

## **Committee Report**

**Item No:** 7F

**Reference:** DC/21/00324

**Case Officer:** Daniel Cameron

**Ward:** Needham Market.

**Ward Member/s:** Cllr Stephen Phillips. Cllr Mike Norris.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Full Planning Application - Change of Use of land from equine to agricultural use; Erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding.

### **Location**

Land South West Of Fairview, Circular Road, Baylham, Ipswich Suffolk IP6 8LE

**Expiry Date:** 17/09/2021

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

**Development Type:** Change of Use

**Applicant:** Mr Ed Meredith

**Agent:** Mr James Cann

**Parish:** Baylham

**Site Area:** 1,760m<sup>2</sup>

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** Yes

**Has the application been subject to Pre-Application Advice:** No

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

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The application is referred to committee for the following reasons:

A call-in request was received in response to the application from Cllr Norris. They noted the content of the comments from the Parish Meeting, in particular the location of the proposed building on a ridge within a Special Landscape Area. Issue is also raised with regards to the use of the site and the nature of the highway network around it.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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## **Summary of Policies**

NPPF – National Planning Policy Framework  
NPPG – National Planning Practice Guidance

### **Mid Suffolk Core Strategy (2008)**

CS01 – Settlement Hierarchy  
CS02 – Development in the Countryside and Countryside Villages  
CS05 – Mid Suffolk's Environment

### **Mid Suffolk Local Plan (1998)**

GP1 – Design and Layout of Development  
HB1 – Protection of Historic Buildings  
HB14 – Ensuring Archaeological Remains are not Destroyed  
H16 – Protecting Existing Residential Amenity  
H17 – Keeping Residential Development away from Pollution  
CL2 – Development within Special Landscape Areas  
CL8 – Protecting Wildlife Habitats  
CL13 – Siting and Design of Agricultural Buildings  
T09 – Parking Standards  
T10 – Highway Considerations in Development

## **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

## **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**

#### **Town/Parish Council (Appendix 3)**

##### **Initial Baylham Parish Meeting Comments:**

The Parish Meeting has received strong and consistent community support, since the publication of the Village Plan in 2012, for its opposition to any development which is unsympathetic to the amenity of the Parish's, Rolling Valley Farmland, Special Landscape Area (SLA). The Parish Meeting hereby objects to the proposal.

The scale of the proposed barn, being 20m x 18m x 6.5m, is totally inappropriate, as it would be located on a ridge within a Special Landscape Area, where it would have a considerable impact on the surrounding countryside and environment. It would therefore contravene Policies CS01 and CS02 - Development in the Countryside and Countryside Villages, Policy CS05 - Mid Suffolk's Environment, and Policy CL02 – Development within Special Landscape Areas. Policy CL13 is also relevant, Siting And Design of Agricultural Buildings.

The purpose of the building mentioned in the Planning Statement is for the growing of mushrooms and micro greens. This then would be for a commercial enterprise rather than an agricultural use, and would inevitably create a significant amount of additional traffic movements on what is a single track lane with no footpaths and few passing places which is much used by pedestrians, local dog walkers, cyclists and horse riders. There has been no overriding need demonstrated for this proposed development and it therefore fails to comply with Policies E9 – Location of New Businesses, E10 – New Industrial and Commercial Development in the Countryside, E12 – General Principles for Location, Design and Layout of Industrial and Commercial Development, and Policy T10 – Highways Considerations in Development.

**Further Baylham Parish Meeting Comments:**

All previous comments remain valid as this is a Special Landscape Area not a business park and the permanent addition of containers for whatever use, impact negatively on everything a Special Landscape Area (SLA) stands for. The cumulative impact on the ridge of two substantial barns is equally detrimental and being in breach of Policy H16 (see below) thus requires refusal of the application.

**DEVELOPMENT WITHIN SPECIAL LANDSCAPE AREAS**

Development policy is specifically covered by Policy CL2 which is supplemented by the Council's Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015. Policy CL2 states that 'particular care will be taken to safeguard landscape quality.' The Parish asserts that the guidance document should be used to define 'particular care', otherwise the sentence is open to wide interpretation and is of little use. This position is supported by the inspector who dismissed the neighbouring residential planning appeal: 'However, the harm I have identified would be at odds with the guidance for development in the countryside set out in the Council's landscape guide'. Appeal Ref: APP/W3520/W/19/3243146 Circular Road, Baylham.

