

## Committee Report

**Item No:** 8F

**Reference:** DC/20/05587

**Case Officer:** Vincent Pearce

**Ward:** Battisford & Ringshall.

**Ward Member/s:** Cllr Daniel Pratt.

---

### RECOMMENDATION – REFUSE PLANNING PERMISSION

**NOTE this is a changed officer recommendation to that previously presented to Committee**

---

#### Description of Development

Revised Planning Application - Change of use of land for the siting of 69 mobile homes (following demolition of existing buildings) and associated facilities

#### Location

Great Bricett Business Park, The Street, Great Bricett, Suffolk IP7 7DZ

**Expiry Date:** 31/10/2021 [this is an extension of time]

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

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Birch's Park Homes

**Agent:** RPS Group Plc

**Parish:** Great Bricett

**Site Area:** 2.6 hectares

#### **Details of Previous Committee / Resolutions and any member site visit:**

---

#### **1. Development Control Committee A: 12 May 2021 - DEFERRED**

---

*"87.8 It was RESOLVED: - That application DC/20/05587 be deferred to seek further accurate information on the application with regards to the indicative plan, details of bus routes, details on parking spaces, details on floods and drainage, details of open space and landscaping."*

---

#### **2. Development Control Committee A: 15 September 2021 - WITHDRAWN FROM AGENDA** [insufficient time to deal with this item at the meeting]

---

*"66 This application was withdrawn by Officers with the agreement of the Chair after the publication of the agenda but before the commencement of the meeting."*

---

### **3. Amendments received between 12 May meeting and 29 October meeting**

---

Members are advised that between the first meeting and the third meeting amendments and additional information had been received that responded to the concerns raised by Development Control Committee A.

Namely:

Unilateral Undertaking to:

provide a £168,000 contribution to MSDC for off-site affordable housing

deliver a new footway connection on Plough Hill

deliver a bus shelter

provide open space

and amendments to layout to provide enhanced perimeter landscaping

---

### **4. Development Control Committee B: 20 October 2021 – DEFERRED**

---

for a risk assessment report as members minded to refuse

---

### **NOTE in respect of Development Control A: 9 February 2022 – CURRENT MEETING**

Since the meeting of 29 October 2021 further amendments have been made to the application. This report therefore considers the planning merits of the proposal in the light of the amendments, reviews the planning balance and conclusions and reviews the recommendation. The Committee is required to consider the merits of the amended application afresh in the light of the changes made.

In view of the resolution of the Development Control Committee B this reports also provides a risk assessment as requested in respect of the scheme as it stood on 29 October 2021.

**The latest amendments [made after the 29 October 2021 meeting] include the following:**

- The offer of £168,000 towards the delivery of off-site affordable housing has now been amended by the applicant [January 2022] to **£200,000**. [a circa three unit equivalent]
- The inclusion of an **on-site convenience shop** for residents and the wider community
- The applicant has now agreed to run the shop for **5 years** rather than 3 years before offering it to the community
- All park homes to be **air source** heated [not gas as originally proposed]
- All plots to have a **100 amp supply and e.v. capability**
- Every plot to have a **pv option** for the roof

**Has a Committee Call In request been received from a Council Member (Appendix 1): No**  
**Has the application been subject to Pre-Application Advice: No**

---

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

---

### **PLEASE NOTE:**

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

The application is being reported back to Committee following deferral of the item at the Development Control Committee B of 29 October 2021.

The application was presented to Committee for a decision originally as it is a major development comprising more than 15 dwellings.

---

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

---

### **Summary of Policies**

NPPF National Planning Policy Framework 2021

#### **Core Strategy Focused Review 2012:**

FC1 - Presumption In Favour of Sustainable Development  
FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC2 - Provision and Distribution of Housing

#### **Core Strategy 2008:**

CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside & Countryside Villages  
CS5 - Mid Suffolk's Environment  
CS9 - Housing Density and Mix

#### **Mid Suffolk Local Plan 1998:**

GP1 - Design and layout of development  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
CL8 – Protecting Wildlife Habitats  
T9 - Parking Standards

---

T10 - Highway Considerations in Development  
T11 - Facilities for pedestrians and cyclists

Draft Joint Local Plan Submission Nov 2020

Other Material Planning Documents:

Suffolk Parking Standards (2019)

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

---

### **IMPORTANT NOTE IN RESPECT OF THE FORMAT OF THIS REPORT for 9 February 2022]**

This report is presented as a **revised** report to those presented to the Committee earlier this year. Consequently, new material appears at the start of the report. The body of previous reports are re-presented unamended after the new content to provide a full chronology and set out previous stages of consideration of the merits of the proposal during the lifetime of this application

Members are advised that the **revised** report includes a materially amended assessment, planning balance, conclusions and recommendation section and these supersede those contained in the previous reports. *[the earlier recommendation is included for comparative purposes].*

**New text for the 9 February 2022 meeting is shown in blue to differentiate it from previous versions.**

**Paragraphs within the latest report that deal with the amendments since October 2021 [Part 1] are prefixed with the letter F. [ for 'F'urther report]**

This report also includes, as requested by Development Control Committee 'B' a risk assessment of the minded refuse resolution agreed [subject to risk assessment] of the proposal as it was presented on 29 October 2021.

**Paragraphs within the latest report that deal with the Risk Assessment [Part 2] are prefixed by the letters RA. [for 'R'isk 'A'ssessment]**

**Officers now recommend to REFUSAL of planning permission despite on three previous occasions recommending approval. This is due to recent material changes in circumstance that will be fully described.**

This report will include a complete review and revision of the technical assessment, planning balance and recommendation in the light of positive changes made to the scheme at different points since 29 October 2021 as well as three very recent material changes in circumstances identified below some of which in the opinion of officers now tip the planning balance strongly towards a refusal. Officers have also carefully reflected on the policy context following comments provided by Members during previous meetings and having regard to various, further comments from internal colleagues.

**The material changes in circumstance referred to above being:**

1. The Councils have agreed in principle with the Inspectors that the JLP shall proceed to be modified as a Part 1 document continuing through the Examination process, with a Part 2 document to follow which will include a **revised Settlement Hierarchy and residential Site Allocations**.
2. The submission of **Reserved Matters** details on 31 December 2021 in respect of the 51 dwelling outline planning permission prior to the expiry of that permission on 6 January 2022 [midnight] January 2022.
3. Correspondence [email dated 7 January 2022] from the land owner [who is not the applicant] explaining why the **Reserved Matters** application was submitted so close to the expiry of the outline planning permission and his analysis of the viability of the 51 dwelling permission and therefore its likelihood of coming forward [ie being delivered] [please see paragraphs F5.36 - F5.33 for discussion points]

Member's attention is drawn to the fact that the applicant's planning agent has written to the Council [email dated 21 January 2022 sent @ 16.50] to say:

*"I am writing to say that in view of all the additional information we have provided on request, we are very disappointed that it seems you are still minded to refuse the application. We feel the Council has taken a very inconsistent approach with this application, given there are two officer reports recommending approval, and as such I am instructed to advise you that should the application be refused, we will be appealing the decision and asking for a public inquiry."*

continued.....

In considering the merits of this planning application The Committee is entitled to reach whatever decision it seeks having had regard to all material planning considerations. As discussed in the Risk Assessment section of this report Officers believe the proposed reason for refusal is reasonable and can be defended robustly. The applicant is entitled to appeal such a decision, if the application is refused and to request that the subsequent appeal is the subject of a Public Inquiry. An Informal Hearing or Written Representations would in Officers opinion be a more suitable arena to consider the planning issues before an Inspector but ultimately that is a matter for The Planning Inspectorate. Officers will stand ready to defend the Council's case in the event of a refusal and an appeal in whatever forum is considered most appropriate by the Planning Inspectorate.

Members will not be swayed in how they determine this application by the prospect of an appeal where the Committee has reasonable grounds to refuse a proposal. That said, The Committee is free to determine the application in line with the recommendation or to reach a different conclusion having given its own weight to all material planning considerations and undertaken its own planning balance.

This part of the page is left blank deliberately

**The revised 'Assessment' follows.....**

## **SECTION ONE:**

**FURTHER REPORT & ASSESSMENT FOR DEVELOPMENT CONTROL COMMITTEE 'A' MEETING of 9 FEBRUARY 2022 on the PROPOSAL AMENDED AFTER THE MEETING OF 29 OCTOBER 2021 . [new material planning considerations now arise]**

## **SECTION TWO:**

**RISK ASSESSMENT in RESPECT of the PROPSAL as REPORTED to DEVELOPOMENT CONTROL COMMITTEE B on 29 OCTOBER 2021 with update to take account of post October amendments**

## **SECTION THREE:**

## **RECOMMENDATION**

**THE 9 February 2022 FURTHER REPORT & RISK ASSESSMENT** [numbered with paragraph prefix 'F' or 'RA' respectively]

---

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

---

### **SECTION ONE: FURTHER REPORT for 9 February 2021 meeting**

#### **F1.0 The Amendments** [after 29 October 2021 - the previous Committee]

- F1.1 In discussing the merits of the 'what was then' an amended proposal at the meeting of 29 October 2021 Development Control Committee 'B' noted the changes introduced by the applicants in response to Development Control Committee 'A's reasons for deferring the item.
- F1.2 Development Control Committee 'B' in moving towards agreeing a 'minded to refuse' resolution raised a number of concerns that had not been previously identified by Development Control Committee 'A'. In the period between the last meeting and the current meeting the applicant has reviewed these and made further amendments in an attempt to address those concerns. These are now considered.

## Local Shop

- F1.3 Concern was expressed that Great Bricett has no meaningful local facilities and some Members noted that the proposed park home site did not include a small on-site shop. The point in their minds being presumably that such a facility would [i] avoid the need for park residents and existing locals to travel [probably by car] for basic provisions and [ii] provide existing villages with a local shop facility.
- F1.4 This is not perhaps unexpected as Bricett is defined as a countryside village/countryside in the Adopted Core Strategy [2008/2012] reflecting its lack of facilities and services. It is a location where the development plan expressly directs that development should generally not take place.
- F1.5 The site sits such as to read as part of Wattisham but that too is defined as countryside village/countryside in the Adopted Local Plan. The significance being that the growth is not encouraged.
- F1.6 Whilst the Submission Joint Local Plan Document defines Great Bricett and Wattisham differently, Members should now note from the latest position with the Inspectors that the JLP settlement hierarchy, and site allocations are now a matter for the Part 2 Plan and therefore of very little weight. This needs to be explicitly addressed. Similarly, policy LP01 (amongst others) are subject to significant ongoing review which would again afford very little weight to the Submission draft version of LP01. At the present time the JLP is not held to be determinative in the assessment of this application.
- F1.7 The site was recently discounted from contributing towards the Council's 5-year draft housing land supply on the basis of the site being unlikely to come forward. That assessment was prior to the latest submission of valid reserved matters for 51 dwellings.
- F1.8 In response the applicants have now agreed to provide a small on-site shop towards the front of the site.
- F1.9 The shop will be operated by the applicants and will stock a range of basic provisions.
- F1.10 The shop will be placed on site upon first occupation and will be open to the wider community.
- F1.11 They will fully fund it for 3 years, although the applicant is currently considering extending this to 5 years, after which they will offer it to the community in Great Bricett on a rent-free basis for the purpose of a community shop. A verbal update will be provided at the meeting in respect of the initial period of subsidised shop presence. Five years is perhaps a more realistic and generally accepted period for a new business to establish itself when compared to three years. This would also enable local people/parish council to better explore the benefit a creating a viable social enterprise project and the extent to which it might be a self-funding community initiative.



F1.12 This represents a positive investment in providing what might become a useful service to the wider community. Clearly such an offer needs to be secured by way of a legal agreement and the activity of the shop will need to be clearly defined and then maintained. Included in such detail will need to be:

- Days and hours of opening
- Basic stock lists including day to day items, fresh and tinned items and equipment to provide chilled and frozen produce
- Pricing strategy

F1.13 If demand is there then the offer to provide the shop, set it up/equip it and run it for three years will provide a good basis for the community to take over its running after three years as a community social enterprise on a rent-free basis.

F1.14 Members may be familiar with similar enterprises in their own wards

### **Electric heating**

F1.15 Members were concerned previously that the Park was planned to be reliant on gas heating for the obvious reason that gas as a fuel source is being phased out.

F1.16 In response the applicant has now agreed that all homes will be provided with electric heating systems and the supply will be rated to facilitate this. In many ways electric heating in such homes is beneficial as it does not pose a potential carbon dioxide or fire risk.

F1.17 This amendment improves the green credentials of the proposal.

### **Electric Vehicle charging**

F1.18 Every plot will now be provided with ev charging capability.

### **PV**

F1.19 In order to provide access to an alternative energy supply [not previously offered] purchasers will now be offered a p.v. extra option that can be specified pre-manufacture of the unit thereby saving the cost and inconvenience of retro-fitting. This reflects the model now used by some national housebuilders within the District.

### **Lighting**

F1.20 The applicant has confirmed that all on-site main lighting will be L.E.D. and low level thereby reducing the impact of lighting on the countryside and amenity. The image opposite highlights the type suggested.



## **Mortgages and sale of homes**

F1.21 Following questions raised by Members that could not be answered at the previous meeting the applicant has clarified the following points.

### **Purchase of original units**

F1.22 The site operator is the sole provider of units for sale to customers for siting on the Park. Birch source these from three manufacturers and purchasers can specify requirements.

### **Subsequent sale of units**

F1.23 Purchasers are then free to sell their park home. These are sold via an estate agent rather than being sold by Birch or back to Birch. This means that the operator has no control over the sale price and cannot create advantageous sale prices for itself.

## **F2.0 Additional Information**

### **Mortgages**

F2.1 Whilst purchase of a park home is not mortgaged in the way of brick-built homes the applicant advises that there are a range of independent specialist regulated finance providers in the marketplace.

F2.2 The applicant does not handle re-sale of units and owners are required to sell through an estate agent. This means that the operator does not control re-sale prices. The seller is not required to sell back to the operator. The operator receives 10% of the sale price.

F2.3 Re-sale prices can go up and down with the market.

F2.4 The operator charges new owners a service charge/ground rent.

### **Foul Drainage**

F2.5 The applicant has confirmed that the site will have its own private treatment works with a system provided by local specialists 'Binders' of Ipswich.

F2.6 The system will be designed with adequate capacity. Many parks operated by Birch have private treatment works.

F2.7 The system will be emptied by tanker and clean water will eventually enter the local ditch system

F2.8 This clarifies the position as a Member previously questioned whether a private treatment plant could be used for developments of this size.

### Park Home green performance standards and energy

F2.9 The agent in a letter dated 12 November 2021 has provided the following updated information.

“It is proposed to fit all the proposed mobile homes with 100 amp electricity supply for heating.

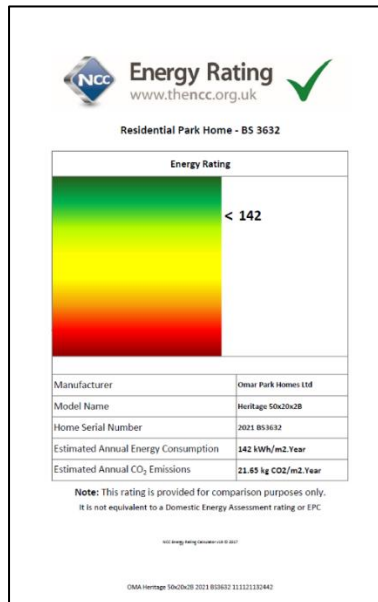
It is also proposed to fit all mobile homes with air to water heat pumps. The pump will be located outside the home and will convert heat from the air to hot water which, via a high efficiency twin coil cylinder sited inside your home, transfers this heat to the radiators and hot taps in your home. The type of unit proposed is shown on the attached specification sheet for the Daikin Altherma monobloc.



In terms of EV charging points, these will be provided on all visitor spaces, and the type of unit proposed is shown on the attached specification sheet from Rolec. If requested by the purchasers, and the units can be provided with EV charging points (as a number of residents have at the Applicants other Parks and the units can be readily adapted should EV charging points be required at a future date.



The current British standard for park homes, BS3632, makes sure that residential park homes are energy efficient ensuring that they have good insulation, window and door glazing achieving better U-values (how effective a material is as an insulator). In November 2015 the standard was updated. The current standard, BS 3632:2015, continued to build on the principles of the 2005 standard, but the main focus was to improve energy efficiency; this has helped to reduce the environmental footprint of residential park homes. The Energy Rating Certificate for a typical mobile homes is attached.



