

## **Committee Report**

**Item No:** 3

**Reference:** DC/17/03272  
**Case Officer:** Natalie Webb

**Ward:** Dodnash.

**Ward Member/s:** Cllr John Hinton. Cllr Stephen Williams.

---

### **Description of Development**

Planning Application - Erection of 7 holiday let, eco lodges and associated landscaping. Change of use of land from agricultural to tourism and demolition of open sided, concrete barn.

### **Location**

Flatford Farmhouse , Flatford Lane, East Bergholt

**Parish:** East Bergholt

**Site Area:** 6300 m<sup>2</sup>

**Conservation Area:**

**Listed Building:**

**Received:** 28/06/2017

**Expiry Date:** 30/08/2017

---

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor All Other

**Environmental Impact Assessment:** N/A

**Applicant:** Mr Paul Goddard

**Agent:** Roger Balmer Design

---

## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to drawing number 4414.01 received 28/06/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Application Form - Received 28/06/2017

Defined Red Line Plan 4414.01 - Received 28/06/2017

Block Plan - Existing 4414.02 - Received 28/06/2017

Block Plan - Proposed 4414.03 B - Received 28/06/2017

Landscaping Plan 4414.04 - Received 28/06/2017

Site Sections 4414.05 A - Received 28/06/2017

Plans - Proposed 4414.06 A - Received 28/06/2017

Plans - Proposed 4414.07 - Received 28/06/2017

Material study of proposed lodges 4414.09 - Received 28/06/2017

---

Tree Protection Plan JBA 16\_029 TPP01 C - Received 28/06/2017  
Aboricultural Impact Assessment JBA 16\_029 AR01 C - Received 28/06/2017  
Design and Access Statement and Planning Statement (including addendum)  
Landscape final report 2016, appendices 2016 and addendum 2017  
Homecheck contamination report  
Ecological Amphibian Survey  
Aboricultural document register  
Tree Survey Schedule  
Photo of Timber Bench  
- Received 28/06/2017

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk). Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

---

## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

---

The application is referred to committee for the following reason/s:

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

---

## **PART TWO – APPLICATION BACKGROUND**

---

### **History**

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B/16/00899	Demolition of open sided concrete barn and erection of 5 holiday let eco lodges and associated landscaping. Change of use from agricultural to tourism.	Granted 26/08/2016
------------	---	-----------------------

### **All Policies Identified as Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

CR02 - AONB Landscape  
CN01 - Design Standards  
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS03 - Strategy for Growth and Development  
CS15 - Implementing Sustainable Development

---

East Bergholt Neighbourhood Plan

**List of other relevant legislation**

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

**Details of any Pre Application Advice**

Pre-application advice was given regarding an increase from the approved 5 no. eco lodge holiday lets to 7 no. lodges. A brief discussion was held with the highways authority, which confirmed there would be no additional impact on the highway from the 5 no. approved due to the nature of the proposed use of the buildings. In addition the principle of development of 5 lodges has been established and the site area has not increased from the former application.

**Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

**A: Summary of Consultations**

**East Bergholt Parish Council**

Recommends refusal (as per previous application for 5 eco lodges); proposal is contrary to NPPF; there is no community benefit; proposal is in conflict with the East Bergholt Neighbourhood Plan; design not in-keeping with area; can be seen from public rights of way.

**SCC - Highways**

It is anticipated that the current proposal would not create a severe impact on the highway network either in terms of a significant increase in vehicle movements or highway safety.

The change of use would result in less agricultural type vehicles which are considered slow moving, this would be considered as an improvement on the highway network. Suffolk County Council are aware that the construction traffic would be considered as a hindrance however, construction traffic is only considered to be a temporary issue and wouldn't be a factor post completion.

In addition to this, Suffolk County Councils perception is that the holiday let eco lodges would not be in use all year round and therefore the number of vehicle movements associated with this development is not considered to be significant.

In light of the above, Suffolk County Council does not wish to restrict the grant of permission for DC/17/03272.