Within the guidance document, the Council makes the declaration that its content should be, 'a material consideration in the determination of planning applications' (section 1.4.3). Equally, 'The Council will require special attention to be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside...(section 2.3.4) and specifically, 'Development should be located: Away from ridge tops, upper valley slopes or prominent locations.' (section 2.3.3).

The guidance document also requires a professional landscape assessment. The council's consultee, Place Services, conclude that they are not supportive of development at this location.

The lack of linkage between policy and guidance is corrected in the emerging Joint Local Plan within policy LP19 which requires planning decisions 'being demonstrably informed by local guidance, in particular the Council's Joint Landscape Guidance...' In addition LP19 requires cumulative impact to be considered. The Parish asserts that the cumulative impact of this proposal would cause harm to the surrounding landscape. The Parish therefore asserts that the proposed development does not comply with Policy CL2 or with the requirements of the Council's landscape guidance.

Policy CL2 is reproduced for convenience along with relevant sections of the landscape guidance document.

**POLICY CL2 - DEVELOPMENT WITHIN SPECIAL LANDSCAPE AREAS.**

WITHIN SPECIAL LANDSCAPE AREAS, PARTICULAR CARE WILL BE TAKEN TO SAFEGUARD LANDSCAPE QUALITY, AND WHERE DEVELOPMENT DOES OCCUR IT SHOULD BE SENSITIVELY DESIGNED, WITH HIGH STANDARDS OF LAYOUT, MATERIALS AND LANDSCAPING.

**JOINT BABERGH AND MID SUFFOLK DISTRICT COUNCIL LANDSCAPE GUIDANCE AUGUST 2015**

1.4.3 The purpose of the Landscape Guidance is to expand on the Local Plan Documents by providing more detailed design guidance for new buildings, changes of use and smaller scale alterations (including householder development) As a Supplementary Planning Document it will form a material consideration in the determination of planning applications.

1.4.5 For Mid Suffolk this document primarily supplements CS5. The other related stated CS policies are; CS2, CS4, and Mid Suffolk Local Plan (1998) Policies CL2, CL5, CL6, CL8, CL9, CL11, CL12, CL13, CL14, CL18, CL19, CL20, CL21, CL22, CL23, CL24 of 2 6 Planning Ref: DC/21/00324 20th Mar 2021

### **2.3 Location/Siting of development (Visual effects)**

2.3.1 Baberghs open and in some parts of Mid Suffolk the rolling farmland landscape with pockets of ancient woodlands can afford long distant views, which are a characteristic of the area. Development that may not appear to have an impact on its immediate surroundings may sometimes be conspicuous and have an impact in more distant views.

2.3.2 In considering development proposals, account should be taken of the potential impact of a new building or development in both immediate and distant views, particularly from roads, public footpaths and settlements. A landscape assessment may be required either a Landscape or Visual Appraisal or in some cases a full Landscape and Visual Impact Assessment, (in accordance with the Guidance on landscape and Visual Impact Assessment 3rd Edition). These assessments should be prepared by and experienced a qualified landscape professional, (see the Council's Local Validation List)

2.3.3 New development in the countryside should be carefully sited to ensure the best fit with the landscape and to minimise its impact on the appearance of the landscape. Development should be located: Away from ridge tops, upper valley slopes or prominent locations. [...]

2.3.4 Location/Siting of development (Landscape/ Historic Landscape Character) The Council will require special attention to be given to the siting, scale, design, materials, landscaping and general appearance of any new building or development in the countryside or on the edge of settlements so that its impact upon the character of the landscape is minimised. The following guidance applies: Development should avoid dominating other buildings or landscape features around it or detract from views of listed buildings or heritage assets. Measures should be taken to minimise the scale and dominance of large-scale buildings. Large buildings have the potential to dominate their surroundings and are therefore difficult to accommodate within settlements without effective screening.

### **BMSDC Joint Local Plan – Pre-Submission (Reg 19) – November 2020 P94. Policy LP19 - Landscape**

1. To protect and enhance landscape character development must:

- a. Integrate positively with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements.
- b. Proposals must be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas); subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures;
- c. Enhance and protect landscape character and values and heritage assets such as; locally characteristic landscape features, for example by use of materials which complement the local individual landscape character, archaeological and historic patterns of settlement and land use and designations; being demonstrably informed by local guidance, in particular the Council's Joint Landscape Guidance, the Suffolk Landscape Character Assessment and Settlement Sensitivity Assessment.
- d. Consider the topographical cumulative impact on landscape sensitivity.