In addition to the above, purchasers have a range of other options available to reduce the carbon footprint of their homes. These include (but are not limited to):

- Rainwater and Grey Harvesting. This option provides recycled rainwater for use in flushing WCs, domestic laundry via washing machines, garden watering and vehicle washing.
- Biomass / pellet burner. Considerable advances have been made in biomass heating technology. It is derived from trees or crops which absorb carbon dioxide out of the atmosphere while growing; this cancels out those produced by combustion.
- Combined heat and power gas boiler (micro CHP). CHP is the process of generating useful heat and electric power from a single energy source. An 'A' rated micro CHP boiler can be installed that does this. Both NG & LPG versions are available and work in conjunction with a cylinder to store the hot water.
- Solar photovoltaic panels/. PV panel tiles can be installed on the roof during construction of the home. These panels convert light into electricity which can

be used in the home or, via the DC-AC inverter router and meter; any excess electricity generated may be exported (sold) to any given energy supplier.

- Solar water heating. This can be offered either flat plate or evacuated tube solar water heating panels in conjunction with a high efficiency cylinder and 'A' rated gas system boiler. Even when there is no direct sunlight these panels absorb daylight and convert it to useful hot water; considerably reducing the demand on the gas boiler.
- Triple glazing ensures that the traditional weak point keeps energy loss to a minimum.
- Smart thermostats, lighting and power. This can reduce energy consumption by up to 40% by intelligently controlling homes heating and lighting to avoid wasting energy.
- Mechanical ventilation heat recovery system. provides fresh filtered air into a building whilst retaining most of the energy that has already been used in heating the building.
- Waste water heat recovery system. This extracts the heat from the water a bath or shower or bath sends down the drain. This heat is used to warm the incoming mains water, reducing the strain on a boiler and the energy required to heat water up to temperature."

### **F3.0 The RESERVED MATTERS submission in respect of DC/21/06987 [51 dwellings]**

F3.1 The park homes application was submitted in January 2021 when there was still a year available for the Reserved Matters for the 51 dwellings to be submitted but as time lapsed that window almost closed. However, what we now have now is an 'in-time', valid Reserved Matters submission for 51 dwellings. Why is this significant?

1. It means that there is now a prospect of securing the 35% affordable dwellings [17.8 units] if the Reserved Matters are approved and the permission implemented. Members will recall from the previous reports that submission of such reserved matters details were considered unlikely and that the outline permission might as a consequence expire. 35% of nothing is nothing and so officers placed weight on the applicant's offer to provide a commuted sum payment of £168,000 towards the delivery of off-site affordable housing.
2. Currently the Council's Strategic Housing team works on a rule of thumb that £76,000 [depending on number of bedrooms] delivers an affordable brick built home. Therefore £168,000 would help to deliver approximately 2.2 new affordable homes.

- F3.2 It remains the applicant's contention that he is not required to make such a payment as what he is offering are units at an affordable price when compared to brick built equivalents and therefore complies with the NPPF. Officers accept that the proposal does potentially broaden the choice of accommodation on the market in the District but it does not help to reduce the number of people in housing need on the Housing Register. The highest demand is for affordable rented accommodation from people whose circumstances mean they cannot buy or privately rent accommodation. Furthermore the Council does not accept that what is being offered [park homes] is low cost housing because none of the units is being offered at 20% below the price of the standard park home product on site. Officers remain of the opinion that the applicant by seeking to compare the purchase price of a park home with a brick built equivalent is trying to compare apples and oranges. None of the park home units are low cost compared to the normal purchase price of park homes within the applicant's development. Furthermore, they all need to be purchased and are not available at an affordable rent. Ultimately officers strongly disagree that the application proposes affordable housing and will vigorously defend that position.
- F3.3 So the submission of the Reserved Matters details re-opens the prospect of securing 17.8\* affordable rented/shared ownership dwellings of a type that will meet the Council's policy requirement contained in H4. [17 affordable homes and a 0.8 equivalent financial contribution.
- F3.4 While every application must be judged on its individual merit, it is material to take account of the fact that the park homes proposal does not include a policy compliant number of affordable dwellings. Indeed, the Council is now potentially comparing an extent outline application with reserved matters that will deliver 17.8 policy compliant dwellings with a park home proposal that will deliver some 2.2 dwellings off site through a commuted financial payment. This must be a material consideration that impacts the potentially impacts the weight to be afforded to the offer of £168,000 in lieu of 35% affordable dwellings on site with the park home proposal.
- F3.5 It is correct to say that the valid submission of the Reserved Matters details has saved the outline planning permission from lapsing. Its delivery ought to be a reasonable prospect. In such circumstances, and where the alternative now presented by the Applicant is not policy compliant and results in planning harm in relation to the lack of proper affordable housing contribution, the extant scheme must be preferable and it would be reasonable to view that preferable alternative as material to the decision to be taken on this application.
- F3.6 The situation has potentially been complicated by the fact that the landowner has recently indicated in writing that he submitted the Reserved Matters details just before the outline planning permission expired in order to keep that permission from expiring and in order to retain a fallback position that supports the park homes proposal in principle. Clearly were the outline permission to have lapsed then the fact that the Council now is able to demonstrate it has a 5-year housing land supply might have meant that a new proposal for residential development in this location might not now be supported. At the time of determining the outline application the Council did not have a five year housing land supply and so the tilted balance was consequently engaged in that regard no doubt with great weight given to the prospect of securing much needed housing. It also raises the issue,

that, if the landowner is in fact genuinely expressing that they have no intention of allowing the permitted scheme to be developed, there can be no weight given to it as a “fallback” for the Applicant to rely upon in support of this entirely conceptually different scheme.

F3.7 It is true to say that the site remains ‘Previously Developed Land [PDL] this being previously defined as a ‘Brown Field Site where redevelopment might be encouraged in preference to a Green Field Site].

F3.8 It is interesting to note that the landowner is currently stating that the land is unlikely to be sold to a traditional housebuilder for 51 dwellings as the land purchase price being offered is less favourable than the land being retained in employment use and potentially that use being expanded. The landowner is indicating that the park home developer is willing and able to offer a higher purchase price for the land than a developer of traditional housing and that differential is sufficient to encourage him to sell the land rather than continue with employment use.

F3.9 That is a matter for the land owner but no financial appraisal has been supplied by the land owner nor the present applicant to justify such claims. It is reasonable for Members to expect that information when being asked to approve a proposal that is seriously deficient in affordable homes of a type to satisfy policy H4.

F3.10 The land-owner has stated he is unwilling to invest in commissioning such an appraisal.

F3.11 In addition the landowner has indicated there was no viable interest from the market when the site was being marketed for residential development with the benefit of outline planning permission for 51 dwellings. Information in respect of the marketing campaign and interest shown has been requested by officers and is awaited. A verbal update will be provided if available in time for the Committee meeting.

## **F4.0 CONSULTATION RESPONSE UPDATES**

### **F4.1 Planning Policy Team**

F4.1.1 “...It is not the intention to submit a formal policy response (although the policy team is in agreement with the overall recommendation for refusal)...” [20 January 2022]

### **Policy Team response [16 November 2021]**

F4.1.2 Following the meeting of 29 October the Policy Team was asked to provide a detailed explanation of the position for this report. That statement is provided below:

*“Babergh and Mid Suffolk District Councils do not count mobile homes in their housing supply monitoring. It is acknowledged that The Housing and Planning Act 2016 recognises mobile homes as having a role in contributing to the supply of housing. However, Mid Suffolk District Council does not rely on mobile home pitches to meet its identified housing needs evidenced in the Strategic Housing Market Assessment and therefore does not count the provision of mobile homes in its housing land supply. The Council only counts dwellings.*

*Mid Suffolk District Council published a housing land supply position statement in October 2020, which demonstrated a 7.67 year supply. The draft Mid Suffolk housing land supply position statement published in November 2021 for consultation, identifies a 9.54 year supply.*

*Mobile homes also do not fall within the definition of affordable housing as identified in the National Planning Policy Framework (2021) and therefore do not count towards the provision of affordable housing.”*

***Robert Hobbs, Corporate Manager. Strategic Planning - 16 November 2021***

## **F4.2 Strategic Housing Team**

### **Strategic Housing response [30 November 2021]**

F4.2.1 *“As set out in comments made on 1st March 2021, this site is (by virtue of the site size and number of units) eligible for making provision for affordable housing. The most practical means of doing so is via a commuted sum.*

*The applicant has submitted appeal documents which show cases whereby planning inspectors have determined that affordable housing contributions from mobile home sites are not justified, as mobile homes are less expensive than bricks and mortar homes and so offer an affordable route to home ownership. Other appeal decisions have not supported this position.*

*As a matter of principle, it is not accepted that mobile homes represent a form of affordable home ownership (under the NPPF definition).*



*Whilst mobile homes may cost less than traditional dwellings, they would be sold at the market price for mobile homes. Furthermore, they would not be provided to households identified as eligible for affordable housing.*

*The applicant has offered £168,000 as a commuted sum towards affordable housing, to be secured via a Unilateral Undertaking. This has been calculated to represent 35% of the units being sold at a reduced rate, as an attempt to create a figure equivalent to the cost to the developer of providing a policy-compliant number of discount market sale units.*

*This approach to a commuted sum is not recognised by the Strategic Housing Team. The standard approach used for calculating commuted sums in Mid Suffolk is based upon the cost of providing affordable homes.*

*Based on 73 units and policy compliance at 35%, it would normally be expected that 25.6 affordable homes would be provided. The cost of this, and hence the commuted sum sought, would be £1,940,165.1 This figure is based upon the cost of providing bricks and mortar dwellings on site, rather than mobile homes.*

Clearly this is significantly more than what is being offered. Given the uncertainty created by conflicting appeal decisions, Members may wish to give detailed consideration to this issue.

It is understood that site viability has been raised as a factor in determining what the contribution should be. It is not clear that a viability appraisal has been submitted for open-book scrutiny. This site also benefits from an extant outline permission, DC/17/03568, which is subject to a Section 106 agreement which makes provision for 35% affordable housing. As such, policy compliant affordable housing requirements should be accounted for within the value of the land. ”

***Robert Feakes, Housing Enabling Officer. Strategic Housing -  
30 November 2021***

## **Strategic Housing Team updated response [30 November 2021]**

F4.2.2 An alternative calculation from the Housing Enabling Officer is set out below factoring in the cost of a park home has also been suggested. This calculation works out sat circa £30,000 per unit which reduces the total to circa £720,000.

**F4.3 Members will of course note that is below the £1.94m described in the formal response but still significantly higher than the £168,000 secured**

## F5.0 Updated Supplementary Assessment

F5.1 The proposal as now amended includes a number of elements that ostensibly raise the sustainability of the proposal.

F5.2 These include:

- The applicant's response to Members concerns as expressed at the meeting of 29 October 2021 about the use of use fired heating. The applicant has confirmed that all units will be provided with electrically powered air source heat pumps. This can be secured by way of an extended legal agreement.
- All plots will have ev charging capability and all visitor spaces will be provided with a charging post.
- The applicant has responded positively to Member criticism of the 29 October 2021 proposal that it did not include a small on-site shop thereby requiring residents to travel outside the village most probably by bar for provisions by now including one.
- That shop will also be open to non-residents and so if approved the village as a whole will benefit from having a local convenience shop. That shop will be well connected to the rest of the village by the proposed footway extension works included in the proposal. The requirement to provide and run the shop can be secured by legal agreement.

F5.3 The extant proposal for 51 dwellings makes no such provision but it is noted that both Great Bricett and Wattisham are in the lowest tiers of the settlement hierarchy where such facilities are not expected.

F5.4 The extant outline planning permission which is now the subject of a reserved matters submission has a signed section 106 that includes the provision of 35% affordable housing.

F5.6 Delivery of affordable dwellings is a Council priority as the District requires some 124 affordable dwellings to be provided per year up to 2036 to meet the identified need and the accommodate those in housing need.

F5.7 The applicant [who is not the landowner] and now the landowner have advised the Council that the owner of the site has been unable to find a buyer for the site with its outline planning permission and associated S106 Agreement. Neither the owner or the current applicant have submitted a viability appraisal and/or a marketing analysis.

F5.8 The landowner has indicated that being able to sell the land for residential park home development at a value that not only provides a better return than the established

commercial use value of the site but also exceeds a traditional residential build value is attractive. He argues that a traditional residential build value is less attractive to him than continuing and expanding the business park rental stream.

- F5.9 That is a matter for the landowner.
- F5.10 Theoretically, in a circumstance where the reserved matters submission for 51 dwellings have been refused lapsed and the park home development has been refused and either not pursued to appeal or such an appeal is dismissed, the owner could continue the employment use in the current nissen hut style units on the rear part of the site or seek to expand such a use. It would appear from the land-owner's comments that continued use of the site for employment purposes is viable.
- F5.11 Therefore, the ultimate fallback position is continued use of the site for employment purposes if all else fails.
- F5.12 The approved outline permission for 51 dwellings, if reserved matters are approved and the development subsequently implemented, is likely to appeal to a wider demographic than the park homes. Members at the meeting of 29 October 2021 were concerned that all the 69 park homes might be restricted by the operator to the over 55's.
- F5.13 The operator has confirmed that no age limit will be applied to purchasers although from their experience such units are probably most likely to appeal to the over 45's.
- F5.14 The concern from some Members expressed at the meeting of 29 October around a narrow demographic was two-fold:
- [i] might an older population create a greater pressure on medical facilities in Great Bricett than the approved 51 dwellings and how could such facilities be expanded?
- F5.15 The answer provided by officers at the meeting was that the CCG would be entitled to submit a CIL bid the MSDC to expand medical provision in the area to accommodate the additional demand. CIL is a fund that is available for infrastructure across the district and is not restricted to the village/town within which funds are generated. There had been some concern that if CIL is not triggered by this type of development then if there is extra demand for expanded medical facilities and no capacity the required additional facilities might never be funded. The Council's CIL team confirmed that park homes do trigger CIL. in principle.
- [ii] might the impact of 69 park homes when taken cumulatively with those already in place on the adjacent Wixfield Park development result in an uncharacteristically skewed village demographic?

- F5.16 Looking at the village profile for Great Bricett [2019] [part of the JLP evidence base] the average house prices in Great Bricett were 7.69% above the District average.
- F5.17 This suggests that there ought to be ready interest from housebuilders in the site. [ie implementing the extant permission for 51 dwellings] but anecdotally the planning agent for the park home application suggests that the proximity of Wattisham Airfield and the activity of the Army Apache helicopters has dented such interest. Officers have not tested this supposition but sight of feedback from the marketing campaign associated with the attempted sale of the site for traditional residential purposes as requested might to the extent that this is relevant elucidate matters.
- F5.18 At the meeting of 29 October the Parish Council representative in objecting to the proposal raised a concern that a park home complex would adversely skew the population profile of the village towards being predominantly elderly. [presumably the fear being this would potentially mean facilities aimed at a younger population would be less supported and/or might put additional strain on local health care services]
- F5.19 Looking at the latest demographic profile of the village...

<b>How many people live locally?</b>	<b>Children Under 16</b>	<b>Working Age Adults (16 to 64)</b>	<b>People Aged 65 +</b>	<b>Dependency Ratio</b>
<b>1,530</b>	<b>213 (13.9%)</b>	<b>1,218 (79.6%)</b>	<b>99 (6.5%)</b>	<b>0.26</b>
73% Males 27% Females	Mid Sflk Avg = 18.4% England Avg = 18.9%	Mid Sflk Avg = 61.5% England Avg = 64.7%	Mid Sflk Avg = 20.1% England Avg = 16.3%	Mid Sflk Avg = 0.63 England Avg = 0.55

[Source: ONS 2011 Census: KS101EW & KS102EW] [Dependency Ratio = Ratio of Non-working Age to Working Age Population]

- F5.20 Whilst the fact that the airfield sits within Great Bricett and this will no doubt account for the high male population and the low over 65 years old population it is noted that Great Bricett has a significantly lower older population than the District average 6.5% compared to 20.1%.
- F5.21 This suggests that concerns around the cumulative impact of an older population are perhaps ill-founded.
- F5.22 This is further reinforced by reference to the table below.

<b>Single Pensioner Households</b>	<b>Single H/holds &lt; 65 years old</b>	<b>Lone Parent Families with Dependent Children</b>
<b>24</b>	<b>20</b>	<b>4</b>
8.2% of all Households Mid Suffolk Avg = 12.9% England Avg = 12.4%	6.8% of all Households Mid Suffolk Avg = 12.4% England Avg = 17.9%	3.2% of all families with dependent children Mid Suffolk Avg = 17.7% England Avg = 24.5%

[Source: ONS 2011 Census: KS105EW]

F5.23 Concerns about added pressure on local medical facilities is noted. As previously explained the CCG [Care Commission Group] can make a bid for CIL funds to expand healthcare facilities if required. That bid is not dependent upon CIL funds being generated in Great Bricett.

