations**, a Design Guidance and Codes document has been produced by AECOM. However, the policy's wording does not require this document to be taken into account or any compliance with the codes.

   Rather the policy only requires new development proposals to show how they comply with the general design guidance (replicated in Appendix 6) and the development design checklist (replicated in Appendix 7). Both these elements are acceptable in themselves.

   However, is it intentional not to require compliance or account to be taken of the codes in the Design Guidance and Codes document and if so, why? If not intentional, how could the policy be modified to ensure the Design Guidance and Codes document is fully taken account of?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Where I have invited changes to be suggested, this is entirely without prejudice to my consideration of the issue.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
27 October 2026

[Ends]

2. E to Examiner dated 9 November 2026: Response to Questions for clarification

Dated: 9 November 2026
From: Paul Bryant (BMSDC)
To: Ann Skippers
cc: Claire Douglas-Hughes (Shimpling NP Wkg Grp), Ian Poole (NP Consultant)
Attached: Shimpling PC response to Questions of Clarification [Reproduced below]

Dear Ann,

Your email dated 27 October refers.

On behalf of the Parish Council, please find attached their response to your questions relating to policies SPG 5 and SPG 12. Their suggestions seem sensible and practical. Consequently, we (Babergh District Council) have nothing further to add. Kind regards,

Kind regards,

Paul Bryant
N'hood Planning Officer | Planning Policy Team
Babergh & Mid Suffolk District Councils – Working Together

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Parish Council response to Examiner's Clarification Note (November 2026)

The Neighbourhood Plan Examiner published a "Clarification Note" on 27 October 2026 which contained two questions relating to policies in the draft Neighbourhood Plan and invited the Parish Council to respond to them. This note comprises the Parish Council's response.

Question 1. Policy SPG 5 - Replacement Dwellings and Conversions Outside the Settlement Boundary

The Examiner suggests there are two areas of ambiguity in the draft policy relating to determining "original" dwelling and the phrase "significantly larger" and seeks suggested words to explain and define the meanings in respect of the implementation of the policy.

Parish Council response:

The policy takes its cue from seeking consistency with other up-to-date policies of this nature in the district. In this instance, the policy replicates Policy LWL 5 of the Lawshall Neighbourhood Plan (April 2024).

In terms of determining what is "original", the Examiner asks if "*this could be the original dwelling as on a particular date, the original dwelling as first constructed or the original dwelling as existing at the time of any planning application for a replacement dwelling.*"

In this context, it is noted that the recently published National Planning Policy Framework (August 2026), in Policy S5: 'Principle of development outside settlements', supports:

"The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building[25]. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces."

The footnote to the policy states that the "*existing building is to be assessed as the property as existing on the date of the publication of this Framework*" (August 2026).

In the context of the Examiner's question, and considering how the policy would be used in the context of the new NPPF, it is clear that national policy defines "original" as the date of its publication. However, the Neighbourhood Plan could not reference this date in a policy given it is being examined against the 2024 NPPF.

It would not seem practical to refer back to the "original dwelling as first constructed" as such records would not necessarily be readily available given many dwellings in the open countryside could have been constructed prior to the introduction of the original 1947 Town and Country Planning Act and that the dwelling may have been extended since that time.

Consideration of the size of "*the original dwelling as existing at the time of any planning application for a replacement dwelling"* would, in future use of the policy, not be consistent with Policy S5 of the August 2026 NPPF.

As such, and given the matter-of-fact situation that the August 2026 NPPF is now a material consideration of such proposals, we see the only possible solution might be the addition of a footnote stating:

“Subsequent to the submission of the Neighbourhood Plan, “original” has been defined in the August 2026 NPPF as “the property as existing on the date of the publication of this Framework.”

With regard to the phrase “significantly larger”, again the August 2026 NPPF refers to the size of replacement dwellings and states that they should not be “disproportionately” larger. As such, the new NPPF is also open to interpretation and, taken in isolation, does not provide certainty.

Further, Policy LP04 – ‘Replacement Dwellings and Conversions’ of the Joint Local Plan (Part 1) states that “proposals for replacement dwellings and/or conversions must:

a) Be of an **appropriate scale** and setting for the area, and use materials to achieve a high standard of design in response to the context, and the character and appearance of the surroundings;
b) Consider the amenity for both existing and for future occupiers;
c) Have safe and suitable access and parking;
d) Reuse redundant or disused buildings where possible; and
e) In sensitive areas not be more visually intrusive than the original building.”

As such, neither the adopted Local Plan policy, the NPPF or the Neighbourhood Plan define their respective adjectives describing the size or scale of the replacement dwelling. They all require the application of a judgement, which is not an uncommon approach in the consideration of planning applications. In coming to such a judgement, other material considerations and planning policies would be taken into account. In this instance, the submitted policy itself requires “a detailed analysis of the visual impacts of the new dwelling on the landscape or countryside setting through Landscape and Visual Appraisals (LVA) or Landscape and Visual Impact Assessments (LVIA).”

In addition, Policy SPG 7 – Area of Local Landscape Value; Policy SPG 8 – Important Views; and Policy SPG 12 – Design Considerations would be of particular relevance in determining whether the size of the proposed replacement dwelling would be appropriate in the context of its location.

Given the above discussion, and in response to the Examiner’s question, the Parish Council finds it difficult to suggest an amendment to the policy that would clarify “significantly larger”. Paragraph 6.15 of the Neighbourhood Plan could, perhaps, be amended as follows, where additions are **bold and underlined**:

6.15 The replacement of small dwellings outside the Settlement Boundary with significantly larger houses can radically change the character of a site to one of a more suburban nature as well as reduce the supply of smaller dwellings in the village. When clearly disproportional to the original, a replacement dwelling can have a significant detrimental impact on the rural nature of the area and undermine both national and local policies on restriction of new development in the countryside. **The potential impact of the size of the replacement dwelling will be considered in the context of other policies in the development plan and the NPPF in terms of**

the desire to protect and enhance the rural landscape setting of the village. Even where a site is well screened there is a wider concern to maintain the essential rural nature and qualities of the area. JLP Part 1 includes Policy LP04 - Replacement Dwellings and Conversions which forms the basis for Policy SPG5, while local factors have also been added.

Question 2. Policy SPG 12 – Design Considerations

The Examiner asks whether it is *"intentional not to require compliance or account to be taken of the codes in the Design Guidance and Codes document and if so, why? If not intentional, how could the policy be modified to ensure the Design Guidance and Codes document is fully taken account of?"*

Parish Council response:

It is intended that the Shimpling Design Guidance and Codes should be considered and complied with, as appropriate to the proposal, when considering planning applications. As such, the following amendment to paragraph 2 of the policy is suggested, where additions and **bold and underlined** and deletions are ~~**bold and struck through**~~:

Planning applications **should have regard to the content of the Shimpling Design Guidance and Codes and, in particular and as appropriate to the proposal,** should demonstrate how they satisfy the requirements of the General Design Guidance in Appendix 6 and the Development Design Checklist in Appendix 7 of the Neighbourhood Plan~~**, as appropriate to the proposal**~~.

[Ends]