

Committee Report

Item No: 8D

Reference: DC/20/04296

Case Officer: Bron Curtis

Ward: Stonham.

Ward Member/s: Cllr Suzie Morley.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Use of land for the stationing of 18 holiday lodges

Location

Stonham Barns, Pettaugh Road, Stonham Aspal, Stowmarket Suffolk IP14 6AT

Expiry Date: 27/11/2020

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Stonham Barns Ltd

Agent: Phil Cobbold Planning Ltd

Parish: Stonham Aspal

Site Area: 0.48ha

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 was referred to committee on 20th January 2021 and was deferred for the following reason/s:

That Committee are minded to refuse the application on the grounds that the development would fail to represent good design, would not create a better place in which to live and work for the whole community of the area and would not improve the character and quality of the area. The site is clearly visible from public vantage points and moreover the public are able regularly to be present on the Stonham Barns site to use and experience its facilities and environment. Having regard to this visibility the lodges proposed are uniform in design and spacing, the layout is linear and the development extends into open countryside that is flat and lacks topographical relief. The landscaped bunds look manmade as though they are trying to segregate rather than assimilate the site into its landscape setting and the landscape planting has yet to have any measurable impact upon views of the proposal. The lodges would be viewed as a stark man

made addition to the open and rural character of this countryside setting that would harm the character and appearance of the landscape.

On this basis the development would be contrary to policies GP1 and RT17 of the MSDC LP 1998 and contrary to paragraph 124 and 160 of the NPPF February 2019.

And that the Chief Planning Officer be instructed to review and risk assess the proposed reason for refusal and concurrently seek independent landscape and design advice on the following matters ;

[a] the visual impact of the development upon the landscape character and appearance of the proposal in its context having regard go to policies GP1 and RT17 of the Local Plan and

[b] the extent to which the design and layout of the proposal takes the opportunities available for improving the character and quality of an area and the way it functions having regard to paragraphs 127 & 130 of NPPF

PART TWO – RISK ASSESSMENT AND LANDSCAPE ADVICE

1. Risk assessment of reason for refusal

The following risk assessment is provided to assist Members to understand the associated risks when determining application DC/20/04296 deferred from the Mid Suffolk Development Control Committee B which took place on the 20th January 2021.

This assessment provides a summary of key risk issues to be aware of in the event the Officers' recommendation of approval is not accepted by Committee and the determination is as per the grounds for refusal identified at the 20th January 2021 committee meeting.

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 local planning authority's decision on planning merit.

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.

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.

This risk assessment is provided, in the round, in the interests of transparency and disclosure.

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.

The primary risks identified by officers in relation to the determination of the application are threefold:

- Application of planning policy risk;
- appeal risk; and
- reputational risk.

These will be treated in turn.

- Application of Planning Policy risk

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. In this respect regard must be had to the likelihood and degree of any harm caused by the development and any conflict that harm has with the NPPF or any Development Plan Policy. Reasons for refusal must also be clearly stated and it is necessary for the planning authority to have been reasonable in its consideration of technical advice on the relevant matters.

The reason refers to policy RT17 which provides for new serviced holiday buildings. The proposed development is for the use of land for the siting of caravans, which are *not* buildings for the purposes of planning. Rather, policy RT19 should be cited which permits new holiday caravan developments where there are no adverse effects on the character and appearance of the landscape, existing residential amenity, highway safety, agriculture, forestry, wildlife conservation and where essential services can be provided.

As such, the proposal should be considered against the provisions and restrictions of policy RT19 and there is a risk associated with the citing of policy RT17 in the reason for refusal as the incorrect policy for the type of development proposed.

Harm / policy conflict

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 and thus, the development plan is the starting point, but not the end point, for the determination of planning applications.

The NPPF is naturally a crucial consideration and Development Plan policies CS2, and RT19, insofar as they relate to new or extensions to tourism development sites in the countryside comprising static caravans are considered to be in general accordance with the NPPF.

Policy CS2 provides for recreation and tourism as a specific category of developments permitted in the countryside.

Policy RT19 permits new holiday caravan developments where there are no adverse effects on the character and appearance of the landscape, existing residential amenity, highway safety, agriculture, forestry, wildlife conservation and where essential services can be provided.

There is not considered to be a significant risk regarding harm or policy conflict providing the correct policies are cited in the reason for refusal.

Clarity

It is necessary to clearly state the reasons for refusal of an application for permission. To rely upon vague, generalised or inaccurate assertions about a proposal's impact presents a risk of permission being granted on appeal and an award of costs for unreasonable behaviour.