F5.24 Looking at the table below it would appear that overall the people of Great Bricett enjoy higher levels of very good/good health than the District average. [92.5% compared to 83.2%] and lower levels of bad/very bad health . [1.4% compared to 3.9%]

<b>General Health (All Usual Residents)</b>				
<b>Very Good</b> <b>67.5%</b>	<b>Good</b> <b>25.0%</b>	<b>Fair</b> <b>6.0%</b>	<b>Bad</b> <b>1.2%</b>	<b>Very Bad</b> <b>0.2%</b>
Mid Sflk Avg = 47.9% England Avg = 47.2%	Mid Sflk Avg = 35.3% England Avg = 35.2%	Mid Sflk Avg = 12.8% England Avg = 12.8%	Mid Sflk Avg = 3.1% England Avg = 3.6%	Mid Sflk Avg = 0.8% England Avg = 1.0%

[Source: ONS 2011 Census: QS302EW]

F5.25 The Council does not look to accommodate people in housing need in park home accommodation and therefore there is no point in trying to secure 35% of them as affordable homes in the sense meant by the Council.

F5.26 At the Committee meeting of 29 October a number of Members acknowledged that park home accommodation plays a valuable role particularly for older people seeking to downsize or those whose circumstances have changed. Indeed, several Members referred to family members who live permanently in and enjoy such accommodation.

F5.27 The Corporate Lead for Strategic Planning has confirmed that here in Mid Suffolk [and Babergh] park homes are not included in the AMR count as contributing towards meeting our housing need. That said he also acknowledges that:

*“It is acknowledged that The Housing and Planning Act 2016 recognises mobile homes as having a role in contributing to the supply of housing.”*

- F5.28 Members face the challenge of weighing up the benefits of the current proposal as further amended against what is potentially the loss of 17.85 permanent affordable homes [ie 35% of 51 dwellings this being the extant outline planning permission now the subject of a reserved matters submission].
- F5.29 Doubts as to the deliverability of the 51 dwelling scheme have not been tested. Whilst the Council's Policy Team did not include the site as contributing in the Council's latest draft AMR delivery record that could change again in the light of the reserved matters submission.
- F5.30 If the outline planning permission had expired on 6 January 2022 then 35% of nothing would have been nothing. In such a scenario the offer of a £168,000 contribution towards delivery of off-site affordable housing attracted more weight than can be ascribed to it following receipt of reserved matters. The act of submission of such details now revitalises the prospect of securing 35% affordable homes of a type needed by the Council. Further, if the extant planning permission has no reasonable prospect of being delivered, as the landowner suggests, then it would lend no real support to the principle of development in this case. The location is not considered appropriate for new residential development.
- F5.31 Park homes are not a type of accommodation that the Council requires to meet the needs of those on its Housing Register as being in need. Whilst the applicant believes such accommodation offers low-cost homes and widens choice they are of no value to those presenting to the Council' in pressing housing need.
- F5.32 Park homes are sold to buyers. Those on the Housing Register are not in a position buy such accommodation.
- F5.33 Despite their position of principle, the applicant is offering £168,000 towards off-site provision of affordable housing on the basis of a calculation previously described and therefore some delivery of the required type of affordable housing will be achieved by the Council if the park homes development goes ahead, albeit significantly less than might otherwise have been achieved using the Council's methods of calculations and expectations in re[sect of the effect of policy H4.
- F5.34 The question for Members is now "Does the enhanced proposal now deliver sufficient benefits to offset what would be by default a loss of potential affordable housing of a type sought by the Council?"
- F5.35 It would appear that in the iterative process of amending the proposal following deferrals the applicant has addressed all other concerns previously raised by Members before and at the meeting of 29 October 2021.

## Valuation evidence

- F5.36 The applicant has provided some valuations prepared by Savills that look at what is assessed to be the landowner's incentives to sell or resume business use in support of the park homes proposal (expressly labelled as confidential despite the very clear national guidance relating to transparency in the decision taking process):
- Option 1: sale of site with outline pp for 51 dwellings;
  - Option 2: full use of existing buildings for 5 years for business purposes with sale after 5 years;
  - Option 2A: use of site with subdivision/expansion for business purposes and sale after 5 years
  - Option 3: sale for park home proposal
- F5.37 The submitted information [untested by the Council] indicates that :
- Option 1: offers the landowner the lowest return
  - Option 2: offers the landowner a 20% higher return than option 1
  - Option 2A: offers the landowner a 54.3% higher return than option 1
  - Option 3: offers the landowner a 28.6% higher return than option 1
- F5.38 Members will of course appreciate that the purpose of the planning system is not to maximise the return for a landowner from the sale of land.
- F5.39 In this particular case the applicant argues that the residential permission for 51 dwellings is unlikely ever to come forward because there is little or no incentive for the landowner to sell it for the value likely from a residential land sale.
- F5.40 He argues that he will deliver the park home proposal as a viable 'residential' alternative and the landowner will sell it for that purpose. He runs park home developments and he is satisfied that it works as a business venture from his perspective.
- F5.41 That said the information also appears to suggest that there is a reasonable prospect of the landowner deciding to retain the site for business purposes in the event that the park home proposal is refused or otherwise not advanced. [assuming an appeal is unsuccessful]. Whilst the return is lower than selling the site for park home development it is higher than selling the land for a 51 dwelling scheme.
- F5.42 Does this suggest that the 51 dwelling scheme will never come forward? Not necessarily. It just suggests if the figures are correct the landowner could sell his interest in the land for a capital receipt that is lower than if he retains the land/buildings for business use are re-markets the units for rent and secures full occupancy for 5 years. That is his choice and could depend upon whether he wishes to manage the sites with tenants into the future or convert the asset into one off capital receipt.

- F5.43 Interestingly the figures appear to show that with some new investment into the buildings and site for business purposes the site could generate a higher return for the landowner than the park home option.
- F5.44 All of that is for the landowner. Its relevance to the application being considered here [park homes] is the extent to which there being choate alternatives impacts the weight afforded to the benefits and impacts of the park home proposal when undertaking the planning balance.

## **F6.0 Planning Balance and Conclusions**

- F6.1 Officers are now of the opinion that the planning balance previously described in the report to Committee on 12 May 2021 and 29 October need to be updated in the light of the latest enhancements to the proposal and the submission of reserved matters in respect of the 51 dwelling outline planning permission, and having reflected following feedback from Members previously and further professional reflection – to date, no formal decision of the Council has been taken in respect of the application and previous reports have no formal status either.
- F6.2 The proposed 69 units can be suitably accommodated within the site together with parking for both the units as well as provision of 12 visitor spaces deemed appropriate for this type of development by the operator and not objected to by SCC as local highway authority. The scheme also provides for sufficient amenity space per unit together with open space within the site.
- F6.3 The green credentials of the proposal have been improved since the meeting of 29 October 2021. The applicant has responded positively to comments made by the Committee through the introduction of 100% air source heating [electrically powered] and an offer to include a pv option upon purchase. EV charging capability is now also included.
- F6.4 The benefits in social terms are noted but tempered by the poor location in terms of connectivity and the site being at the lowest tier of the settlement hierarchy.
- F6.5 The proposal now includes the provision of a small local shop the existence of which will be a minor benefit for the village being that no such facility exists within the village at present. While its long-term presence cannot be assured the suggested legal agreement would provide for community potentially running of the facility as a social enterprise. Many villages operate such facilities to the benefit of the community. In this case the building, equipment and fittings would be offered rent free after an agreed set up period [3-5 years] Such an offer would be useful for “essentials” but in practice would not obviate general day to day car trips i.e. the location becomes barely more sustainable overall.
- F6.6 The shop and site will be well connected to the rest of the village by new footway connections. This is a minor benefit.



- F6.7 The provision of 69 mobile homes will offer a choice and variety of local homes, albeit acknowledging the district's significant residential land supply position
- F6.8 As a different housing typology than the typical 'bricks and mortar' housing estates, the development offers a different residential outcome, one that could be delivered in a much quicker timeframe than conventional housing – albeit to those able to purchase.
- F6.9 Economic gains are also modest, noting the creation of construction jobs will be very limited due to the off-site pre-fabricated approach to house building. The occupants of a 69 dwelling development will bring about some economic activity and benefit.
- F6.10 The brownfield site is under-used and, developed with a collection of ad hoc nissen huts, is of low environmental value. There is opportunity through biodiversity enhancements associated with the scheme to enhance this value, while at the same time providing for a more optimal and effective use of the brownfield land. These represent environmental benefits.
- F6.11 A range of potential adverse impacts can be effectively mitigated by measures secured by planning conditions, as confirmed by technical consultees, and these are therefore treated as neutral in the planning balance. They are also, subject to compliance with conditions, policy compliant. These matters include highway safety, on-site amenity, archaeology, drainage and renewable energy.
- F6.12 There is an absence of harm in respect to above-ground designated heritage assets, by virtue of the fact there are no such assets in proximity of the site.
- F6.13 The proposal will result in some landscape harm, through the loss of some green space and introduction of built form not of insignificant scale. New planting proposals will however further mitigate such impact beyond levels previously secured.
- F6.14 The harm is however low level because of the developed nature of half the site, the site's high level of visual containment, its infill location set between established housing and the fact the development will read as a natural extension of the adjacent residential park, noting density will be consistent with that already established. Noteworthy also in this context is the absence of any formal landscape designation over the site or neighbouring land. Moreover, it cannot be said that the subject development will result in any greater landscape harm than the approved 51 dwellings now the subject of a reserved matters submission. Conflict with local and national design policies is, for these reasons, not of great magnitude.
- F6.15 There will be environmental harm associated with private motor vehicle use, as day to day living will revolve around car journeys, inevitable given the site's countryside location. This said, there are local albeit limited bus services available close to the site and the proposed footway and bus stop improvements, supported by the Highways Authority, will enhance the accessibility of these services. Harm also arises due to the fact the proposals would be incompatible with the Council's spatial strategy. The direction of the plan would be to refuse planning permission.

- F6.16 The loss of an employment site is not an adverse effect that weighs in the planning balance by virtue of the fact of the previously approved 51 dwelling development that is now the subject of a reserved matters submission. If that scheme were no longer a realistic prospect, as the landowner now implies, then this would weigh against the current application to a degree.
- F6.17 The scheme delivers some social, economic and to a lesser extent, environmental benefits.
- F6.18 What the scheme does not deliver is 35% affordable dwellings of a type required to meet the demand of those in housing need on the Council's Housing Register contrary to Policy H4. This is a serious breach.
- F6.19 The recent submission of reserved matters in respect of the outline planning permission for 51 dwellings is decisive. It impacts [reduces] the weight that can now be afforded to the park home applicant's offer of £168,000 towards off-site delivery of affordable housing.
- F6.20 The offer of £168,000 only attracted weight in a scenario where there was no prospect of securing any on-site affordable housing as a result of the outline planning permission expiring.
- F6.21 Consequently the proposed 69 park homes are considered unacceptable as contrary to policy H4 of the Adopted Local and the offer of £168,000 in lieu of 35% affordable housing and the offer of on-site shop, footpath and bus stop improvements do not outweigh the harm that arises from not securing 17.8 affordable homes of a type that complied with the Council's requirements.
- F6.22 In the alternative, if the landowner's correspondence is to be preferred that the 51-dwelling scheme is nothing short of a paper exercise with no reasonable or realistic prospect of delivery, then much of the above becomes moot. The application would be judged afresh as a scheme for residential use in an inappropriate location having regard to the Council's spatial strategy – which is considered to be sound – and an unacceptable affordable housing contribution.

## Conclusion

- F6.21 However weighed, the direction of the development plan is to refuse. Material considerations reinforce that direction. Members are therefore recommended to REFUSE the application on the basis set out above and as described in detail below .

## **F7.0 RECOMMENDATION**

**PLEASE NOTE THE OFFICER RECOMMENDATION IN RESPECT OF THE AMENDED PROPOSAL [post October 2020] FOLLOWS THE PART TWO RISK ASSESSMENT BELOW.**

## SECTION TWO: RISK ASSESSMENT of the 29 October proposal [pre and post the latest amendments]

### RA1.0 Risk Assessment of Deferred/Amended Application

- RA1.1 The following risk assessment is provided to assist Members to understand the associated risks when determining application DC/20/05587 deferred from the Mid Suffolk Development Control Committee B which took place on the 29 October 2021.
- RA1.2 The recent material change of circumstances described in Section One of this report, alongside further reflection from officers bearing in mind those circumstances and further comments received, now mean that irrespective of the 'minded to refuse' resolution of the Committee on 29 October officers are now recommending refusal of the application
- RA1.3 This change in circumstance and the changed officer recommendation in the light of those changed circumstances must change the nature of the risk assessment sought by Members on 29 October 2021.
- RA1.4 It is important to recognise that some of the risks identified in this assessment are not of themselves material planning considerations, as issues of reputational and financial impact bear no direct relation to land use planning matters. They are nonetheless facets which reflect upon the reasonableness of the Council's decision on planning merit.
- RA1.5 It would not be appropriate, therefore and as an example, to allow the likely costs associated with defending an appeal to influence the planning balance being struck in determining an application for planning permission. That said, such risks are important for councillors to bear in mind as holders of public office and costs may, if awarded, bring into question the reasonableness of the behaviour of the party they are awarded against. The costs would, in that sense, be a symptom of the unreasonableness.
- RA1.6 The costs of defending an appeal or legal proceedings are not material to the planning merits of a particular decision and should not be given regard to in the making of a planning decision. They are a cost of democracy where decisions are reasonable.
- RA1.7 This risk assessment is provided, in the round, in the interests of transparency and disclosure.
- RA1.8 It is appropriate that councillors as decision-takers are at least aware of the foreseeable implications of any decision to be taken and consider the extent to which any decision made at variance to an officer recommendation is adequately reasoned and capable of bearing scrutiny under challenge, as recognised in Planning Practice Guidance.

## **RA2.0 Background**

- RA2.1 The combined legal duties of section 70(2) of the *Town and Country Planning Act 1990* and section 38(6) of the *Planning and Compulsory Purchase Act 2004* require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise (and such material considerations must be taken into account). This lies at the heart of the “planning balance” that Members exercise.
- RA2.2 Members will be aware that the proposal was last considered by Development Control Committee ‘B’ on 29 October 2021. Members decided to defer the item having resolved that the Committee was minded to refuse the application at a future meeting subject to the prior consideration of a risk assessment report] from officers.
- RA2.3 Members indicated that the application was considered unacceptable on the grounds that it fails to deliver housing with an appropriate mixture of tenure and sizes, with particular regards to the impact as a result of the neighbouring properties.
- RA2.4 This report assesses any risks associated with a decision to refuse based on such grounds.
- RA2.5 The revised officer recommendation within this report identifies reasonable grounds for refusal that focus on the failure of the proposal to deliver 35% affordable housing on the site contrary to policy, and the location of the development being in the countryside. This is generally in line with the issue that lies at the heart of the Committee resolution from 29 October 2021 but officers have reflected following Members’ deliberations and having regard to the evolving circumstances.

## **RA3.0 The Risks**

- RA3.5 Officers consider that there are now no significant risks posed should Members refuse the application on the grounds recommended at section 7.0 of this report.
- RA3.6 The primary risks identified by officers in relation to the determination of the applications are threefold:
- application of planning policy risk;
  - appeal risk; and
  - reputational risk.
- RA3.7 These will be treated in turn from section RA5.0 of this report.

## **RA4.0 Unreasonable Behaviour**

RA4.1 There is a potential financial risk that arises for any Council that refuses a planning application that is subsequently pursued at appeal if it can be demonstrated that the Council acted unreasonably when preparing and/or presenting its case following the start of a valid appeal. That risk is a full or partial award of costs.

RA4.2 A formal claim can be made by the appellant [but not necessarily found proven by the Inspector] if in their opinion the Council has

(1) behaved unreasonably and

(2) this has directly caused the appellant to incur unnecessary or wasted expense,

Therefore, costs can only be awarded costs if both limbs are satisfied and even then the award of costs remains discretionary.

Taking these two limbs in turn:

### **1. Unreasonable behaviour may arise if**

#### **The Council has:**

- Missed important PINS [Planning Inspectorate] deadlines,
- Failed to have a witness to appear when required and/or not prepared evidence in good time such as to warrant an adjournment,
- Produced evidence at the Inquiry to which the appellant has not been privy, in advance
- Not co-operated fully in resolving the statement of common grounds,
- Run points which have no legal basis or substantive points with no evidence.
- Not substantiated each stated reason for refusal.
- Not had regard to relevant local and/or national policy as evidenced by the reference to relevant adopted development plan policies. And/or sections of the NPPF

### **2. Unnecessary expense**

- the appellant has not demonstrated how the Council's alleged and strongly refuted unreasonable behaviour has directly caused unnecessary or wasted expense. The appellant in appealing this matter of necessity required its witnesses to produce their evidence to support their clients case. That is the appeal process. Nothing the Council has done since the appeal was lodged and a start date announced has required the appellant to commission material that would not have been required as part of their case

- The guidance cites an example of how an appellant might be able to demonstrate unreasonable behaviour by a Council resulting in unreasonable expense where, for example, a witness for the appellant has needed to time spent preparing for an appeal or ground which was withdrawn at the very last minute. That is not the case here.