2. Where significant landscape or visual impacts are likely to occur, for example for larger development proposals, a Landscape and Visual Impact Assessment (LVIA) or Landscape Appraisal should be prepared. This should identify ways of avoiding, reducing and mitigating any adverse effects and opportunities for enhancement.

## **APPLE BARN DC/18/04402**

The Parish draws attention to the above grant of planning permission.

Section B 11. restricts external storage. The Parish asserts that the placing of containers would have the same impact whatever their use.

### **11. SPECIFIC RESTRICTION OF DEVELOPMENT: NO EXTERNAL OPEN-AIR STORAGE**

No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the building/s included in the approved red line site plan related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of amenity.

Section B 13 also restricts the business from transporting produce onto the site in the interests of traffic flow and highway safety. The lane is only suitable for occasional agricultural use that might be expected from supporting produce grown on the field or the tending of one or two horses. It is certainly not suitable for the highways requirements of any intensive farming/growing practice.

### **13. RESTRICTION OF USE: ORIGIN OF PRODUCE**

The hereby approved development shall strictly only store and manufacture goods using produce from the orchards within the blue outline area in the site location map known as PROMAP 1:1250 received 04/10/2018. No other produce shall be brought in from outside of the site.

Reason: to protect the residential amenity and amount of traffic and highway safety of the unnamed road between the site and the B113.

## **ENVIRONMENTAL POLLUTION AND NUISANCE**

The application makes no comment/provision for potential environmental impacts. There is no reaction to the correspondence from the Environmental Protection Officer. Indeed documentation in the public domain does not include this correspondence.

Mushroom Farms can produce foul odours. Southerly winds would blow any gas released from the site across Baylham's principal residential area of Upper Street. Equally neighbouring properties to the east and south might be severely affected. This breaches the NPPF environmental objective 8c.

All this is known to the council because of the problems associated with the Mushroom Farm in Capel St Mary and is illustrated by the following quote from the village plan.

"Smell pollution. Gaggingly foul smells from mushroom farm. Lived in village for 30 years, never experiences a stench like it on an almost daily basis." (over 50 comments)

The issue is covered in full ref: <https://baberghmidsuffolk.moderngov.co.uk/documents/s6415/B1601365%20Committee%20report.pdf>

The principles of successful mushroom farming can be read at: [http://www.davidmoore.org.uk/Assets/Mostly\\_Mycology/Richard\\_Clarke/SAC\\_Advice2mushroomgrowers.pdf](http://www.davidmoore.org.uk/Assets/Mostly_Mycology/Richard_Clarke/SAC_Advice2mushroomgrowers.pdf)

The Parish asserts that unless or until this issue is fully addressed with full mitigation added to the application, then planning permission MUST be refused, as there is a potential for a very clear breach of the NPPF and policy H16 on nuisance grounds alone. This is in addition to the H16 breaches relating to 'appearance, traffic generation, nuisance or safety' as well as the 'erosion of the character of the surrounding area' and the 'cumulative effect' of another significant barn with associated business in a SLA.

#### **POLICY H16 PROTECTING EXISTING RESIDENTIAL AMENITY**

TO PROTECT THE EXISTING AMENITY AND CHARACTER OF PRIMARILY RESIDENTIAL AREAS, THE DISTRICT PLANNING AUTHORITY WILL REFUSE:-

- CHANGE TO NON-RESIDENTIAL USE WHERE SUCH A CHANGE WOULD MATERIALLY AND DETRIMENTALLY AFFECT THE CHARACTER AND AMENITY OF THE AREA BY MEANS OF APPEARANCE, TRAFFIC GENERATION, NUISANCE OR SAFETY;
- THE LOSS OF OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF AN AREA AND WHICH ARE IMPORTANT FOR RECREATION OR AMENITY PURPOSES;
- DEVELOPMENT THAT MATERIALLY REDUCES THE AMENITY AND PRIVACY OF ADJACENT DWELLINGS OR ERODES THE CHARACTER OF THE SURROUNDING AREA. THE CUMULATIVE EFFECT OF A SERIES OF PROPOSALS WILL BE TAKEN INTO ACCOUNT.