There is not considered to be a significant risk regarding the clarity of the reason for refusal.

Technical advice

Members specifically asked for further, independent, technical advice on landscape and design matters which is set out in more detail in section 2 below. In summary, the technical landscape advice concludes that the proposed development is acceptable and would not result in an unacceptable harmful impact on the character and appearance of the landscape quality of the area.

There is considered to be a degree of risk associated with the minded-to reason for refusal as it does not have regard to the new technical advice.

- Appeal Risk

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.

The risk in respect of this application arises from the likelihood of submission of an appeal.

- Reputational Risk

Reputational risks to the local planning authority will 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.

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.

The risk in respect of this application is in the reasonableness of the decision made.

Risk conclusion

Officers consider that there are no significant risks posed should Members resolve to determine the application in accordance with the updated recommendation as set out below.

2. Independent landscape and design advice

Members requested further independent landscape and design advice to inform their consideration and determination of the application in respect of:

[a] the visual impact of the development upon the landscape character and appearance of the proposal in its context having regard to policies GP1 and RT17 of the Local Plan and

[b] the extent to which the design and layout of the proposal takes the opportunities available for improving the character and quality of an area and the way it functions having regard to paragraphs 127 & 130 of NPPF

Advice has been provided by Michelle Boulger Expert Landscape Consultancy. Michelle Boulger is a landscape specialist who has previously supported the Councils' work at planning appeals, etc. The full report is available on the case file and a summary of the advice in respect of each issue is set out here.

Visual impact of the development on landscape character and appearance

The settlement character of the area around Stonham Barns is described as 'scattered, consisting of various sized small villages, dispersed hamlets and isolated farmsteads' which are 'nestled within the landscape without overly intruding on the countryside surrounding them'.

Public views of the Stonham Barns complex are most readily experienced from the A1120 highway to the north when travelling between the main built up areas of the villages of Stonham Aspal and Pettaugh. There are also intermittent views from East End Road and public rights of way in the surrounding area.

Whilst the Stonham Barn complex as a whole is obtrusive in the landscape the main core of the complex is relatively well contained and screened by mature hedges and screening. The most visually prominent elements are the site entrance and associated signage, the car park adjacent to the A1120, the caravan development to the east of the main core and the earth bund to the east of the main core.

Capacity for further built development is limited to the footprint of previously permitted development (which includes the land subject of this application). The proposed development lies within this area, albeit with an increase in the overall number of caravans to be sited on the land. The lack of capacity for this additional built development is due to visibility from the north,

primarily the A1120. There is potential for this part of the site to accommodate landscape based recreational development, such as fishing ponds, but this would result in a significant change in character and would require planting of a woodland belt along the A1120.

The linear, ribbon layout of the development and its encroachment into the open agricultural field would be unacceptably intrusive in the landscape.

Opportunities for improving the character and quality of the area

Opportunity to mitigate some of the effects of the total lodge development include:

- Advance woodland planting along the A1120
- Introducing visual/landscape breaks within the line of lodges;
- Allowing sufficient space adjacent to the eastern Stonham Barns boundary for strengthening of boundary vegetation;
- Further strengthening the boundary between Fields 1 & 2 and
- Further strengthening planting along the A1120.

Advice conclusion

The siting and linear layout of the proposed development would be intrusive in the landscape, having regard to the availability of unscreened public views, especially from the A1120.

OVERALL CONCLUSION

The Chief Planning Officer has reviewed the officers report and the present application advice thereon.

The Chief Planning Officer has concluded that the recommendation to Committee be updated as set out below.

RECOMMENDATION

1. That the contents of this risk assessment be noted.
2. That planning permission be refused for the following reasons:

Reason for refusal:

The development would fail to represent good design, would not create a better place in which to live and work for the whole community of the area and would not improve the character and quality of the area. The site is clearly visible from public vantage points and moreover the public are able regularly to be present on the Stonham Barns site to use and experience its facilities and environment. Having regard to this visibility the lodges proposed are uniform in design and spacing, the layout is linear and the development extends into open countryside that is flat and lacks topographical relief. The landscaped bunds look manmade as though they are trying to segregate rather than assimilate the site into its landscape setting and the landscape planting has yet to have any measurable impact upon views of the proposal. The lodges would be viewed as a stark man made addition to the open and rural character of this countryside setting that would harm the character and appearance of the landscape.

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