## **RA5.0 Planning Policy Risks**

### **RA5.1 Appropriate Mix of Tenures**

- RA5.2 The proposed development does not include any on-site affordable rented or affordable shared ownership accommodation as required by Council Policy H4. Indeed, that policy requires such accommodation to comprise up to 35% of the total number of units.
- RA5.3 The Council is able to demonstrate that it requires such accommodation with new developments to meet its need to house those in housing need as expressed through the Housing Register.
- RA5.4 The applicant argues that what is being provided is de facto 'low cost' housing of a type that should be supported by the Council because it offers access to two and three bedroom units at a price that is advantageous [*ie cheaper*] than a traditional brick build permanent equivalent. In terms of pricing that may be so but a home costing upwards of £150,000 is not affordable to those on the Housing Register.
- RA5.5 In describing the proposed accommodation as low-cost by comparison to brick built permanent dwellings the applicant is comparing apples and oranges. What the applicant is not offering is to sell 35% of the proposed units at 20% less than the other equivalent park home units on the site. That would be comparing apples with apples.
- RA5.6 The applicant points to a number of appeal cases where the Inspector has accepted that Park Homes do provide a valuable alternative to brick-built equivalents. The Council does not dispute that such homes offer a wider choice to prospective purchasers. That is not the issue. It even accepts that to a purchaser with limited funds a park home may offer a cheap[er] alternative than a brick built equivalent. In that sense it is more affordable to a purchaser.
- RA5.7 That is not the Council's point. The Council's point is that it has 634 people on the Housing Register in Mid Suffolk. It has a demand for 127 new affordable rented/shared ownership dwellings per year to meet that need. [at a ratio of 75%:25%]. These are not purchasers with a nest egg from downsizing, they are not those able to secure a mortgage, they are not those able to rent privately, they may not be employed.
- RA5.8 This proposal does nothing to house sectors of the community in accommodation that is affordable to them in their circumstances.

RA5.9 Section 7 of the Draft Local Plan [Nov 2020] identifies that the majority of affordable housing need [2018-2036] within the District is for social rent & affordable rent [1288 dwellings] [56%]. Shared ownership accounts for a further 583 dwellings[25%]. Together they account for 81%. Just 19% is discount home ownership and starter homes.

RA5.10 It is reasonable for the Council to argue that by not delivering the type of affordable housing required by the Council to meet the demand from its Housing Register the proposal is unacceptable, particularly as the extant outline planning permission for 51 dwellings provides 35% affordable homes. [ie affordable rented/shared ownership]. That is 17.8 dwellings. [It should be noted that to qualify as such a product must be available at a significant discount. [25%+]. That is not the case here.

RA5.11 In specifying the type of affordable housing it requires the Council can draw support from the following paragraphs of the NPPF 2021:

*“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required.....”*

*Paragraph 34 [page 11 NPPF 2021]*

*“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.”*

*Paragraph 63 [page 17 NPPF 2021]*

*“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*

*Paragraph 64 [page 17 NPPF 2021]*

*“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless*

*the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should: a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and b) be adjacent to existing settlements, proportionate in size to them<sup>35</sup>, not compromise the protection given to areas or assets of particular importance in this Framework<sup>36</sup>, and comply with any local design policies and standards."*

*Paragraph 72 [page 19 NPPF 2021]*

*NPPF 2021 Annex 2:Glossary: [page 64]*

**Affordable housing:** housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

**a) Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

**b) Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

**c) Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

**d) Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes



for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

- RA5.12 The applicant is however offering a financial contribution of £168,000 towards off-site delivery of affordable rented housing by the Council. That equates to just over 2 dwellings and is unacceptable.
- RA5.13 The figure of £168,000 is derived from 20% of the construction cost of a park home x 17 [ie 35% of the total number of units] ie £7,000 x 24 = £168,000.
- RA5.14 This is substantially less than the £720,000 calculated by the Council as representing an equivalent 35% in lieu contribution based on the cost of delivery of a park home.
- RA5.15 In preparing its latest AMR the Council has now discounted the 51 dwellings approved at outline from its total expected supply on the basis of what was at the time uncertainty of delivery. In the event a reserved matters submission for 51 dwellings was received by the Council on 31 January 2022. That is a game changer in terms of possible housing delivery expectations.
- RA5.16 The question therefore for Members following the latest amendments is has the planning balance described by officers to Members at the meeting of 29 October changed in any way and if so how and to what extent and is that change likely to change Members views on the merits of the proposal.
- RA5.17 The changes have caused officers to adjust their own weighting of factors and to change the recommendation to Members from an 'on balance' approval subject to a legal agreement to refuse. Events following the meeting of 29 October 2021 have now added weight to Members concerns that the proposed development fails to deliver much needed affordable housing at a scale that will meet policy H4 and make an appropriate contribution to addressing the need for affordable housing [particularly social rented] across the District.
- RA5.18 A reason for refusal on such grounds is considered 'reasonable' within the context of the test of reasonableness**
- RA5.19 Will these 69 park homes officially contribute to the Councils 5YHLS/delivery targets?**
- RA5.20 At the Development Control Committee 'B' meeting on 29 October Members asked officers to confirm the extent to which the Council can or cannot take account of these units when producing its Annual Monitoring Report [AMR].

- RA5.21 Development management officers at the meeting were unable to provide a definitive response. The Council's Policy Team was contacted by 'Teams' messaging during the meeting for an answer but clarity was needed in writing as the medium of communication did not allow for follow up questions.
- RA5.22 Members of Development Control Committee 'B' on 29 October had noted the fact that there is an extant outline planning permission on this site for 51 dwellings. Concern was expressed that if planning permission for 69 park homes was approved and these could not be included in the Council's housing figures then, there would be a 51 dwelling shortfall that will need to be recovered elsewhere.
- RA5.23 Park homes will not count towards the housing delivery total but as members are aware the Joint Local Plan process will now result in allocations being determined in a yet to be produced Part 2 document.
- RA5.24 Implementation of the extant outline planning permission if that happens will of course make such a concern academic. The prospects of such delivery have improved with the submission of a reserved matters application. It is preferable to the scheme now before the Council. If the landowner's account is to be accepted, that the permission has no realistic prospect of being delivered, then this does nothing for the current application which remains as a proposal for development in the countryside contrary to the development plan.
- RA5.25 In a letter dated 12 November 2021 the planning agent provided the following statement in respect of this point. It states:
- "Paragraph 74 of the National Planning Policy Framework (NPPF) states that:
- "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old."*
- Paragraph 74 of the National Planning Policy Framework (NPPF) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. It is noted that the Local Planning Authority has published its draft five-year housing land supply position statement on 3 November 2021 for consultation ('the draft report'), and that 9.54 years-worth of supply was reported.
- To determine the Council's Local Housing Need figure, footnote 41 of the NPPF states that this should be calculated using the 'Standard Method' set out in the PPG.

The draft report notes that the Council's 5YHLS requirement is 2,693 units in the five-year period from 1st April 2021 to the 31st March 2026. To demonstrate a 5YHLS, the Council must identify specific 'deliverable' sites sufficient to provide a minimum of five years' worth of housing. A 'deliverable' site is defined in the NPPF (2021) glossary (Annex 2) as:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

*a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*

*b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

The Annex explicitly does not exclude mobile homes or park homes intended for permanent residential use to contribute towards housing delivery.

There is however a considerable body of evidence which indicates that mobile homes, such as those proposed at Great Bricett have a major role to play in the supply of new homes and dwellings.

In *Wenman v SSCLG* [2015] EWHC 925 (Admin), Lang J stated that:

*"I do not consider that the words "housing applications" in paragraph 49 NPPF should be interpreted narrowly so as to be restricted to applications for planning permission to construct "bricks and mortar" houses. "Housing application" is not a statutory term under section 55(1) TCPA 1990. Nor is it defined in the NPPF. Whilst I appreciate that a caravan or a mobile home would not usually be described as a "house", planning policies are not to be interpreted as if they were statutes or contracts (Tesco Stores Limited v Dundee City Council supra). As I have explained above, I consider that section 6 NPPF is intended to cover homes and dwellings, in a broad sense, and it would be inconsistent with that interpretation if an application for planning permission for a mobile home was excluded from the scope of paragraph 49."*

The importance of mobile homes on housing supply numbers is supported by Section 124 of the Housing and Planning Act 2016 (as acknowledged by your Planning Policy Officer), which recognises mobile homes as having a role in contributing towards the supply of housing in a given area. Housing supply: Indicators of new supply, England Technical Notes, published by the Ministry of Housing, Communities & Local Government in September 2020 states that non-permanent (or 'temporary') dwellings are included in the definition of dwellings if they

are the occupant's main residence and council tax is payable on them as a main residence, and that these include caravans, mobile homes (page 19).

There are a number of recent appeal decisions which illustrate the importance of caravans and mobile homes assisting with an areas housing supply.

***Officer comment: Members are reminded that it is the Council's contention that having a 5 year housing land supply that doesn't rely on caravan/park home sites means it does not need park home sites to make up numbers.***

I have previously provided you with the 'Wisteria Heights' appeal decision (APP/C3810/C/19/3222033). In paragraph 41 noted that: *"The provision of 12 units of permanent residential accommodation through the removal of the condition would have a modest beneficial effect on the Council's overall supply of homes."*

In the 'Warfield Park' case in Bracknell Forest for up to 82 mobile Homes (APP/R0335/W/16/3163349 – attached) the Inspector stated that against a sizeable housing deficit, the provision of *"housing"* would be a *"benefit"*. In the Hermitage Caravan Park case (also in Warfield in Bracknell Forest (APP/R0335/W/19/3243351 - attached), the Inspector found that the additional 7 no. mobile homes comprising an extension to an existing caravan park was a marginal amount, *"but would help maintain the delivery of the Government's target of 300,000 new units annually"* (paragraph 48).

***Officer comment: Members should note the reference to a sizeable housing deficit in the Bracknell Forest case. That is not the case in Mid Suffolk.***

In the 'Deanland Wood Park' case in Wealden (APP/C1435/W/20/3265476 – attached), the Inspector noted that the proposal for change of use of land at an existing retirement park to site 105 additional park home caravans for people over 50 years old *"would make a significant contribution to the supply of housing in the District"*, observing also that *"Although not constructed of traditional bricks and mortar, the new homes would be of good quality and they would be set within an attractive residential environment"* (paragraph 35).

RPS also have several examples of where local planning authorities have explicitly included park homes or individual residential caravans for permanent use all year round by residents. Herefordshire includes caravans in its supply of houses (see paragraph 4.5 of the Annual Position Statement on 1 April 2020 dated September

2020<sup>1</sup>). Stratford-on-Avon District Council in its Policy Advice Note on Housing Land Supply in July 2015<sup>2</sup> states:

*“The Council acknowledges that caravans and mobile homes do not constitute dwelling houses (which by definition are buildings). However, where they have a permanent and year-round residential use, they provide a permanent home for a household. In this sense, they are a ‘self-contained dwelling’ and it is appropriate to include them within the housing supply”* (Footnote 1, Page 2).

Notwithstanding the fact the Local Planning Authority is able to satisfy paragraph 74 of the NPPF, and notwithstanding the Council’s stance on including caravans in its annual monitoring on housing land supply, it is nevertheless clear that the net increase of 18 dwellings will make a significant contribution towards maintaining the Council’s housing supply of deliverable housing sites.”

RA5.26 Following the meeting the Policy Team was asked to provide a detailed explanation of the position for this report. That statement is provided below:

*“Babergh and Mid Suffolk District Councils do not count mobile homes in their housing supply monitoring. It is acknowledged that The Housing and Planning Act 2016 recognises mobile homes as having a role in contributing to the supply of housing. However, Mid Suffolk District Council does not rely on mobile home pitches to meet its identified housing needs evidenced in the Strategic Housing Market Assessment and therefore does not count the provision of mobile homes in its housing land supply. The Council only counts dwellings.*

*Mid Suffolk District Council published a housing land supply position statement in October 2020, which demonstrated a 7.67 year supply. The draft Mid Suffolk housing land supply position statement published in November 2021 for consultation, identifies a 9.54 year supply.*

*Mobile homes also do not fall within the definition of affordable housing as identified in the National Planning Policy Framework (2021) and therefore do not count towards the provision of affordable housing.”*

**Robert Hobbs, Corporate Manager. Strategic Planning - 16 November 2021**

---

<sup>1</sup> <https://www.herefordshire.gov.uk/downloads/file/21142/amr-2020-appendix-b-five-year-land-supply-document>

<sup>2</sup> <https://www.stratford.gov.uk/doc/173611/name/Policy%20Advice%20Note%205%20Year%20Supply%20November%202014.pdf/>

RA5.27 In addition Rob Hobbs comments that as recently as July 2021 the landowner was indicating to the Council that residential development on the lines of the outline planning permission will come forward.

“In respect of the LS01 site in Great Bricett identified in the submitted Joint Local Plan, this reflects the extant outline planning permission for residential development of up to 51 dwellings DC/17/03568, which was issued on 7<sup>th</sup> January 2019. The site agent, Mr Ryan Jones, confirmed on 31<sup>st</sup> July 2021, on behalf of the owner Mr John Cooper, that the intention was to complete 25 dwellings in 2022/23 and 26 dwellings in 2023/24. This however has not been included in the housing land supply calculations due to the uncertainty regarding development on this land. It is noted that the outline planning permission will expire in January 2022.”

**Robert Hobbs, Corporate Manager. Strategic Planning - 16 November 2021**

RA5.31 The Council can defend a reason for refusal that revolves around the fact that the proposal does not deliver affordable housing of a type and quantity of affordable housing needed to meet the identified need of those on its Housing Register.

**RA5.32 Appropriate mix of sizes**

RA5.33 The updated Strategic Housing Market Assessment [2019] for Mid Suffolk identifies that going forward the highest need in terms of open market housing is for two and three bedroom units.

<i>Size of home</i>	<i>Current size profile</i>	<i>Size profile 2036</i>	<i>Change required</i>	<i>% of change required</i>
One bedroom	707	1,221	515	7.2%
Two bedrooms	5,908	8,380	2,472	34.4%
Three bedrooms	13,680	15,784	2,104	29.3%
Four or more bedrooms	12,208	14,303	2,096	29.2%
Total	<b>32,502</b>	<b>39,688</b>	<b>7,186</b>	<b>100.0%</b>

RA5.34 The proposed park homes are expected to be predominantly 2 and 3 bedroom units which corresponds with the highest requirement identified in the SHMA. This suggests that refusing the proposal on grounds that include failure to provide an appropriate mix of unit sizes may be difficult to defend even if one wanted to run a defence that the proposed mix does not deliver a broad range of units.

**RA5.35 Particular regard to impact on neighbouring properties**

RA5.36 Local Plan [1998] Policy H16 is most relevant here. It states:

*“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.”*

RA5.37 It is in this context that the reference to ‘neighbouring properties’ in the Resolution was specifically made directed at those living in permanent brick built homes on the west side of Plough Hill rather than those living within the existing park home centre known as Wixfield Park immediately to the north of the application site.

RA5.38 The nub of this concern revolved around the perception that park homes are likely to be attractive only to the over 45’s. By not attracting the under 45’s and families with young children the introduction of 69 units into the village would unacceptably skew the age profile of the village.

RA5.39 Whilst the operator poses no restriction on the age of purchasers it is likely that such accommodation will attract older buyers.

RA5.40 What is not clear is what will make Great Bricett intrinsically attractive to the under 45’s at present if they do not have a connection with Wattisham Airfield. There is no shop, no school, no facilities to talk of.

RA5.41 It is true that in the event of planning permission being granted for 69 park homes on this site the number of such homes in the village would be significantly increased cumulatively with Wixfield Park.

RA5.42 In other circumstances the introduction of 69 adaptable bungalows may be seen as a great benefit bearing in mind the growing increase in the District’s elderly population.