---

---

**Economic Development & Tourism** - None received, consultation period expired.

**SCC - Rights Of Way Department** - None received, consultation period expired.

**Suffolk Wildlife Trust** - None received, consultation period expired.

**Natural England** - Requests further information in the form of a Habitats Regulations Assessment - Recreational Impacts on European Sites; until mitigation measures are secured no decision should be made.

**Dedham Vale Society** - Objects on the grounds that the proposal would be a 'blot' on the landscape of the AONB; increase in traffic on narrow lanes leading to and from Flatford Mill; design contrary to the NPPF and East Bergholt Neighbourhood Plan.

**Dedham Vale And Stour Valley Project** - Comments that accepts a principle of development has been established; concurs with advice given by Natural England; recommends conditions in relation to occupancy, landscaping, lighting, removal of permitted development rights, widening of the public footpath, access arrangements, management plan for the site, details of proximity to European sites

Would also suggest that means of encouraging non-car access and 'eco' build are looked into further.

## **B: Representations**

**East Bergholt Society** - Objects on the grounds the previous application should not have been approved; no justification for more; there is no national interest served by permitting such developments within the Dedham Vale AONB; proposal conflicts with NPPF, East Bergholt Neighbourhood Plan and ignores tests for development within AONB's.

5 letters of representation were received which raised the following points in objection to the proposal:

- Impact on the AONB;
- Access via single lane undesirable;
- Increase in traffic;
- No detail is provided on 'eco' elements of buildings;
- Sensitive location;
- Over-development of tranquil location;
- Vehicles may park on highway;
- Impact on residential amenity;
- Increase of over 30% density;
- Original approval did not include a site management scheme or control plans managing the limitations of use, occupancy, utilisation or ownership of units.

---

## **PART THREE – ASSESSMENT OF APPLICATION**

---

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

---

## **1. The Site and Surroundings**

1.1. The application site is outside the village boundary of East Bergholt within the countryside. The site entrance on Flatford Road is located approximately 190m from the Built Up Area Boundary for East Bergholt.

1.2. The site is located wholly within the Dedham Vale and Stour Valley AONB.

1.3. The site is located to the east of Flatford farmhouse which is accessed from Flatford Road. Flatford Road is a two way road until just beyond the access to the site, where it becomes a 'one way' loop accessing Flatford Mill.

1.4. The site is currently used as a caravan for up to five caravans at any one time. It also contains an open sided, agricultural building.

1.5. The application site is bounded on two sides by public footpaths, and views of the site from these paths are predominantly from the east as much of the site is screened by mature vegetation along the northern boundary.

## **2. The Proposal**

2.1. The application is for the erection of 7 no. holiday let, eco lodges and associated landscaping; the change of use of land from agricultural to tourism and the demolition of the existing open sided, concrete barn. Part of the proposal includes the widening of public footpath no. 26, as shown on drawing number 4414.03B.

2.2. The existing parking will remain unaffected by the development, with 7 no. parking spaces to be provided (1 per unit). There will also be 14 no. cycle spaces provided by the development.

2.3. The lodges will be single-storey, (some with ground source heat pumps) and will have timber decking as shown on the proposed floor plans and elevations.

2.4. The proposed materials for the holiday lets are Sedum blanket green roof, horizontal natural timber cladding, Rheinzink cladding with standing seams, coloured render (RAL 7002) and exposed structural steelwork with weathered finish.

## **3. National Planning Policy Framework**

3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

## **4. Core Strategy**

4.1. The Core Strategy contains the strategic objectives and policies to key planning issues of housing, employment, environmental protection and infrastructure improvement. The Babergh Core Strategy (2014) was adopted by Full Council on Tuesday 25th February 2014. The relevant Core Strategy policies in this application are CS1, CS3, CS15 & CS17.

---

## **5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan**

5.1. The East Bergholt Neighbourhood Development Plan (NDP) has been prepared by East Bergholt Parish Council and will be used to help guide and shape future development in the parish. At its Full Council meeting on 20 September 2016, Babergh District Council resolved to adopt the East Bergholt NDP.

5.2. The Plan, which covers the period up to 2030, now forms part of the development plan framework for the District and is one of the main considerations in determining any future planning applications submitted in East Bergholt unless material considerations indicate otherwise.