#### **CONCLUSION**

In consideration of this neighbouring barn application and the LPA's subsequent refusals of domestic curtilage on this ridge, including two appeals, the Parish asserts that the LPA has already found that elements of this application are in breach of the following policies, and planning permission should be refused:

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

E10 - New Industrial and commercial development in the countryside New Industrial and commercial development in the countryside

GP01 - Design and layout of development

CL13 - Siting and design of agricultural buildings

T10 - Highway Considerations in Development

H16 - Protecting Existing Residential Amenity The NPPF

#### **National Consultee (Appendix 4)**

##### **Initial Natural England Comments:**

No objection. Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation site or landscapes.

##### **Further Natural England Comments:**

The advice provided in our previous response applies equally to this Amendment although we made no objection to the original proposal.

#### **County Council Responses (Appendix 5)**

##### **Initial Highways Comments:**

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include a condition requiring the delivery of parking and turning areas shown within the site to be available for use prior to the first use of the proposed development.

##### **Further Highways Comments:**

The only change noted within the received comments is that the condition should be updated to reflect the updated plans submitted.

**Fire and Rescue Comments:**

No objection is noted in this regard.

**Internal Consultee Responses (Appendix 6)**

**Economic Development Comments:**

Economic Development have no objection or further comment to make on this application.

**Initial Environmental Health Comments (dated 26<sup>th</sup> Feb 2021):**

No objections or comments to make.

**Further Environmental Health Comments (dated 8<sup>th</sup> March 2021):**

It has been brought to my attention that the use of the proposed barn is to be for mushroom growing in compost.

I ask that clarification is sought from the applicant whether they will be producing their own compost on site as historic complaints show that this is likely to lead to odour issues.

If the applicant is going to produce their own compost then an odour assessment and management plan will be required to be submitted.

I shall also need to see a waste management plan for disposal of the compost following the removal of the mushroom crop. Ideally the used compost will need to be removed from site. If the plan is to store it onsite prior to disposal, stockpiled used compost may also lead to odour issues. An odour management plan with frequent reviews will be required.

**Final Environmental Health Comments (dated 1<sup>st</sup> October 2021):**

In light of the communications from the agent [regarding the removal of the mushroom growing from the application] I have no objections. However, are you able to restrict the use by way of a condition preventing mushroom growing and compost production on site unless details requested in my previous comments are submitted.

**Initial Landscaping (Place Services) Comments (dated 15<sup>th</sup> April 2021):**

Thank you for consulting us on the Full Planning Application for Change of Use of land from equine to agricultural use; including the erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding. This response focuses on the landscape and landscape impact of the proposals.

Relevant to this landscape review, the submitted application includes a Landscape Management and Maintenance Report and an accompanying sketch plan. The application does not include a Landscape Visual Appraisal or Landscape Visual Impact Assessment.

The site is located to the south-east of the village of Baylham, situated off an unnamed road. The site includes a stable block approved under planning application DC/19/00028 and lies outside of the established settlement boundary.

Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy CL2 states that the development proposal falls within a Special Landscape Area (SLA). As such, development will only be permitted where they maintain or enhance the special landscape

qualities of the area and ensure that the proposal is designed and sited to harmonise with the landscape setting.

The Suffolk Landscape Character Assessment defines the site and the surrounding area as part of the Rolling Valley Farmland landscape character type (LCT). Some of the key characteristics include; gentle valley sides with some complex and steep slopes, distinct areas of regular field patterns and small ancient woodlands on the valley fringes.

The proposed scale and location of the redevelopment of this site is a concern, especially in terms of the impact on the local landscape character/setting and as such the proposals would not maintain or enhance the landscape qualities of the area. The current stable block has an internal area of 63sqm, the proposed agricultural building is 364sqm, which will have a major impact on what is a sensitive landscape. The application itself fails to include any appropriate visual analysis justify or mitigate this impact.

As submitted and based on the reasons stated above, we would not be supportive of this application.

### **Further Landscaping (Place Services) Comments (dated 5<sup>th</sup> August 2021):**

Thank you for re-consulting us on the Full Planning Application for Change of Use of land from equine to agricultural use; including the erection of agricultural barn and construction of solar panels to roof slope (following demolition of stable building/s) and hardstanding. This response focuses on the landscape and landscape impact of the proposals.

Further to our last letter dated 15/4/2021 a revised scheme has been brought forward, which reduced the proposed new internal m2 of the building and provision for 2 storage containers. The new proposal is 126m2, which is almost double the 63m2 of the current equine building. However, the scale and prominent position of this building will still have a significant impact on the landscape, for which visual analysis and mitigation has not been forthcoming.

The building itself has been located further into the field, which we would not support, to allow space for storage containers. Whilst these containers could be considered as non-permanent, they are not in keeping with the Rolling Valley Farmland character type in which the site lies.