- RA5.43 The site now includes a local shop, something the village presently lacks.
- RA5.44 There is no reason to expect a park home site with no entertainment facilities to generate noise/disturbance likely to cause a nuisance to neighbours. It is a residential use like traditional brick built homes with gardens. These are not holiday homes where you might possibly expect short-term occupiers to be in a 'party mood' with late night outdoor revelry.
- RA5.45 It is suggested that the latest amendments mean that it is not reasonable for the Council to argue harm to residential amenity as it is difficult to see what that harm is – clearly it cannot be impact on property values because that is not a material planning consideration and it has not been raised in representations.
- RA5.46 It is difficult to argue harm to visual amenity as the units are single storey, will be well screened and will be of a good design. Units will be required to be kept in good repair as part of the site management regime.
- RA5.47 Lighting is controlled and low level.
- RA5.48 At present the north-eastern half of the site comprises a range of nissen hut style buildings which do little to enhance the character of the countryside.
- RA5.49 Might Local Plan Policy H17 [Keeping Residential Development Away from Pollution] provide a basis for a refusal? It states:3.41

*“THE DISTRICT PLANNING AUTHORITY WILL REFUSE RESIDENTIAL DEVELOPMENT IN AREAS WHICH ARE SUBJECT TO, OR ARE EXPECTED TO BECOME AFFECTED BY, EXCESSIVE ROAD TRAFFIC NOISE OR WHICH WOULD BE EXPOSED TO EXCESSIVE NOISE LEVELS FROM INDUSTRIAL OR OTHER PREMISES.*

*RESIDENTIAL DEVELOPMENT WILL NORMALLY BE REFUSED IN AREAS WHICH HAVE, OR ARE LIKELY TO HAVE, SIGNIFICANTLY REDUCED AMENITY OR SAFETY BY VIRTUE OF PROXIMITY TO:-*

*- NOISE, SMELL OR OTHER FORMS OF POLLUTION EMANATING FROM NEARBY AGRICULTURAL OR OTHER PREMISES;*

*- INDUSTRIAL PREMISES OR OTHER INSTALLATIONS WHICH INVOLVE THE USE, STORAGE OR HANDLING OF HAZARDOUS SUBSTANCES.”*

- RA5.50 It is clear that within its geographic context Policy H17 cannot and does not apply here. Indeed the use of the site for residential purposes effectively reduces the risk of nuisance from the business uses that previously were undertaken on the site were the use to resume in the event that residential development does not occur.



## **RA6.0 Application of Planning Policy risk**

RA6.1 Whilst every application must be considered on its own merits, it is also important for the Council to be consistent in its application of policy when determining applications of a similar nature. The Council, and Planning Inspectors, have consistently over time recognised that when assessing housing applications (and assuming no other key issues are present) the “tilted balance” is capable of engaging in Mid Suffolk due to the out-of-datedness of the District’s strategic housing policies as applicable to certain applications. However, this amounts to a fact sensitive exercise dependent upon the specific circumstances in play.

Whilst some elements of the Council’s housing policies have been found to be inconsistent with national planning policy on other occasions, on account of their tight control of development in the countryside adjacent to sustainable settlements and when considered in the context of an aged plan with dated housing requirements, their overall strategy remains sound in seeking to locate new development to more sustainable locations and in recognition of the intrinsic character and beauty of the countryside. On the facts of this present application it must be recognised that the application proposes a large number of residential homes in a location on the bottom tier of the Council’s settlement hierarchy. Taken in the round, and with the addition of policy H4, officers do not consider that the most important policies in play are out of date. The “tilted balance” does not apply and, bearing in mind the existing and improving housing land supply position, there is no pressing need to release more homes especially in an undesirable location.

RA6.2 There is also a need to examine consistency in the context of the previous application on site. The extant planning permission for 51 dwellings did secure a 35% ‘on-site’ affordable housing contribution. A refusal of the 69 park home scheme on the ground that it fails to comprise 35% affordable housing of a type required by the Council to meet the affordable needs of the District would be consistent.

RA6.3 In the context of the current application, Suffolk County Council have not identified any specific primary and secondary education provision need.

RA6.4 Looking more widely at infrastructure delivery, the NHS confirm capacity at the nearest health centre subject to expansion of that facility to be funded from Community Infrastructure Levy (CIL) receipts.

RA6.5 Suffolk County Council, commenting in their capacity as Highway Authority note no severe impact upon the highways network infrastructure sufficient to support a refusal.

RA6.6 The scheme now includes [post-October committee] the provision of a small shop along with the previously proposed new footway connections both of which can be said to represent benefits for the village.

## **RA7.0 Application of Appeal Risk**

- RA7.1 In accordance with current National Planning Practice Guidance, a failure to substantiate a reason for refusal, or the prevention of development that clearly should have been permitted, is likely to lead to an award of costs against the Council at appeal. The risk of this occurring is higher where Members overturn the professional recommendation of their planning officers and especially so where their reasons or harm cannot be substantiated by professional or objective evidence. In short that would be unreasonable in a planning authority decision.
- RA7.2 Such a risk is obviated by the fact that the proposal clearly does not provide 35% affordable housing of a type [rented and shared ownership] required by Policy H4. Indeed it provides no onsite affordable housing.
- RA7.3 The extent to which the failure to deliver 35% on-site affordable housing is off-set [or not] by the contribution of £168,000 for off-site delivery, the widening of housing choice through offering an alternative to brick built dwellings, the enhanced green energy provision and the inclusion of a small shop will determine whether or not Members now ratify the position that was taken in October 2021.
- RA7.4 Whether Members of Development Control Committee 'A' having received this additional report with its updated information, officer assessment and risk assessment choose to now support the revised officer recommendation to refuse the application and support the view of the proposal expressed by Development Control Committee B on 29 October is a matter for them.
- RA7.5 Officers are however now satisfied that a refusal is appropriate and sound.

## **RA8.0 Application of Reputational Risk**

- RA8.1 Reputational risks to a local planning authority foreseeably arise from taking decisions that might be unreasonable, founded on vague, generalised or inaccurate assertions about a proposals impact and which are unsupported by any objective analysis or which are inconsistent with other prior decisions of the authority or by Inspectors at appeal.
- RA8.2 It is expected that the local planning authority will make decisions which are reasonable in the round, have regard to relevant considerations and disregard irrelevant considerations.

**Conclusion:**

**Refusal on a reason/s that included that/those set out below carry the adverse level of risk identified below:**

1. Failure to deliver appropriate level and type of affordable housing [namely 35% afforded rent and affordable shared ownership] and none proposed on-site.

**HIGH PROBABILITY of APPEAL: LOW LEVEL of RISK to the COUNCIL**

The Adopted Development Plan clearly has well-established policies to secure 35% on-site affordable housing. The Draft Joint Local Plan based on a recent Strategic Housing Market Needs Assessment refresh supports this requirement. The risk arises from the fact that the applicant is challenging the Council's position by suggesting what is being proposed is a 'low cost' option that widens choice and delivers affordable accommodation compared to brick built equivalents. That risk is only realised if the appellant is able to persuade an Inspector the proposition is a reasonable alternative to the type of affordable housing sought by the Council or constitutes affordable housing as defined in the NPPF 2021. Officers believe that as what is being offered is not 35% of the total number of units being available on-site at a 20% discount these are in fact all open market units.

- Policy Risk
  - Financial Risk
  - Reputational Risk [this works both ways in so far as securing decent affordable housing is a Council priority in the face of the high demand and need for affordable rented accommodation to house people on the Housing Register. Failure to defend Council affordable housing policy could open the door to similar proposals at the expense of securing the type of accommodation needed.
2. Approval of the proposed 69 park homes will result in the site which has an extant planning permission for 51 brick-built dwellings [with 35% on-site affordable housing] not coming forward thereby prejudicing delivery of homes that can be counted towards the Councils Housing delivery targets.

**HIGH PROBABILITY of APPEAL: LOW LEVEL of RISK to the COUNCIL**  
as the proposal is contrary to H4 whereas the extant outline permission is not

3. Highway safety or capacity

**HIGH PROBABILITY of APPEAL: HIGH RISK to COUNCIL**

The risk is high on the basis that the local highway authority has not objected to the proposal on highway grounds

- Inability of the lpa to be able to evidence highway harm particularly in the light of proposed footway improvements, the existing use of the site and the extant planning permission

Reputational Risk

Financial Risk

4. Adverse impact on residential amenity

**HIGH PROBABILITY of APPEAL: HIGH RISK to COUNCIL**

The risk is high on the basis that none of the Council's environmental health consultees have raised objection on amenity grounds.

This part of the page if left blank deliberately

**SECTION THREE: OFFICER RECOMMENDATION FOLLOWS**

**OFFICER RECOMMENDATION: 9 FEBRUARY 2022**

**7.0 RECOMMENDATION 9 February 2022 [supersedes all previous recommendations]**

**Having carefully considered the Risk Assessment that appears under PART TWO of this Report and the latest amendments to the proposal and change in circumstances explored within PART ONE and having undertaken a review of the merits of the proposal in the light of these and all other material planning considerations;**

**THEN,**

**(1) The application be REFUSED for the following reasons:**

While the Council accepts that the proposed 69 park homes may add to consumer choice in respect of the type of new residential accommodation available for purchase in the District they do not appropriately address the need for affordable housing across the District in a way that meets Adopted Local Plan Policy H4 and Draft Joint Local Plan Policy SP02.

The Council through the above policies and its Objectively Assessed Housing Needs Assessment expects residential developments of this scale to include a 35% component of on-site affordable housing comprising predominantly affordable rented accommodation with some affordable shared ownership. 35% of 69 is an affordable housing content of 17.8 dwellings.

In determining this application the Council has had regard to the applicant's offer contained in a signed unilateral undertaking to provide a financial contribution of £168,00 and latterly increased to 200,000 outside that Unilateral Undertaking towards off-site delivery of such affordable housing by the Council but finds it does not adequately outweigh the harm that will result from a shortfall of some 15 such dwellings with a policy compliant solution.

The Council having approved outline planning permission for a 51 dwelling development comprising 35% affordable housing [by way of S106 Agreement] under reference DC/17/03568 on 7 January 2019 reasonably expects 35% affordable housing delivery on this site. The fact that a valid reserved matters submission for that 51 dwelling development was received by the Council in December 2021 indicates that it is reasonable for the Council to reject the park home proposal on the ground that fails to make adequate provision for the delivery of affordable dwellings. The Reserved Matters application represents a choate alternative that accords with Adopted Council Policy. Its delivery will be prejudiced by permission for a park home development

It is the Council's opinion that being able to demonstrate that it has a 5-year housing land supply that does not rely on the inclusion of park home sites it is not imperative to approve this application in order to meet a deficiency in housing supply/delivery within the District. No overriding case for

the need for park homes within the District in general and this site in particular has been provided and therefore the Council is of the opinion that there is no overriding justification to support this departure from Adopted policy.

If the extant planning permission has no realistic prospect of being delivered (and if the current proposal is assessed purely on its own merits) then the application is objectionable for the above reasons and also on account of its countryside location contrary to the spatial strategy in the development plan (inc. policies CS1, CS2, H7) and where material considerations do not outweigh the direction to refuse planning permission. Taken in the round, and accounting for the specific circumstances of the application, the most important policies for its determination are considered to be up to date in so far as they are applicable. However even if the “tilted balance” were to apply, the harms significantly and demonstrably outweigh the benefits. However assessed, the application remains unacceptable and does not represent sustainable development.



This part of the page is left blank deliberately

**Previous Committee reports follow for information and continuity.**

## THE 29 October 2021 SUPPLEMENTARY REPORT & CONTENT [numbered with paragraph prefix 'S']

---

### PART THREE – ASSESSMENT OF APPLICATION

---

#### **S1.0 Relevant Background**

S1.1 The Council's Planning Committee A considered a report on this application at its meeting of 12 May 2021.

S1.2 The Committee voted to defer taking a decision to allow officers to carry out further investigation with the applicant as to:

- the exact numbers proposed; and

further additional information to satisfy concerns in relation to:

- details of bus routes
- parking spaces available
- open space and landscaping; and
- flood and drainage issues.

#### **S2.0 The Amended Proposal**

S2.1. The original scheme (as described on the application form) proposed the siting of 73 units within the site. This has now been reduced and confirmed as **69 units** in order to accommodate requirements made by the SCC Floods & Water Team in terms of on-site surface water storage and attenuation within the site.

S2.2. The proposal therefore seeks the siting of 69 units, given the original application description clearly states "up to 73", the proposed description of development has now been amended accordingly to refer to 69 units in order to cap the number to be allowed within the site.

S2.3. Members are reminded of the extant outline planning permission for 51 permanent estate style brick-built homes that already exists on this site under reference DC/17/03568. This proposal therefore increases the number of additional *homes* by 18 to those already approved. The proposed units within this application are mobile 'park' homes and therefore, of course, generally smaller homes providing two or three bedrooms. Officers consider the site can accommodate a higher number than previously approved as mobile homes for this reason.

S2.4. Following deferral of 12<sup>th</sup> May 2021 the following additional material has been submitted by the applicant:

- The offer of a financial contribution for the provision of off-site affordable housing. [£168,000]
- Footpath construction on site frontage
- bus shelter
- Enhanced landscaping
- Amended Site Layout Plan (69 units plus parking)
- Flood Risk Addendum by JPC Environmental Services

### **S3.0 Nearby Services and Connections Assessment of Proposal**

S3.1 As set out in the previous Committee report, the supporting Transport Statement set out in some detail the available local facilities and their distance from the site.

S3.2 In terms of sustainable transport on offer, there are primarily four local bus services:

- Route 111 – Ipswich Buses (Hitcham – Bildeston – Somersham – Ipswich)
- Route 985 (formerly 405) – First Buses (School Bus)
- Route 461 – Hadleigh Community Transport
- Route 462 – Hadleigh Community Transport

S3.3 The frequency of each service is as follows:

Route 111 (Hitcham – Bildeston – Somersham – Ipswich)



Hitcham - Bildeston - Somersham - Ipswich

111/111A

	Monday to Friday (Except Bank Holidays)						Saturday			
	Service	111	111	111	111A		111	111	111	111A
	Operator	MU	MU	MU	MU		MU	MU	MU	MU
	Notes	1	1	1	1		1	1	1	1
Cross Green, Brettenham Road (opp)		0715	0940	1340	-		0715	0940	1340	-
Bildeston, Clock Tower (opp)		0720	0945	1345	1645		0720	0945	1345	1645
Nedging Tye, Bus Shelter (o/s)		0725	0950	1350	1650		0725	0950	1350	1650
Great Bricett, Bricett Hall (NW-bound)		0728	0953	1353			0728	0953	1353	
Wattisham Airfield, Bus Shelter (E-bound)		0730	0955	1355			0730	0955	1355	
Ringshall, Village Hall (adj)		0733	0958	1358			0733	0958	1358	
Barking Tye, The Tye (opp)		0736	1001	1401			0736	1001	1401	
Willisham, Telephone Box (o/s)		0738	1003	1403			0738	1003	1403	
Offton, Limeburners (opp)		0742	1007	1407	1657		0742	1007	1407	1657
Somersham, Duke of Marlborough (opp)		0745	1010	1410	1700		0745	1010	1410	1700
Little Blakenham, The Beeches (adj)		0751	1016	1416	1706		0751	1016	1416	1706
Bramford, Angel (opp)		0757	1022	1422	1712		0757	1022	1422	1712
Sproughton, Wild Man (opp)		0800	1025	1425	1715		0800	1025	1425	1715
Westbourne, Red Lion (adj)		0805	1031	1431	1721		0805	1031	1431	1721
Ipswich, Old Cattle Market Bus Station (N)		0825	1041	1441	1731		0825	1041	1441	1731
Chantry, Suffolk One (inside)		0855	-	-	-		0855	-	-	-
<b>Sunday</b>										
no service										

**NOTES**

1 Sponsored by Suffolk County Council

**OPERATORS**

MU Mulleys Motorways 01359 230 234

Suffolk 01/09/2020

Ipswich - Somersham - Bildeston - Hitcham

111/111A

	Monday to Friday (Except Bank Holidays)						Saturday					
	Service	111	111	111	111	111	111	111	111			
	Operator	MU	MU	MU	MU	MU	MU	MU	MU			
	Service Restrictions	Sch	NSch	Sch	NSch	Sch	NSch	Sch	NSch			
	Notes	1	1	1	1	1	1	1	1			
Ipswich, Old Cattle Market Bus Station (N)		0840	0850	1235	1540	1550	1740		0850	1235	1550	1740
Westbourne, Red Lion (opp)			0859	1244		1559	1749		0859	1244	1559	1749
Ipswich, Railway Station (R2)		0844			1544							
Chantry, Suffolk One (inside)		0855			1555							
Sproughton, Wild Man (adj)		0903	0903	1248	1603	1603	1753		0903	1248	1603	1753
Bramford, Angel (adj)		0906	0906	1256	1606	1606	1756		0906	1256	1606	1756
Little Blakenham, The Beeches (opp)		0910	0910	1300	1610	1610	1800		0910	1300	1610	1800
Somersham, Duke of Marlborough (adj)		0915	0915	1305	1615	1615	1805		0915	1305	1615	1805
Offton, Limeburners (adj)		0918	0918	1308	1618	1618	1808		0918	1308	1618	1808
Willisham, Telephone Box (opp)				1312	1622	1622	1812			1312	1622	1812
Barking Tye, The Tye (adj)				1314	1624	1624	1814			1314	1624	1814
Ringshall, Village Hall (opp)				1317	1627	1627	1817			1317	1627	1817
Wattisham Airfield, Bus Shelter (W-bound)				1320	1630	1630	1820			1320	1630	1820
Great Bricett, Bricett Hall (SE-bound)				1322	1632	1632	1822			1322	1632	1822
Nedging Tye, Bus Shelter (opp)		0925	0925	1325	1635	1635	1825		0925	1325	1635	1825
Bildeston, Clock Tower (opp)		0932	0932	1332	1642	1642	1832		0932	1332	1642	1832
Cross Green, Brettenham Road (adj)		0936	0936	1336	-	-	1837		0936	1336	-	1837
<b>Sunday</b>												
no service												