## **6. Saved Policies in the Local Plans**

6.1. The Babergh Local Plan Alteration No.2 was adopted by the Council on 1st June 2006. It sets out the detailed policies and proposals for the control of development across the district, the relevant policies are from the Local Plan in relation to this proposal are CR02 and CN01.

## **7. The Principle Of Development**

7.1. Policies CS1, CS3, CS15 and CS17 of the Core Strategy support the presumption in favour of sustainable development and state inter alia that the rural and local economy should be supported through the encouragement of tourism and leisure-based businesses.

7.2. Policy CS17 is a positively-worded policy that seeks to encourage a number of uses that would benefit the rural economy including, amongst other things, tourism and leisure related businesses. That policy is broadly consistent with the aims of Section 3 of the NPPF which seeks to support economic growth in rural areas. In particular, paragraph 28 of the NPPF states, inter alia, that local plans should support the provision and expansion of tourist and visitor facilities in appropriate locations.

7.3. The application site is designated as countryside for planning purposes and is outside of the nearest settlement boundary. However, Paragraph 29 of the NPPF recognises that opportunities to maximise sustainable transport solutions will naturally vary from urban to rural areas. The location is also considered as being as acceptable in this instance as it is, in transport terms, nonetheless related to the Core village of East Bergholt and within a 'honey pot' of the district.

7.4. Notwithstanding this, the NPPF is also clear that the roles that comprise sustainability (being environmental, economic, and social) should not be taken in isolation. It is considered that the economic benefits of this proposal should be afforded 'significant' (in-line with the NPPF) weighting, where a new and high-quality tourism unit has the opportunity to establish and provide support for the wider economy as supported by the Core Strategy and the Council's Tourism team.

7.5. The planning use of the proposed units are within the same Class (C3) as a dwellinghouse is noted. However, while the proposal is a form of residential accommodation, it is specifically for 'holiday accommodation', which could be controlled through the addition of a suitably worded condition.

7.6. While the development is therefore a form of residential development, it is materially different in nature to a purely residential proposal. It is considered then that the benefits to the local economy and tourist industry through using the unit for holiday let accommodation outweigh the fact that the property is located in the open countryside.

7.7. Essentially the development plan effectively pulls in two directions, seeking to restrict residential development in the open countryside, whilst also supporting rural enterprise. On balance it is therefore considered that the proposal should be acceptable when framed against the development plan/NPPF where the social and, crucially, economic benefits of the proposal outweigh any environmental impacts, subject to an appropriate assessment against other key material considerations.

---

## **8. Control over Use/Occupancy**

8.1. Given the benefits to the rural economy, especially if the holiday let is rented as opposed to owner-occupied, the occupation of the building needs to be considered so as to ensure (as much as is possible) that the project does indeed benefit the economy; the element which adds weight to the acceptability of the proposal. Furthermore, and most importantly, if the occupation of the holiday let is not controlled it could become an unrestricted and separate residential use which would be undesirable in this location.

8.2. The most reasonable and conventional way of controlling the use of a holiday let is to control the occupation rather than the ownership, as occupation can be enforced. Controlling the occupation can ensure that the holiday accommodation does not become a permanent dwelling and can make it more likely that it will be used for rented holiday accommodation only. It is also considered useful to control, via the imposition of a planning condition, the length of any visitor stay within any calendar year; again this would make it more likely that the unit is used as holiday accommodation only, rather than a holiday home.

## **9. Impact on Landscape - Areas of Outstanding Natural Beauty**

9.1. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in.....Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.

9.2. The site falls wholly within this nationally designated landscape. As such, the Local Planning Authority must be satisfied that, in determining this application, full regard has been given to the purposes of designation (as required under section 85 of the Countryside and Rights of Way Act 2000); i.e. 'to conserve and enhance natural beauty'.

9.3. The proposal should be compliant with the National Planning Policy Framework, in particular para 115 and the Dedham Vale AONB and Stour Valley Management Plan 2016-21 that includes management plan policy in section 3.1.5: Protect the area, including its setting, from developments that detract from its natural beauty and special qualities, including relative tranquillity.