As submitted and based on the reasons stated above, we would not be supportive of this application.

### **B: Representations**

At the time of writing this report at least 7 letters/emails/online comments have been received. It is the officer opinion that this represents 6 objections, 0 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:

- Barn is too large for the type of business proposed.
- Barn is larger than the existing stable on site.
- No clear landscaping plan for screening.
- Existing screening inadequate.
- Increase in parking over original planning permission.
- Original access to site should be through adjacent site.
- Issues around storage and disposal of compost for mushroom growing.
- No external lighting is proposed, how would the site be worked during winter?
- Cumulative impact of this barn with adjacent barn (still under construction).
- Development located on a ridge within the valley, a prominent position.

- Detrimental impact on the character and appearance of the Special Landscape Area.
- Form of the barn appears more industrial than agricultural.
- Noise pollution.
- Application would have limited economic benefits.
- Impact of development on setting of listed buildings.
- Access is via a single-track lane.
- Planning history for the site seeks to avoid development on ridges.
- No waste management plan is provided.

It is also noted that correspondence notes a pipeline running underneath the application site. Consultation with the pipeline's owner notes that the revised design of the scheme no longer compromises the pipeline with required easements now being provided. As such the objections relating to the pipeline have been withdrawn.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

### **PLANNING HISTORY**

<b>REF:</b> DC/19/00028	Full Planning Application - Change of Use of land and erection of 3No Stables.	<b>DECISION:</b> GTD 02.04.2019
<b>REF:</b> DC/19/04496	Full Planning Application - Erection of 1No dwelling and change of use of agricultural land to residential curtilage and land for the grazing of horses.	<b>DECISION:</b> REF 20.11.2019
<b>REF:</b> DC/19/04925	Planning Application. Erection of a 2 bedroom accessible single storey dwelling and change of use of land to residential curtilage	<b>DECISION:</b> REF 06.12.2019
<b>REF:</b> DC/20/00638	Full Planning Application - Erection of a single storey agricultural worker's dwelling in association with Chalky Bottom Orchard (re-submission of DC/19/04925)	<b>DECISION:</b> REF 28.05.2020
<b>REF:</b> DC/21/02844	Application to determine if Prior Approval is required for a proposed Erection, Extension or Alteration to a building for agricultural or forestry use. Town and Country Planning (General Permitted Development) (England) Order 2015 as amended Schedule 2, Part 6, Class A - Erection of building for use as office and storage.	<b>DECISION:</b> FAN 10.06.2021

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

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

- 1.1 The site is a roughly rectangular shaped parcel of land located on the northern side of Circular Road within the village of Baylham. It consists of a stable with associated parking and changed the use of the site from agricultural use to equestrian use. The topography of the site slopes away from its boundary with Circular Road and a band of planting also evident. The rest of the site is open.
- 1.2 Previously the site was subject to a planning application to secure a residential dwelling on the site (DC/19/04496 and APP/W3520/W/19/3243146). This was refused by the Local Planning Authority and upheld at appeal. The adjacent site consists of an apple orchard with associated barn. A similar application for residential development was refused on that site by the Local Planning Authority (DC/19/04925). An application for an agricultural workers dwelling was also refused with the decision upheld at appeal (DC/20/00638 and APP/W3520/W/20/3262603).
- 1.3 Baylham itself is identified as falling within the Rolling Valley Farmland Special Landscape Area by the Joint Babergh Mid Suffolk District Council Landscape Guidance (August 2015), which identifies the predominance of arable farming within the wider area and the small number of pasture areas which exist within it, which notably includes Baylham Common. Agricultural field patterns are still apparent within the areas and isolated halls and churches form dominant features and important landmarks within the landscape. The guidance identifies objectives within the Special Landscape Area as being the maintenance of the distinctive landscape and settlement pattern.
- 1.4 A small number of Grade II listed buildings are apparent across the valley from the application site. These include Lilac Cottage and Yew Tree Farmhouse. Church of St. Peter is also noted across the valley from the site. It is listed at Grade II\* and located on the western edge of the main built-up area of the village of Baylham. It is a medieval church of the decorative style and composed of flint with freestone dressings and was modified during C14 and C15 with the latest additions likely to be made in the 1870s. The site does not form part of a conservation area.
- 1.5 The site lies within Flood Zone 1.