Route 985 (formerly 405) (School Bus)

Great Bricett - Stowmarket High  
via Battsford  
Mondays to Fridays

Service Number	985
	SD
Barking,B1078,The Church	0750
Barking,B1078,The Fox	0752
Great Bricett,Brick Kiln,B1078	0800
Great Bricett Hall	0802
Wattisham Camp	0806
Ringshall School	0810
Ringshall,Bakers Corner	0812
Ringshall,Coronation Glebe	0814
Battsford,Community Hall	0818
Battsford,Punch Bowl	0823
Little Finborough	0824
Combs,Queens Close	0827
Combs,Scotchers Corner	0829
Stowmarket High School	0845

Service Number	985
	SD
Stowmarket High School	1520
Combs,Scotchers Corner	1536
Combs,Queens Close	1538
Little Finborough	1540
Battsford,Punch Bowl	1542
Battsford,Community Hall	1545
Ringshall,Coronation Glebe	1550
Ringshall,Bakers Corner	1552
Ringshall School	1555
Wattisham Camp	1558
Great Bricett Hall	1559
Great Bricett,Brick Kiln,B1078	1602
Barking,B1078,The Fox	1610
Barking,B1078,The Church	1612

SD - Schooldays Only

Route 461/ Route 462 (Stowmarket – Great Bricett/Hitcham– Hadleigh)

**461/462** Stowmarket - Great Bricett/Hitcham - Hadleigh

Timetable valid from 24/05/2021

Direction of stops: where shown (eg: W-bound) this is the compass direction towards which the bus is pointing when it stops

**Mondays to Fridays**

Service	461	461	461	462
	Operator	HADC	CH	HADC HADC
Service Restrictions	NW	W	MTh	TuF
Notes	1	1	1	1
Stowmarket, adj Station Road West	dep	—	1240	1240
Combs Ford, o/s The Ford	—	—	—	1244
Combs Ford, adj Hunt Close	—	—	—	1246
Combs, opp Park Road	—	—	—	1248
Combs, opp Queens Close	—	—	—	1250
Little Finborough, opp Moat Farm	—	—	—	1252
Battsford Tye, o/s Punchbowl	—	—	—	1254
Battsford, adj Community Centre	—	—	—	1256
Ringshall, opp Phone Box	0903	—	—	1303
Wattisham Airfield, opp Bus Shelter	0905	—	—	1305
Great Bricett, adj Bricett Hall	0907	—	—	1307
Naughton, adj Wheelhouse	0910	—	—	1310
Great Finborough, opp Post Office	—	—	1246	—
Buxhall, adj The Crown	—	—	—	1249
Great Finborough, opp Buxhall Turn	—	—	—	1252
Cross Green, opp Brettenham Road	—	—	—	1257
Hitcham Causeway, adj Causeway Estate	—	—	—	1300
Bildeston, opp Clock Tower	—	—	—	1305
Semer, opp Semer Bridge	—	—	—	1310
Whatfield, opp Telephone Box	0915	0920	1315	1315
Elmsett, o/s Bus Shelter	0919	0928	1319	1319
Aldham, adj Firtree Farm	0923	0931	1323	1323
Hadleigh, adj Morrisons	0928	0936	1328	1328
Hadleigh, Bus Station (Stand D)	0930	0941	1330	1330
Hadleigh, opp Bourchier Close	0934	—	1334	1334
Hadleigh, adj Meriton Rise	0937	—	1337	1337
Hadleigh, Bus Station (Stand B)	arr 0940	—	1340	1340

**Saturdays**  
no service

**Sundays**  
no service

**Bank Holidays**  
no service

Service Restrictions: MTh - Operates on Mondays and Thursdays only  
NW - Not Wednesdays  
TuF - Operates on Tuesdays and Fridays  
W - Operates on Wednesdays

Notes: 1 - Sponsored by Suffolk County Council  
CH - Chambers  
HADC - Hadleigh Community Transport

Timetable valid from 24/05/2021

Direction of stops: where shown (eg: W-bound) this is the compass direction towards which the bus is pointing when it stops

**Mondays to Fridays**

Service	461	462	461	461
Operator	HADC	HADC	HADC	CH
Service Restrictions	MTh	TuF	NW	W
Notes	1	1	1	1
Hadleigh, Bus Station (Stand B)	dep 0950	0950	1350	1415
Hadleigh, opp Morrisons	0952	0952	1352	1417
Aldham, opp Firtree Farm			1357	1422
Elmsett, opp Bus Shelter			1400	1425
Whatfield, adj Telephone Box			1403	1433
Whatfield, opp Telephone Box		0958	1404	—
Naughton, opp Wheelhouse		1002	1408	—
Great Bricett, o/s Bricett Hall		1005	1411	—
Wattisham Airfield, o/s Bus Shelter		1007	1413	—
Ringshall, adj Phone Box		1009	1415	—
Battisford, opp Community Centre		1016	—	—
Battisford Tye, opp Punchbowl		1018	—	—
Little Finborough, adj Moat Farm		1022	—	—
Combs, adj Queens Close		1024	—	—
Combs, adj Park Road		1026	—	—
Combs Ford, opp Hunt Close		1028	—	—
Combs Ford, adj The Ford		1030	—	—
Stowmarket, o/s Argos Store		1033	—	—
Semer, adj Semer Bridge	0958	—	—	—
Bildeston, opp Clock Tower	1003	—	—	—
Hitcham Causeway, opp Causeway Estate	1008	—	—	—
Cross Green, adj Brettenham Road	1011	—	—	—
Great Finborough, adj Buxhall Turn	1016	—	—	—
Buxhall, opp The Crown	1019	—	—	—
Great Finborough, adj Post Office	1022	—	—	—
Stowmarket, opp Health Centre	1027	—	—	—
Stowmarket, adj Station Road West	arr 1029	—	—	—

**Saturdays**

no service

**Sundays**

no service

**Bank Holidays**

no service

Service Restrictions: MTh - Operates on Mondays and Thursdays only  
 NW - Not Wednesdays  
 TuF - Operates on Tuesdays and Fridays  
 W - Operates on Wednesdays

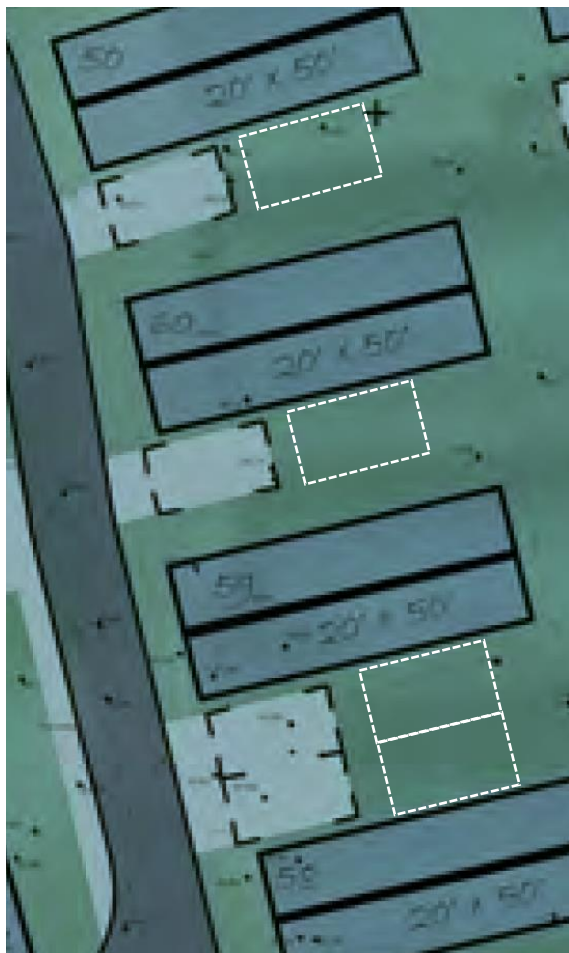
Notes: 1 - Sponsored by Suffolk County Council  
 CH - Chambers  
 HADC - Hadleigh Community Transport

- 111 3 x buses out to Ipswich [Mon-Fri] & 3 x buses back from Ipswich [Mon-Fri]  
 4 x buses out to Ipswich [Sat] & 3 x buses back from Ipswich [Sat]
- 985 1 x bus out to Stowmarket [Mon-Fri] & 1 x bus back from Stowmarket [Mon-Fri]
- 461/462 2 x buses out to Stowmarket [Mon-Fri] & 2 x buses back from Stowmarket [Mon-Fri]

- S3.4 It is therefore possible to leave Gt Bricett by bus in the morning at 07.28hrs to work in Ipswich and get back to Gt Bricett on the 17.40. [route 111] from Ipswich.
- S3.5 These services are available via the bus stop (including shelter) located 100m north of the site on Pound Hill.
- S3.6 Important in accessibility terms is the proposed footway connection that will link the site with the northern bus stop.
- S3.7 Additionally, a new bus stop is proposed south of the site entrance. The provision of the footpath link is achievable using either Suffolk County Council land or land within the applicant's ownership. These accessibility improvements (detailed in Appendix C of the Transport Statement) formed part of the previous outline application.

#### **S4.0 Site Access, Parking And Highway Safety Considerations**

S4.1 As demonstrated on the submitted Site Layout Plan, each Unit will have at least one parking space and a further 12 visitor spaces will be spread across the site. In reality the plots are such that each would in practice be capable of effectively accommodating at least two cars.



S4.2 The Highways Authority made no comment previously regarding the proposed level of on-site parking provision. The Planning Statement contends that the applicant is an experienced Park Home developer, and the proposed level of provision is more typical of developments of this nature. Given the layout of the neighbouring residential park and on-site parking provision available at that development ( a good number of plots only have one on-site space), officers accept that the level of parking provided by the Park Home developer will be at a level that is in their best interests, one that will not result in an adverse outcome for the occupants. The Great Bricett Parish Council suggest that vehicles will be left to park on the adjacent roads, causing a danger to road users. Officers do not consider this to be a likely outcome nor one that the Park Home developer would likely tolerate, as it would not be in their commercial interests. There is no evidence of such overspill parking at any other residential parks in the district.

S4.3 SCC Highways comments remain pertinent to this amended proposal, particularly give the reduced number of units.

### **S5.0 Design And Layout [Impact On Street Scene]**

S5.1 The proposed units are in three different sizes and the mix would be as follows:

- 43 units at 6.1m x 12.2m;
- 13 units at 6.1m x 13.4m; and
- 13 units at 6.1m x 15.2m

S5.2 The proposed units would comprise a mix of two bedroom and three bedroom units. The precise numbers of each are matters for the site licensing system to control.

S5.3 During the Committee on 12 May 2021, Members expressed concerned with regards to perceived lack of open space and amenity areas for future occupiers, consequently the application was deferred on this basis as well.

S5.4 Whilst there are no specific policies which require the applicant to provide recreation space or public open space given the intended use of the site is for the erection of mobile homes, the amended scheme now provides for a 605 square metre amenity area within the site.

S5.5 The area surrounding each park home is treated as useable for occupiers of that park home for domestic purposes but formal fenced off garden space areas are not a feature. This type of arrangement may be seen with reference to the existing, adjacent Wixfield Park site.

### **S6.0 Landscaping**

S6.1 The layout has been amended to now include enhanced planting belts on the site's western and southern edges where they are exposed to view from the road and from the countryside.

S6.2 This is a direct response to the requirement of the Committee for softer edges that will help to conceal the park homes from general view.

S6.3 Delivery of these improved planting belts can reasonably be secured by condition in the event that Members are now minded to grant planning permission.



- S6.4 The area of open space play area and the drainage basin represent approximately 7.7% of the total site area.
- S6.5 The play area and that part of the basin that can be used as open space i.e. the area to the south of the basin equates to 3.3% of the total. Therefore, open space is less than the normal residential policy requirement of 10%.
- S6.6 That said space standards for mobile homes on a 'park' are governed by the Caravan Sites and Control of Development Act 1960 which is not operated by the Council as local planning authority. It is controlled via a licensing system.
- S6.7 Each plot has its own amenity space.

### **S7.0 Affordable housing**

- S7.1 Members will recall that previous recommendations to grant permission were predicated on the applicant making a contribution towards the delivery of off-site affordable by way of a legal agreement. It has always been the applicant's case that what they are offering is a low-cost and therefore 'affordable' product when compared to an equivalent sized 'brick built 'permanent dwelling.
- S7.2 Your officers were not inclined to accept that argument.
- S7.3 In the intervening period since the item was last deferred it has been possible to secure a financial contribution payable to the Council for the delivery of off-site affordable homes.
- S7.4 The starting point for officers in those discussions was that if low-cost housing is being provided but in the form of mobile homes then it should represent a 20% reduction on purchase price of that product on 35% of the overall stock
- S7.5 If that was achievable how would the discount system operate and who would get access to it? It doesn't fit the normal model for delivering homes for those in housing need.
- S7.6 Based on the principle set out in S7.4 above and working on a payment to the Council for the provision of off-site affordable housing in lieu of access to that discount the figure of £168,000 was arrived at.
- S7.7 The applicant is currently drafting a Unilateral Undertaking which should be available prior to the committee meeting to demonstrate their commitment to making such a contribution.

### **S8.0 Flood Risk, Drainage and Waste**

- S8.1 SCC Flood & Water originally had a holding objection however this has now been removed and they are no longer objecting to the proposal.
- S8.2 An attenuation basin is provided in the north eastern corner of the site. Surface water run-off will filter in drains across the site and flow into this attenuation basin.
- S8.3 With regards to foul water, this will be sent to the onsite package treatment plant which is to be located in the north-eastern corner of the site. This will discharge treated effluent to the surface water network that bounds the site to the east in accordance with the existing licence. agreement.
- S8.4 SCC Floods & Water recommend approval subject to conditions in relation to surface water drainage.

### **S9.0 Planning Obligations**

- S8.1 As previously discussed the affordable housing contribution will need to be secured by way of a legal agreement.
- S8.2 A unilateral undertaking to deliver the £168,000 for off-site affordable housing is being prepared by the applicants and will be signed and submitted prior to the Committee meeting. That undertaking is also expected to provide the binding commitment to delivery of the bus stop shelter and footway as per the information in the submitted Transport Statement.
- S8.3 All the other infrastructure impacts of the proposal would be subject to funding via CIL. if eligible.

## **PART FOUR – CONCLUSION**

---

### **S10.0 Planning Balance and Conclusion**

- S10.1 Officers are content that the planning balance previously described in the report to Committee on 12 May 2021 remains valid and that if anything the balance has been confirmed as appropriate by the amendments made and changes to the proposed illustrative layout secured.
- S10.2 The proposed 69 units can be suitably accommodated within the site together with parking for both the units as well as provision of 12 visitor spaces deemed appropriate for this type of development by the operator and not objected to by SCC as local highway authority. The scheme also provides for sufficient amenity space per unit together with open space within the site.