9.4. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with particular regard to the scale, form and nature of surrounding development and the local environment.

9.5. Policy CS15 of the Core Strategy requires, inter alia, that new development should be well designed and of an appropriate size/scale, layout and character in relation to its setting and to the village. Development should also respect the landscape, landscape features, streetscape/townscape and important spaces.

9.6. Delivering quality design is also a core aim of the NPPF which states (at paragraph 56) that good design is a key aspect of sustainable development and is indivisible from good planning.

9.7. The development proposals are of a scale, form and detailed design that is not considered to be inappropriate for its siting and would appear suitably subservient to surrounding development and sit within the wider landscape setting. An extensive landscaping scheme is proposed to ensure that the development integrates well into the local landscape. To ensure the details are correct and that the scheme is implemented, suitably worded conditions will be imposed.

---

9.8. Whilst the proposals would lead to permanent holiday accommodation within an AONB, the proposal would lead to the removal of an unsightly utilitarian agricultural building and increased opportunities for people to stay and enjoy the nationally designated landscape. Whilst a local impact upon natural beauty has been perceived, it is considered that this impact would not be significant.

9.9. On balance it is considered that the proposals at hand adequately comply with the guidance from the NPPF, relevant Local Plan policies and the Dedham Vale AONB and Stour Valley Management Plan 2016-21.

## **10. Highway Safety & Parking Provision**

10.1. It is noted that SCC as Local Highway Authority have raised no objection to the proposal and it is considered that there is a sufficient quantum of on-site parking with adequate access for there to be no harmful impacts in respect of highway safety.

## **11. Impact on Residential Amenity**

11.1. One of the core planning principles within paragraph 17 of the NPPF is that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by saved policies of the Local Plan.

11.2. As such, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbours by reason of impacts including loss of light, privacy, or outlook, or other potential impacts associated with the proposed development.

11.3. There is a gap of at least 90m between the closest corner of Clapper Farmhouse and the closest lodge within the application site. Within this gap is an existing access track and public footpath. All the lodges are single storey and it is considered that this distance is sufficient to protect the privacy.

11.4. Amongst other issues which have been raised and outlined above, concerns have been raised regarding the loss of amenity to this property. The application site is currently used for the siting tourist caravans and whilst the proposal hand would make the accommodation permanent, it is considered that the level of activity generated by this permanent use would not materially harm the amenity currently enjoyed by the occupiers of Clapper Farmhouse.

## **12. Other Matters**

12.1. The ownership of footpath No.26 has been raised as an issue by the Parish Council and residents. Whilst the submitted block indicates improvements to the footpath, as it is not owned by the applicant, these improved cannot be conditioned. Therefore the improvement of the footpath is not a material consideration in the determination of this application.

---

## **PART FOUR – CONCLUSION**

---

### **13. Statement Required by Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015**

13.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

---



13.2. In this case the application could be approved without negotiation or amendment so there was no need to work with the applicant.

13.3. The principle of development of 5 no. eco holiday lets has already been established under application B/16/00899. Therefore this application seeks to identify any potential harm in the increase from 5 no. units to 7 no. units within the same site area; to which no further harm has been identified.

#### **14. Planning Balance**

14.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

14.2. When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development.

14.3. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and a positive recommendation is given below.

#### **RECOMMENDATION**

That the Corporate Manager - Growth and Sustainable Planning be authorised to grant planning permission subject to the satisfactory completion of a Habitat Regulation Assessment and subject to the prior completion of a Section 106 or Undertaking on terms to his satisfaction to secure the following heads of terms:

- RAMS Contribution

And that such permission to be subject to conditions including:

- o Standard Time Limit
  - o Approved Plans and documents
  - o Time restriction on Holiday Let
  - o Details of surface water drainage
  - o Landscape scheme
  - o Landscape scheme time of commencement
  - o Existing tree protection
  - o Surfacing materials for all roads and ways
  - o Floodlighting - removal of permitted development
  - o Submission of site management plan
-