## **2. The Proposal**

- 2.1 This application originally proposed the change of use of the site from equestrian to agricultural use, demolition of the existing stable building and the erection of an agricultural barn in connection with a rural business (growing of microgreens and mushrooms). The application has been amended during the course of the application such that the scale of the barn has been reduced, although is supplemented by two shipping containers to be located on site and the scope of the business has been altered to remove any mushroom growing from the site.
- 2.2 Previously the design of the barn was much larger with a footprint of 20m x 18m. It also sported an asymmetric roof with a ridge height of 6.04m and eaves heights of 3.5m and 2.5m on either side. Based on the amended drawings, the barn now sits on a footprint of 14m x 9m. It sports a dual pitched roof with a ridge height of 5m and an eaves height of 3.5m. While the shipping containers would be each measure 6.1m x 6.1m with a maximum height of 2.6m and are positioned between the proposed barn and Circular Road. The applicant considers that the reduction in the building size is as small as could be reasonably managed on site while allowing enough space to pursue a viable business on site. The barn has been reduced to a point whereby the shipping containers are considered necessary to allow for on site storage of equipment.

- 2.3 An area of hardstanding is also shown within the proposed drawings and would provide parking on site for a total of four cars. The submitted application form also notes that the development would create 1 FTE opportunity.
- 2.4 The external facing materials shown for the barn are dark timber cladding with slate to the roof. Photovoltaic panels are shown to the southern roof elevation.
- 2.5 The total site area for the development is 1,760m<sup>2</sup>. Members should note that the red line shown within the submitted plans denote the extent of land to change use within this application. The land shown edged in blue would remain in equestrian use.

### **3. The Principle of Development**

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2021.
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
  - Mid Suffolk Core Strategy Focussed Review (2012)
  - Mid Suffolk Core Strategy (2008)
  - Mid Suffolk Local Plan (1998)
- 3.3 The application site lies outside of any settlement boundary shown within policy CS01 of the adopted Development Plan and continues to be located outside of any proposed settlement boundary shown within the emergent Joint Local Plan. Therefore, the application site is considered to fall within the countryside for the purposes of planning policy.
- 3.4 Policy CS02 flows from CS01 and defines the categories of development acceptable within a countryside location which includes agricultural development.
- 3.5 Paragraph 84 of the NPPF states that planning decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and b) the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 goes further, in noting that sites to meet local business needs may need to be located beyond existing settlements and may not be well served by public transport. The use of previously developed land in this regard should be encouraged.
- 3.6 Based on the above it is considered that the principle of development in this instance is established. The proposed development is an agricultural use which is proposed to be located in the countryside, which the adopted Development Plan considers to be the appropriate location for such businesses. This view is shared by the NPPF. Therefore, the location of the application outside of an established settlement boundary is not determinative in this instance and is not fatal to the application.
- 3.7 It is considered that paragraph 85 of the NPPF goes on to establish the key considerations in regards to this application. Namely that the development will need to be sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable. In this regard it is considered that these objectives are also

supported by various policies of the adopted Development Plan including, but not limited to, CS05, GP01, CL02, CL13 and T10.

#### **4. Nearby Services and Connections Assessment of Proposal**

- 4.1 Baylham is categorised as a countryside village within the adopted Core Strategy which is reflective of the lack of facilities within Baylham. However, as an application for the consideration for the creation of an agricultural business on the site, Officers do not consider this point to be material to the consideration of the application before members as in general terms locating an agricultural business in a countryside location would accord with the adopted policies of the Local Planning Authority.

#### **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Saved Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport. Its safety focus is also consistent with paragraph 110 of the NPPF which requires development proposals incorporate safe and suitable access that can be achieved for all users.
- 5.2 Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 Consultation with the Highway Authority has not resulted in any objection being received with regards to the application. While Circular Road serving the site is narrow, it is considered to be acceptable in order to service the existing businesses and properties located along its run. The access to the site has previously been investigated by Enforcement Officers who are content that the current access to the site is sufficient. This view would appear to be backed up by the comments of the Highway Authority. It is not considered that the state of Circular Road would be fatal to the application.

#### **6. Design and Layout**

- 6.1 Chapter 12 of the NPPF seeks to achieve well-designed places which function well and add to the quality of places by responding to local character but without stifling innovation and change. Policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings.
- 6.2 When considering the siting and design of agricultural buildings, Saved Local Plan policy CL13 is relevant. It requires that new agricultural buildings be located within or adjacent to existing groups of agricultural buildings. With regards to this application, the siting of the proposed barn does seek to achieve this in locating itself adjacent to the neighbouring barn such that they could be read as a pair. CL13 also raises considerations in regards to the impact of agricultural buildings on the visual amenity of the surrounding area which are addressed later in this report.
- 6.3 With regards to the design of the barn, it displays an agricultural character and material choices and colours of said materials would allow the building to better blend with its environment, especially surrounding vegetation. The proposed shipping containers are more problematic as they would be of a more industrial form and potentially finished in a colour that would be more

visible within the landscape. Where the development to be approved, Officers suggest that a condition could be applied to either secure the colour of the proposed shipping containers such that a suitable choice could be made, or that appropriate screening be secured.

## **7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 Policy CS05 states that the Council will protect and conserve landscape qualities taking into account the natural environment as a whole. It will also encourage development that is consistent with conserving its overall character. Saved Local Plan policy CL02 states that within Special Landscape Areas particular care will be taken to safeguard quality and where development does occur it should be sensitively designed with high standards of layout, materials and landscaping.
- 7.2 The site falls within the Rolling Valley Farmland Special Landscape Area (SLA), an area typified by sloping valley sides with good arable soil such that very few common pastures areas historically existed, although from aerial photography, equine uses and grazing appears to be becoming more popular within the area.
- 7.3 The application site is located on a valley ridge, a prominent position, especially in views across the valley from the village of Baylham. Built form is notable on the ridge already in the form of the stable and barn adjacent to the site. As noted, the scheme has been reduced from the initial drawings, but remains double the size of the existing stable on site.
- 7.4 The appeal decisions on the site and its neighbour both note the quality of the landscape within Baylham and the elevated positions where substantial views may be taken of the development proposed within each. Both are held to be harmful to the Special Landscape Area, especially considering their domestic appearance. While landscaping may help to soften the appearance of the buildings, concern was raised both with regards to the length of time needed for planting to become established enough to effectively screen the development and the fact that the planting could be removed or trimmed at a later date. Consideration was also given to the dark colour of the proposed dwelling and use of a simple agricultural aesthetic. Overall, the proposed development in those instances was considered to be moderately harmful to the character of the Special Landscape Area.
- 7.5 With regards to this application, no landscape analysis has been provided to support the application. While the application utilises a dark material palette and proposes boundary landscaping composed of native species, the concerns raised by the Planning Inspectorate would remain. The barn would remain in a prominent location and landscaping would likely take considerable time to establish itself to be effective. The agricultural character of the built form of the barn is noted and no domestic paraphernalia would accompany it. That being said, the shipping containers would be at odds with the rural location of the site and while they would not be visible in views across the Special Landscape Area from Baylham, would be visible from Circular Road unless they were to utilise a darker colour palette or employ some effective screening within the site.
- 7.6 Comment from Place Services – Landscaping is particularly pertinent with regards to this application. While the ridge location of the development is concerning, the increased footprint of the barn is also noted as a concern. While the footprint of the barn has reduced compared with the original (364m<sup>2</sup> to 126m<sup>2</sup>) this is still a substantial increase over the size of the existing stable (63m<sup>2</sup>). The proposed barn is also taller than the existing stable (5m at its ridge compared to 2.75m). With regards to the adjacent barn, the proposed barn is of a similar form and a similar scale (the adjacent barn measuring 14m x 9m with a ridge height of 4.6m and eaves height of

3m). Place Services – Landscaping are clear that they do not support the application despite the changes made.

- 7.7 Policy CS5 of the Core Strategy also requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."
- 7.8 The existing stable on site are weather-proof and recently constructed. Having visited the site and having inspected photographic evidence of the structure of the building it is not considered that the stables to be demolished as part of this application would provide any roosting or nesting opportunities for bats or birds.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 With regards to land contamination, policy H17 seeks to keep residential development away from sources of pollution. The mushroom growing element of the application has now been removed, such that issues around odour are no longer considered to be present within the scheme. Consultation with the Environmental Protection team note this and now do not raise any objection to the application.
- 8.2 Given the proposed agricultural use of the site, no issue is noted with regards to land contamination or the potential for contamination from the proposed use. Any alternative use for the site, for example, residential use, would require a planning application and would come forward with a supporting statement on contamination.
- 8.3 The site lies within flood zone 1 and would make use of a sustainable drainage system (soakaway). This accords with the requirements of Building Regulations Approved Document Part H.

## **9. Heritage Issues**

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a listed building or its setting.
- 9.2 Consultation with the Heritage team has not resulted in any finding of harm with regards to either the fabric of listed buildings or their setting. The Church of St. Peter is located 500m away from the site across the valley, while the other listed buildings are in excess of 325m from the site.

## **10. Impact on Residential Amenity**

- 10.1 Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings while saved policy H16 requires that development not materially reduce the amenity or privacy of adjacent dwellings. Saved policy H17 requires that residential development be kept away from sources of pollution.
- 10.2 With regards to the application site, the nearest residential dwellings are located some 100m away along Circular Road. It is not considered that at these distances the proposed development

would affect their amenity once constructed and in use. Conditions could be utilised to control both demolition and constructions phases of the development if approved and conditions could effectively manage working hours and lighting should the application be approved.

- 10.3 With the removal of the mushroom growing aspect of the proposed development it is considered that the odour pollution in particular is removed from the development.

### **11. Planning Obligations / CIL**

- 11.1 The application is not required to make contributions through planning obligations secured via Section 106 Agreement and is also not required to make CIL contributions.

### **12. Parish Meeting Comments**

- 12.1 The matters raised by Baylham Parish Meeting with regards to both the original and revised application have been clearly communicated in their responses and have been addressed in the above report.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 The application proposes an agricultural use within the countryside. Adopted Development Plan policies indicate that an agricultural use is acceptable within the countryside such that the principle of development is established.
- 13.2 Planning history for the site shows that the Council has been supportive of similar agricultural and equestrian uses on the site previously. It also shows that residential uses have been considered to be unacceptable.
- 13.3 Conversely, those decisions on residential uses focus on harm to the Special Landscape Area, noting the prominent location of the development within it and in views across it. In particular it is noted that landscaping designed to screen development is not considered to be effective given it will take time to establish and could be later removed.
- 13.4 In terms of benefits, the application would remove the existing stable from the valley ridge and would change the land use of part of the valley to an agricultural use which better reflects its traditional use and would replace part of the equestrian uses which now predominate. The proposed development would also create a new business within the area with the associated job creation. Given the scale of the proposed business
- 13.5 The design of the barn has been reduced from its initial submission and in general terms is considered to be an acceptable design solution for such a building. Visually it would be similar in form to the adjacent barn so would likely have a similar impact within the Special Landscape Area. Given that the Local Planning Authority has previously approved similar development on the adjacent site, there is an argument that consistency in decision making should be pursued in this instance.

- 13.6 It is clear from the responses to the application from the Parish Meeting and Place Services – Landscaping that the increased scale of the barn will have an additional impact on views across the Special Landscape Area. Moreover, although reduced in scale, the proposed barn is larger than the existing stable and the shipping containers would be particularly unusual within the area.
- 13.7 On balance, were the application not located on a prominent location within a Special Landscape Area, the barn would likely be acceptable, and the shipping containers could likely be made acceptable through effective use of planning conditions. However, given its location and the lack of support from Place Services – Landscaping it is considered that the application cannot be supported. While previous development has been approved in a similar location for a similar agricultural use, it is not considered that the Local Planning Authority need to reach the same conclusion, particularly when material planning considerations and the views of the Council’s consultees on those considerations suggest otherwise.<sup>2</sup>
- 13.8 In conclusion, Officers consider that the application fails to full adhere to the requirements set out within Paragraph 85 of the NPPF requiring rural businesses to adequately respond to their surroundings, which in this case would be its position with regards to the Special Landscape Area and when seen in views across it. Development is therefore considered to not accord with the relevant section of Core Strategy policy CS05 or Saved Local Plan policies GP1, CL2 and CL13. It is considered that the position of the proposed barn would be prominent in views across the Special Landscape Area and that the landscaping measures proposed within the scheme would provide inadequate mitigation in screening the development and preserving the character of the surrounding landscape.

## **RECOMMENDATION**

Officers recommend that Members refuse the application for the following reason:

The application fails to adhere to the wording of Paragraph 85 of the NPPF, particularly where it is required to sensitively respond to its surroundings. The application sits within an identified Special Landscape Area, a gently undulating area of countryside which is visually attractive and positively informs the context of the surrounding area and village of Baylham. In particular, the application site is located on a valley ridge, a sensitive and prominent position within the landscape and would have a wide range of visual impact. As such that the application also fails to accord with Core Strategy policy CS05 with regards to the protection of Mid Suffolk’s landscape and Saved Local Plan policies GP1, CL2 and CL13 regarding agricultural development in Special Landscape Areas.