- S10.3 The benefits in social terms are not insignificant, the provision of 69 mobile homes will offer a choice and variety of local homes, albeit acknowledging the district's five plus year residential land supply position, although this should not be considered a cap on development. A different housing typology than the typical 'bricks and mortar' housing estates, the development offers a different residential outcome, one that can be delivered in a much quicker timeframe than conventional housing. Economic gains are much more modest, noting the creation of construction jobs will be very limited due to the off-site pre-fabricated approach to house building. This said, the occupants of a 69 dwelling development will bring about a not insignificant increase in local spending, helping to sustain local businesses, a local economy benefit of some note.
- S9.4 The brownfield site is very much under-used and, developed with a collection of ad hoc nissen huts, is of low environmental value. There is opportunity through biodiversity enhancements associated with the scheme to enhance this value, while at the same time providing for a more optimal and effective use of the brownfield land. These represent environmental benefits.
- S9.5 A range of potential adverse impacts can be effectively mitigated by measures secured by planning conditions, as confirmed by technical consultees, and these are therefore treated as neutral in the planning balance. They are also, subject to compliance with conditions, policy compliant. These matters include highway safety, on-site amenity, archaeology, drainage and renewable energy.
- S9.6 There is an absence of harm in respect to above-ground designated heritage assets, by virtue of the fact there are no such assets in proximity of the site.
- S9.7 The proposal will result in some landscape harm, through the loss of some green space and introduction of built form not of insignificant scale. The harm is however low level because of the developed nature of half the site, the site's high level of visual containment, its infill location set between established housing and the fact the development will read as a natural extension of the adjacent residential park, noting density will be consistent with that already established. Noteworthy also in this context is the absence of any formal landscape designation over the site or neighbouring land. Moreover, it cannot be said that the subject development will result in any greater landscape harm than the approved 51 dwellings that could be brought forward in accordance with outline permission DC/17/03568. Conflict with local and national design policies is, for these reasons, not of great magnitude.
- S9.8 There will be environmental harm associated with private motor vehicle use, as some day to day living will revolve around car journeys, inevitable given the site's countryside location. This said, there are local bus services available very close to the site and the proposed footway and bus stop improvements, supported by the Highways Authority, will enhance the accessibility of these services.
- S9.9 The loss of an employment site is not an adverse effect that weighs in the planning balance by virtue of the fact that the previously approved 51 dwelling development could be brought forward at any time. The effects of the loss of an employment site are therefore disregarded.

S9.10 The scheme delivers social, economic and to a lesser extent, environmental benefits. Identified harm relates primarily to landscape character, which is deemed low level. The harm does not significantly and demonstrably outweigh the identified benefits. The proposal delivers sustainable development, a consideration outweighing the proposal's low level of conflict with the development plan.

S9.11 As previously, notwithstanding any conflict with the plan on account of the countryside location of the development, the recommendation to GRANT conditional outline planning permission subject to S106 remains and is reinforced because material considerations nevertheless direct that permission be granted.

## **RECOMMENDATION**

That the application is GRANTED planning permission

**(1) Subject to the prior completion of a suitable agreement to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:**

- Affordable contribution of £168,000
- Off-site highway improvements – footway and bus shelter
- Open Space

**(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Landscape Scheme
- Construction Management Plan
- Archaeology
- Wildlife Sensitive Lighting Design Scheme
- Biodiversity Enhancement Strategy
- Ecological Appraisal Recommendations
- SuDs conditions as per SCC Floods Comments dated 17<sup>th</sup> May 2021
- Level access to enable wheelchair access for all dwellings
- Access visibility splays
- Waste Services conditions
- Fire Hydrants

- Sustainability and Energy Strategy
- Refuse/recycling storage

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds**

# REPORT FROM MAY 2021

## Committee Report

**Item No:**

**Reference:** DC/20/05587

**Case Officer:** Katherine Hale

**Ward:** Battisford & Ringshall.

**Ward Member/s:** Cllr Daniel Pratt.

---

## **RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS AND S106**

---

### **Description of Development**

Planning Application - Change of use of land for the siting of up to 73 mobile homes (following demolition of existing buildings)

#### **Location**

Great Bricett Business Park, The Street, Great Bricett, Suffolk IP7 7DZ

**Expiry Date:** 12/05/2021

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

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Birch's Park Homes

**Agent:** RPS Group Plc

**Parish:** Great Bricett

**Site Area:** 2.60

**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):** No

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

---

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

---

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

Major application comprising more than 15 dwellings.

---

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

---

## **Summary of Policies**

NPPF National Planning Policy Framework 2019

### **Core Strategy Focused Review 2012:**

FC01 - Presumption In Favour of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC02 - Provision and Distribution of Housing

### **Core Strategy 2008:**

CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside & Countryside Villages  
CS5 - Mid Suffolk's Environment  
CS9 - Housing Density and Mix

### **Mid Suffolk Local Plan 1998:**

GP01 - Design and layout of development  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
CL8 – Protecting Wildlife Habitats  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
T11 - Facilities for pedestrians and cyclists

### **Supplementary Planning Documents:**

Suffolk Parking Standards (2019)

## **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)** **Great Bricett Parish Council**

Object for the following reasons:

- There is no infrastructure to accommodate extra units - no shop and no post office, despite the Transport Report stating - *The site is located within an existing residential area and also within walking and cycling distance of existing facilities / services and public transport services.*
- There are inadequate bus services.
- The only place where people can congregate in the village is the Village Hall, which is not large enough for more than 30 people, there is very restricted parking there and walking along the village road is hazardous, at least 2 accidents in the past 3 years. No provision has been made in the plans for a recreational area on the site indoor or outdoor.
- The nearest Primary school is Ringshall - there is no safe way of walking to the school as there isn't a continuous footpath.
- The number of dwellings suggested is going to lead to an unacceptable increase in the traffic on The Street - 73 dwellings will mean at least 73 more vehicles.
- The number of dwellings that the proposed development would add is disproportionate to the settlement size, classified as a 'Hamlet' village in the Joint Local Plan and above the allocation of 31 on the Infrastructure Delivery Plan for Great Bricett.
- The Street is too narrow for large vehicles to pass other traffic safely.
- There will be another entrance from the site within a short distance of the existing Wixfield Park/Paddocks entrance, which will add to the danger to traffic on The Street.
- The existing Doctors' surgeries are already full as are the majority of Dental practices.
- Overdevelopment - the proposed number of dwellings would overwhelm the village.
- Parking will be an issue for residents with more than one car meaning vehicles will be left on the adjacent roads, which is unacceptable and dangerous to road users.
- Poor drainage is already an issue – so additional homes will add to the problem. The Street regularly floods as evidenced on the Highways reporting tool.

## **Ringshall Parish Council**

Ringshall Parish Council object to the proposed application for 73 mobile homes at Great Bricett. This relates to our concerns of the visual and lighting impact, increased demand on existing infrastructure, a lack of amenities and the additional traffic flow generated by this proposed substantial development which would be to the detriment of the hamlet of Great Bricett and surrounding area, including the village of Ringshall.

1) Visual and Light Impact: The Landscape Appraisal (Lucy Batchelor-Wylam, Landscape Architecture, October 2020) provides daytime photographic evidence but does not include a representation of the increased nocturnal road layout lighting levels and the irreversible visual impact on the surrounding extended skyline. It would also increase the amount of lighting and combine with some 25 street lights already in place on the existing Wixfield Park site leading to detrimental effects on wildlife in the surrounding environment.

2) Infrastructure and Amenities Impact: Planning, Design and Access Statement (rpsgroup.com, 4th December 2020) states factual inaccuracies: On Page 6 "Assessment">"Principles for Development">Item 3.4: It is stated here that there is a pub/restaurant, a general store and post office. Currently there are two planning applications relating to the pub/restaurant. Namely, a) change of use into a home and b) listed building consent. Both are being considered by Mid Suffolk District Council (DC/20/05376 and DC/20/05377). Also the general stores and post office closed permanently some two years ago. We would also highlight that Ringshall Primary School is a long walk from the site along muddy footpaths across open farmland. Because of the proposed ages of occupants (over-45s) it is unlikely that the primary school would be utilised by children of middle aged and elderly residents. Local health services are a distance away from this location and would be further stretched.

3) Roads and Traffic: Additional use of the existing road network would have a detrimental effect on residents due to noise, traffic flow and pollution.

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

#### **Natural England**

No comments.

#### **NHS**

There are no GP practices within a 2km radius of the proposed development, there are 2 GP practices closest to the proposed development and these are both within circa 6km. These practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

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

#### **SCC Development Contributions**

No comments.

#### **SCC Highways**

The summary of our findings are as follows:

- The Street (Pound Hill) is a 'C' classified highway (C447). The proposed vehicular access onto the highway is within 30mph speed limit. The access can achieve the required visibility splays for the speed limit as shown in Design Manual for Roads and Bridges (DMRB).
- the proposal will generate 42 vehicle trips in the evening Peak Hour; approximately 1 vehicle every 1.5 minutes.
- a new footway is proposed from the site to the existing footway network and bus stops allowing a safe route for the vulnerable user. Although the widths are not to current standards, it will be sufficient for the number of expected pedestrians.
- There have been no injury accidents in the past 5 years in the area.

We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. This development can provide safe and suitable access to the site for all users (NPPF Para 108) and would not have a severe impact on the road network (NPPF para 109) therefore we do not object to the proposal.

#### **SCC Archaeology**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, situated north of a medieval priory site with an associated moated site, which is a Scheduled Ancient Monument (BCG 001 and 002). A Roman Road is recorded to the north (RGL 006) and Roman roadside occupation was identified to the north-west (BCG 004). Surrounding the proposed development area, finds scatters of Roman, Saxon and medieval date have also been recorded (BCG 006, 007, 018, 020, 025). As

a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### **SCC Flood and Water**

Holding Objection due to insufficient information

### **SCC Fire and Rescue**

A CONDITION IS REQUIRED FOR FIRE HYDRANTS (see our required conditions)

#### Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

#### Water Supplies

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Sprinklers Advised Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control or appointed Approved Inspector in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

### **Suffolk Wildlife Trust**

We have read the Ecological Impact Assessment (Castle Hill Ecology, August 2020) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted. A Biodiversity Enhancement Strategy should be produced, detailing the how the enhancements made within the Ecological Assessment are to be incorporated within the development, including their locations. A Landscape and Ecological Management Plan should also be produced, to detail how the habitats and open spaces on site are to be appropriately managed for biodiversity, including the management of the grasslands containing bee orchid.



## **Anglian Water**

The applicant states on the application form that the method of foul and surface water disposal is not to Anglian Water network therefore this outside of our jurisdiction to comment.

## **Internal Consultee Responses (Appendix 6)**

### **Landscape**

The submitted Landscape and Visual impact Appraisal (LVA) has been prepared following the principles set out in the third edition of the "Guidelines for Landscape and Visual Impact Assessment"(GLVIA3) including an assessment of both landscape and visual sensitivity, magnitude of change and impact. The appraisal is accurate and appropriately describes the range of views that are available surrounding the site, as well as the impact on the local landscape character. It concludes that there will be no significant impact of the proposed development on the landscape or visual amenity.

The proposal retains existing tall, dense vegetation in bund form along the northern perimeter which separates the existing and proposed residential zones. There is a proposed border of trees running along the eastern and southern site boundaries to screen the development from views inward to lessen the visual impact of the proposed development on the outer rural setting.

If minded for approval, we would advise the following recommendations are taken into consideration:

- 1) It is unclear from the proposed site layout whether existing vegetation on boundaries is to be retained. As advised in the LVA, we would expect existing vegetation to be retained where possible to mitigation visual impact and help ensure there is a sense of maturity to the scheme from day one.
- 2) Although mobile homes are proposed, we would still expect to see open space provision provided. The existing scheme (Application ref: DC/17/03568) had public open space at the centre of the development, as well as a wider green corridor on the south western edge. We would advise the proposed layout is amended to ensure similar provision is provided for this scheme.
- 3) Careful consideration should be given to the placing and finish of boundary treatments, signage and fencing. Rural features and treatments such as timber post and rail fencing would be advised where possible.

### **Ecology**

No objection subject to securing biodiversity mitigation and enhancement measures.

### **Environmental Health Sustainability**

The council declared a climate emergency in 2019 and has an aspiration to become Carbon neutral by 2030, it is encouraging all persons involved in developments and activities in the district to consider doing the same. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability. Conditions recommended.

### **Environmental Health Air Quality**

I can confirm that the scale of development at 73 units is unlikely to generate sufficient vehicle movements to and from the site to compromise the existing good air quality at, and around, the development site.

### **Environmental Health Noise, Odour and Smoke**

Environmental Protection have no objections in principle to this application. However, Construction site activities and in particular demolition, have the potential to cause disruption to nearby existing residential premises. As such a condition is recommended.

### **Environmental Health Contamination**

No objection.

### **Private Sector Housing**

There must be due consideration taken in the layout of the site to ensure that the 3 metre boundaries are in place and the homes have no less than 6 metre spaces between them (the separation distance). If a porch attached to the caravan may it protrude 1 metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth.

### **Waste Services**

No objection subject to conditions.

### **Public Realm**

It states that there is no gain, loss or change of use of residential units then goes on to apply for 73 permanent 'park homes.' This must be in error. This is an application for permanent residential development. Does this need correcting on the application form and the then required information about parking, waste, no of people living there etc being included before any comments are made. I am not familiar with the requirements for this type of development. If conventional housing was being built on a 2.60ha site there would be a requirement for a level of open space to be provided. 73 dwellings would require the provision of a play area. There is no indication that this is a development for a particular age group. Without this information it is not possible to make any relevant comments about the provision of open space. At present it is presented as a development of affordable homes but the application does not provide the information to support this.

### **Strategic Housing**

Having considered the proposal and noted in the design and access statement that these are a form of residential housing we consider that this triggers the requirement for an affordable contribution. A proposal of 10 dwellings or more or site size 0.5 hectares or over is defined as major development. In this instance we recommend a commuted sum as the mechanism for the affordable contribution. We will need to discuss this further with you and the applicant as we require further information on the financial aspects of this proposal to establish the commuted sum.

### **B: Representations**

At the time of writing this report at least five letters/emails/online comments have been received. It is the officer opinion that this represents five objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Increased traffic generation
- Lack of local amenities and services
- Strain on infrastructure including medical centres, schools
- No visitor parking
- No footpath connections.

(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/17/03568	Outline Planning Application (all matters reserved) - Residential development of up to 51 dwellings.	<b>DECISION:</b> GTD 07.01.2019
<b>REF:</b> 3340/16	Installation of a mobile phone base station, consisting of 15m monopole supporting 6no. antennas and 2no. dishes, together with 3no. equipment cabinets and 1no. meter cabinet.	<b>DECISION:</b> DEM 08.12.2016
<b>REF:</b> 1507/10	Erection of extension to existing buildings for the handling of archive material. Part removal of earth bund.	<b>DECISION:</b> GTD 03.08.2010
<b>REF:</b> 3725/07	Proposed 1 no building for the handling of archive material.	<b>DECISION:</b> REF 22.02.2008

---

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

---

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

- 1.1. Great Bricett Business Park consists of a cluster of Nissen style buildings located in a cluster to the eastern end of the site. The site is served by an existing access off Pound Hill.
- 1.2. Over half of the site, primarily to the western end, is an area of open space which includes the site frontage directly onto Pound Hill. The frontage is defined by a maintained hedgerow which returns along the northern side of the access road and provides a soft edge to the site. The buildings themselves are located some distance from Pound Hill and are not, therefore, prominent in the streetscene.
- 1.3. To the north of the site is the residential park known as Wixfield Park, which abuts the Business Park and is accessed off Pound Hill to the north of a short run of residences which front Pound Hill. To the east and south of the site are agricultural fields. Further north lies RAF Wattisham, along with the associated dwellings and commercial buildings.
- 1.4. The site was until recently in commercial use. The buildings are currently vacant.

- 1.5. The site is not subject of any landscape designations and is not within the setting of listed buildings or a Conservation Area.

## **2. The Proposal**

- 2.1. The proposed development comprises demolition of existing buildings and the change of use of land at Great Bricett Business Park for the siting of up to 73 mobile homes. The mix of units are as follows: 43 units at 20ft x 40ft (6.1m x 12.2m); 15 no. units at 20ft x 44ft (6.1m x 13.4m); and 15 units at 20ft x 50ft (6.1m x 15.2m).
- 2.2. Each unit will have a single car parking space. Access will be obtained via the existing site access off Pound Hill. The site will be landscaped, and the existing landscape bund along the northern boundary will be retained.
- 2.3. A new (minimum 1.2m wide) footpath is proposed on the eastern side of Pound Hill. It will extend across the site frontage and north along Pound Hill to the Wixfield Park entrance. A new bus shelter is proposed south of the existing site access, on the eastern side of Pound Hill.
- 2.4. The site measures 2.6ha in area, resulting in a proposed density of 28dph.

## **3. The Principle Of Development**

- 3.3. Outline planning permission was granted for residential development of the site for up to 51 dwellings in January 2019 (DC/17/03568). This permission remains extant. Residential intensification of the site is therefore considered acceptable in principle subject to material planning conditions
- 3.4. As set out in the supporting Planning Statement, because of the prefabricated method of construction, the units fall within the definition of 'caravans' in the Caravan Sites and Control of Development Act 1960 (the Act). The form and layout of caravans and related infrastructure is controlled by a separate licensing process under the Act. The Act describes the relationship of the licensing process with planning control. The licensing process determines and controls the form and layout of the internal site, such as caravan density and road infrastructure. This is a separate and distinct process to planning which addresses the principle of use only. Part 5 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) confirms that development required by the conditions of a site licence under the 1960 Act constitutes permitted development. Planning considerations should therefore only relate to the use of the land for the intended purpose (in this case, being the siting of mobile homes), and not make any assessment of any operational development that would accompany the development.
- 3.5. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It states that where the development plan is absent, silent or policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole; or unless specific policies in the NPPF indicate that development should be restricted.
- 3.6. In view of advice in paragraph 11(d) of the NPPF, it is necessary to consider how consistent the most important policies in the development plan are with the NPPF, to assess what weight should

be attached to them. Paragraph 213 explains that due weight should be given to relevant policies according to their degree of consistency with the NPPF, the closer the policies in the plan to those in the NPPF, the greater the weight that may be given.

- 3.7 The development plan for the area comprises a combination of the Core Strategy 2008, the Core Strategy Focused Review 2012, and 'saved' policies of the Local Plan 1998. The Joint Local Plan is emerging, currently in Regulation 18 phase with the consultation period completed. In accordance with the requirements of Paragraph 48 of the NPPF, very limited weight is attached to the emerging Joint Local Plan in consideration of the merits of the proposal, given the preparatory stage of the document.
- 3.8 Having regard to the absence of a balanced approach as favoured by the NPPF, the development plan policies most important for determining the application are deemed out-of-date, a position well established by the Inspectorate in recent Mid-Suffolk appeals. This conclusion is reached irrespective of Council's five year housing supply position. As a result, the weight to be attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF is engaged, that is, granting permission unless:
- (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or
  - (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.9 Turning first to (i) above, footnote 6 at NPPF paragraph 11d states that the policies referred to at 11d are those in the NPPF relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change. Of these areas/assets, none are potentially affected by the scheme.
- 3.10 This leaves the second limb of the paragraph 11d test, requiring an assessment of the adverse impacts and benefits of the proposal, and the associated balancing exercise. In this context the key issues are:
- a) The sustainability of the location;
  - b) The effect of the loss of employment land;
  - c) Housing contribution;
  - d) Landscape character;
  - e) Residential amenity;
  - f) Highway safety;
  - g) Biodiversity values;
  - h) Flooding and drainage;
  - i) Renewable energy;
  - j) Archaeology.
- 3.11 Central to the above tests is having regard to the extant 51 dwelling outline permission, a realistic fallback position and therefore a material consideration that is attached substantial weight. The previous outline consent is extant and therefore constitutes a genuine fallback position. The current employment site is therefore already essentially lost.
- 3.12 Half of the site is brownfield land. Effectively using brownfield land is a core planning principle of the NPPF, as set out at paragraph 118. More specifically, paragraph 118(c) states that planning decisions should give substantial weight to the value of using suitable brownfield land within

settlements for homes. This aspect of the scheme is accordingly attached substantial weight, as it was by officers in considering the previous 51 dwelling outline application.

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

- 4.1 The supporting Transport Statement sets out in some detail the available local facilities, their distance from the site and the sustainable transport options on offer, which primarily relate to four local bus services – service 111, 405 (school service), 461 and 462. These services are available via the bus stop (including shelter) located 100m north of the site on Pound Hill. Important in accessibility terms is noting the proposed footway connection that will link the site with the northern bus stop. Additionally, a new bus stop is proposed south of the site entrance. The provision of the footpath link is achievable using either Suffolk County Council land or land within the applicant's ownership. These accessibility improvements (detailed in Appendix C of the Transport Statement) formed part of the previous outline application.
- 4.2 In assessing the 51 dwelling outline proposal in 2019, officers concluded that whilst there would need to be some reliance on the private motor vehicle for some facilities and services, there is access to a range of facilities in the locality, and to some opportunity to travel by means other than the car, such that the site is not isolated.
- 4.3 Since the grant of the outline consent the local store/post office has closed. Objectors note that the public house is the subject of a current redevelopment application and this may too result in the further loss of a local community facility. While these developments are noted, there remains some opportunity to travel by means other than the car to other nearby services and facilities. The proposed pedestrian connection to the existing northern bus stop is critical to enhancing these opportunities, resulting in a likely increase in use of the local bus services, in support of local and national planning policy.
- 4.4 If implemented, the approved 51 dwelling development will generate considerable traffic movements. Although of a lesser density than the current proposal, the (likely) larger dwellings that would be brought forward with a conventional housing estate are likely to generate traffic movements not dissimilar to those generated by the homes subject of the current application. Air quality harm is therefore unlikely to be any greater from the current scheme to that previously approved.
- 4.5 Officers conclude, notwithstanding the local store closure, that the location of the site outside the settlement boundary does not weigh heavily against the proposal, the same conclusion reached by officers in 2017. The site is not isolated in functional terms, nor in the terms of paragraph 79 of the NPPF.

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

- 5.1 The development relies on the existing Pound Hill access arrangement, with no physical changes proposed to it. The Highways Authority confirms the visibility splays at the access are adequate for the proposed level of residential intensification. The Great Bricett Parish Council is critical of the fact there will be another entrance from the site within a short distance of the existing Wixfield Park entrance, which in the Council's view will add to the danger to traffic on The Street. The reality is that the entrance serving the proposed development is already well established. There will be no additional entrances. The existing subject entrance serves a business park. The Highways Authority does not raise a concern in this regard.

- 5.2 One on-site car parking space is proposed for each unit. Some units will be at least two bedrooms and for those units to comply with the Suffolk Parking Standards two on-site spaces should be provided. The Highways Authority does not make comment regarding the proposed level of on-site parking provision. The Planning Statement contends that the applicant is an experienced Park Home developer, and the proposed level of provision is more typical of developments of this nature. Given the layout of the neighbouring residential park and on-site parking provision available at that development ( a good number of plots only have one on-site space), officers accept that the level of parking provided by the Park Home developer will be at a level that is in their best interests, one that will not result in an adverse outcome for the occupants. The Great Bricett Parish Council suggest that vehicles will be left to park on the adjacent roads, causing a danger to road users. Officers do not consider this a likely outcome nor one that the Park Home developer would likely tolerate, as it would not be in their commercial interests. There is no evidence of such overspill parking at any other residential parks in the district.
- 5.3 The development will result in a significant increase in local traffic generation. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence before officers to indicate that the effect on the local transport network by traffic generated from the development would be severe. The Great Bricett Parish Council consider that The Street is too narrow for large vehicles to pass other traffic safely. The Highways Authority does not raise any concern in this regard, nor in respect to increased traffic levels more generally.
- 5.4 Council's Waste Officer does not object to the scheme, concluding that conditions can adequately cover waste collection requirements, including the location of collection presentation points and waste vehicle manoeuvring areas.
- 5.6 The highway issues resulting from the development do not weigh against the proposal, a conclusion consistent with that reached by officers in assessing the previous outline application.

## **6. Design And Layout [Impact On Street Scene]**

- 6.1. Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 6.2. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 6.3. Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 6.4. Paragraph 124 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. The aforementioned design policies are considered to be consistent with the NPPF.
- 6.5 The site sits adjacent an existing mobile home, and as such the proposed development maintains the character and appearance of the area whilst also respecting the scale and density of the

surrounding development. The units would be situated in spacious plots with one parking space provided for each plot.

- 6.6 The design and layout proposed is considered to respect and reflect the character of the locality, particularly given the adjacent site. This is considered to be acceptable and to comply with Local Plan Policies GP1, SB2, H2, H13 and H15, Core Strategy Policy CS5.

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

- 7.1 Policy CS5 of the development plan seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 7.2 The NPPF provides that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3 The NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.4 The application is supported by a landscape assessment that has been reviewed by Council's landscape consultant. The consultant does not object to the scheme provided the development incorporates some open space within the site, retains the perimeter vegetation and boundary treatments adopt a rural appearance. These matters can be addressed by planning conditions.
- 7.5 Officers consider that any landscape character harm will be of a very low level having regard to the following:
- a) The character, form and appearance of the development will very closely follow the abutting northern residential park. The development will thus read as a natural extension of the residential park, an infill between established built form, rather than a housing cluster detached from the settlement.
  - b) The continuation of the established residential park character will be less visually impactful than the 51 dwellings previously approved at outline stage.
  - c) The site's visual containment is of a very high level, with all dwellings proposed within established site boundaries. These boundaries are clear, logical and natural.
  - d) The development will not present as intruding into open countryside.
  - e) Caravans will present to Pound Hill in a manner consistent with the orientation of adjacent dwellings fronting Pound Hill.
  - f) Scale is limited to single storey, a less obtrusive outcome than the likely double storey dwellings (in part) that would result if the outline consent is taken forward.
  - g) Established perimeter vegetation can be retained by planning condition.
  - h) The 28dph density, whilst higher than the previously approved scheme, is consistent with the density of the neighbouring residential park.



- 7.6 It is concluded that the development would not be harmful to the local settlement pattern. The development responds favourably to local design Policies GP01, H13 and H15.
- 7.7 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations 2010 in relation to protected species.
- 7.8 The application is supported by a Preliminary Ecological Assessment (PEA) that has been reviewed by Council's Ecology Consultant. The PEA contends that the incorporation of biodiversity enhancements as part of the scheme will improve biodiversity beyond that which the current conditions may support, maximising opportunities for biodiversity in line with the NPPF. The consultant does not object to the scheme, is in agreement with the PEA recommendations and suggests planning conditions can secure biodiversity enhancements. Officers concur.
- 7.9 The Ringshall Parish Council raises concern regarding potential for light pollution and consequential impacts on local wildlife. Council's landscape consultant has considered this issue and deems it appropriate and justified to require the submission of a Wildlife Friendly Lighting Strategy. The Strategy is expected to include a technical specification demonstrating measures to avoid lighting impacts on foraging/commuting bats. This matter can be readily addressed by planning condition as per standard planning practice.

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

- 8.1 Environmental Health confirm that there is no objection to the proposal in this regard.
- 8.2 SCC Flood Water Management currently have a holding objection as the currently submitted Flood Risk Assessment is indicative and is not considered satisfactory in assessing the impacts the application would have on surface water drainage/flooding.
- 8.3 It is therefore recommended that should Members be minded to resolve to grant this proposal that this be subject to all drainage matters being resolved during the course of the S106 negotiations. In the event that these matters cannot be fully resolved the S106 will not be completed and the application will be returned to Committee.

## **9. Housing Contribution**

- 9.1 The proposal is not your usual 'bricks and mortar' housing development. The development provides low cost, affordable housing that fits within the NPPF affordable housing definition: *'housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes ...other low cost homes for sale (at a price equivalent to at least 20% below local market value)'*. The proposed dwelling typology is a relatively uncommon type of housing in Mid-Suffolk, with only 0.6% of the total stock in the district comprising park homes/caravans (2011 Census). The addition of 73 homes of this type would therefore increase local housing choice and add variety to the local housing stock, in support of Policy HS14 and Policy CS9.
- 9.2 Policy CS9 requires, amongst other matters, to ensure that housing developments make best use of land by achieving average densities of at least 30dph. The policy states that lower densities may be justified in villages to take account of the character and appearance of the existing built environment. The proposed 28dph density is deemed to make effective use of the land. As noted

below, the proposed density is generally consistent with the density of the adjacent residential park, demonstrating that this is not a village location where a lower density is warranted.

- 9.3 Whilst the site does not provide affordable homes, it is considered that a commuted sum would be required for the development, particularly given the fact that a commuted sum was indeed provided for the existing adjacent development. Ongoing negotiations with regards to a commuted sum figure are currently taking place and Officers would hope that this could be provided to Members through tabled papers prior to committee.

## **10. Impact On Residential Amenity**

- 10.1 The development will not unduly impact the amenity of neighbouring residents given the physical relationship to the nearest residences. The modest single storey scale of the dwellings also helps to mitigate adverse amenity impacts.
- 10.2 Council's Environmental Health Officer recommends a construction management plan. This recommendation is supported given the proximity of the site to a large number of adjoining dwellings.
- 10.3 In regards to the amenity of future occupants, the site layout plan indicates relatively constrained outdoor private amenity spaces for each dwelling. Such an amenity outcome is not uncommon for residential parks of this nature. The typical occupants of residential parks usually have lower on-site amenity expectations in this regard. Officers in this regard acknowledge the concern of the Great Bricett Parish Council who observe the lack of on-site recreational area provision. However as already noted earlier in this report, consideration of the operational development is beyond Council's discretion. This element of the scheme is governed by the 1960 Act licensing process.
- 10.4 Subject to compliance with conditions, there are no amenity-related grounds to withhold planning permission.

## **11. Planning Obligations**

- 11.1 Objectors are concerned with the increase in pressure the development will bring about in respect to existing local medical facilities. As noted by the HNS referral response, it is acknowledged that the nearby practices do not have sufficient capacity for the anticipated dwelling increase, however a developer contribution via CIL process will mitigate this impact. In other words, there will be an increase in infrastructure pressure, however the development will provide funding that will mitigate that pressure and also indirectly offset existing deficiencies in provision.
- 11.2 As the proposal is to provide up to 73 mobile homes a commuted sum is required. A S106 Agreement is to be sought to ensure that the commuted sum is delivered.
- 11.3 All the other infrastructure impacts of the proposal would be subject to funding via CIL

---

## **PART FOUR – CONCLUSION**

---

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

---

- 13.1 The development plan policies most important for determining the application are out-of-date, a well-established Inspectorate position regarding proposed housing schemes. Irrespective of Council's five year housing supply position, the weight attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF engages. The principal test is determining whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
- 13.2 The benefits in social terms are not insignificant, with the provision of 73 low cost affordable homes offering a very good level of local housing choice and variety, albeit acknowledging the district's five plus year residential land supply position. A different housing typology than the typical 'bricks and mortar' housing estates, the development offers a refreshingly different residential outcome, one that can be delivered in a much quicker timeframe than conventional housing. Economic gains are much more modest, noting the creation of construction jobs will be very limited due to the off-site pre-fabricated approach to house building. This said, the occupants of a 73 dwelling development will bring about a not insignificant increase in local spending, helping sustain local businesses, a local economy benefit of some note.
- 13.3 The brownfield site is very much under-used and, developed with a collection of ad hoc nissen huts, is of low environmental value. There is opportunity through biodiversity enhancements associated with the scheme to enhance this value, while at the same time providing for a more optimal and effective use of the brownfield land. These represent environmental benefits.
- 13.4 A range of potential adverse impacts can be effectively mitigated by measures secured by planning conditions, as confirmed by technical consultees, and these are therefore treated as neutral in the planning balance. They are also, subject to compliance with conditions, policy compliant. These matters include highway safety, on-site amenity, archaeology, drainage and renewable energy.
- 13.5 There is an absence of harm in respect to above-ground designated heritage assets, by virtue of the fact there are no such assets in proximity of the site.
- 13.6 The proposal will result in landscape harm, through the loss of some green space and introduction of built form not of insignificant scale. The harm is however low level because of the developed nature of half the site, the site's high level of visual containment, its infill location set between established housing and the fact the development will read as a natural extension of the adjacent residential park, noting density will be consistent with that already established. Noteworthy also in this context is the absence of any formal landscape designation over the site or neighbouring land. Moreover, it cannot be said that the subject development will result in any greater landscape harm than the approved 51 dwellings that could be brought forward in accordance with outline permission DC/17/03568. Conflict with local and national design policies is, for these reasons, not of great magnitude.
- 13.7 There will be environmental harm associated with private motor vehicle use, as some day to day living will revolve around car journeys, inevitable given the site's countryside location. This said, there are local bus services available very close to the site and the proposed footway and bus stop improvements, supported by the Highways Authority, will enhance the accessibility of these services.
- 13.8 The loss of an employment site is not an adverse effect that weighs in the planning balance by virtue of the fact that the previously approved 51 dwelling development could be brought forward at any time. In other words, the employment site 'horse' has already 'bolted'. The effects of the loss of an employment site are therefore disregarded.

13.9 The scheme delivers social, economic and to a lesser extent, environmental benefits. Identified harm relates primarily to landscape character, which is deemed low level. The harm does not significantly and demonstrably outweigh the identified benefits. The proposal delivers sustainable development, a consideration outweighing the proposal's low level of conflict with the development plan.

13.10 Planning permission is recommended subject to conditions.

## **RECOMMENDATION**

That the application is GRANTED planning permission

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:**

- Affordable housing
- Off-site highway improvements – footway and bus shelter

**(2) That the Chief Planning Officer be authorised to BLANK Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3yrs for implementation of scheme/Outline/Reserved/Section73?)
- Approved Plans (Plans submitted that form this application)
- Landscape consultant requirements
- Construction Management Plan
- Archaeology
- Wildlife Sensitive Lighting Design Scheme
- Biodiversity Enhancement Strategy
- Ecological Appraisal Recommendations
- SuDs conditions
- Sustainability and Energy Strategy
- Refuse/recycling storage
- Level access to enable wheelchair access for all dwellings
- Access visibility splays
- Waste Services conditions
- Fire Hydrants

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground**