

Committee Report

Item No:

Reference: DC/21/06787

Case Officer: Daniel Cameron

Ward: Palgrave.

Ward Member/s: Cllr Tim Weller.

RECOMMENDATION – GRANT PLANNING PERMISSION

Description of Development

Full Planning Application - Use of land for the siting of 4no. 'Off-Grid' Holiday Units and Erection of replacement Stores/Housekeeping building; Installation of PV Panels, Upgrading of existing Access and Track; New low-impact Parking Area and Foul Drainage (re-submission of DC/20/05763).

Location

Land At, Ling Road, Palgrave, Suffolk

Expiry Date: 11/02/2022

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Mr W Hawes

Agent: Mrs Sarah Roberts

Parish: Palgrave

Site Area: 0.90 hectares

Details of Previous Committee / Resolutions and any member site visit: The previous application DC/20/05763 was refused by Development Control Committee following their meeting on the 15th September 2021. Insufficient information was considered to have been submitted to given certainty regarding the ecological impacts of the development.

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 reasons:

CLASSIFICATION: Official

The Head of Economy previously considered that the application was of a controversial nature having regard to planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties. This reasoning is considered to continue to be pertinent. Moreover, the previous application was determined by Development Control Committee. It is considered that in the interest of maintaining a level of consistency between the two applications, the determination of this application should be made at the same level.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance

Core Strategy Focussed Review (2012)

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

Core Strategy (2008)

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment

Local Plan (1998)

GP01 - Design and layout of development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
RT19 - Static Caravans and Holiday Chalets
CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
T09 - Parking Standards
T10 - Highway Considerations in Development

Emergent Joint Local Plan

SP07 – Tourism
SP09 – Enhancement and management of the environment
LP09 – Supporting a prosperous economy
LP12 – Tourism and leisure
LP13 – Countryside tourist accommodation
LP16 – Biodiversity and geodiversity
LP23 – Sustainable construction and design
LP24 – Design and residential amenity
LP25 – Energy sources, storage and distribution
LP29 – Safe, sustainable and active transport

Neighbourhood Plan Status

This application site is within the Diss and District Neighbourhood Plan Area. The Neighbourhood Plan is currently at:

Regulation 18 – Joint Decision Statement

Examination of the draft Neighbourhood Plan was completed in May 2023. A number of modifications have been suggested and subject to these being implemented, the plan meets basic conditions and can proceed to local referendum before final adoption.

Publication of the Joint Council Decision was made on 26th July 2023. All modifications to the plan have been accepted. The next step is to undertake local referendum on the plan the date for which is yet to be set.

Accordingly, the Neighbourhood Plan has significant weight. A local planning authority should have regard to a post examination draft plan so far as it is material to the application at hand.

In this regard, Policy 6 (design) and Policy 8 (green corridors and biodiversity enhancement) are of note.

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

[Click here to view Consultee Comments online](#)

Parish Council (Appendix 3)

Palgrave Parish Council:

Palgrave Parish Council at its meeting of 13 January 2022 unanimously RESOLVED to OBJECT to this application on the same basis as our original objections of both 2021 and 2015. As before, we request once again that this be put before elected members of the planning committee for their consideration, which we believe will be happening.

The resubmission has not significantly improved on the application considered by the planning committee in September 2021, which was refused on the basis that: "There is insufficient information to demonstrate that the proposed development would, by reason of its scale, location, nature of use and ranges of activities, not likely adversely damage the sensitive and valued landscape near and adjacent to a SSSI and nature reserves." They have made 2 minor concessions by removing the cycling and fire pit elements, otherwise the application remains as was.

This specific site is extremely sensitive as was demonstrated by Gareth Dalglish, retired Natural England

Principal Scientist and former manager for the East of England. This stretch of land offers an uninterrupted expanse of undeveloped land. Allowing any development on it would set a dangerous precedent that could impact on the entire eco-system of this sensitive area. It is of the utmost importance that the accumulative effect of development across this entire area be looked at as a whole, not piece meal. As part of the Diss and District Neighbourhood Plan, which includes both Roydon and Palgrave, the plan recognises that "Individually, core sites or greenspaces are insufficient for protecting species and ecosystems but linking them together can establish a functioning Green Infrastructure". This planning application goes against this by potentially fragmenting greenspaces and disrupting wildlife corridors.

The resubmission has not provided further evidence in regard to the adverse harm and fragmentation of the ecological value and connections of the area. The strategic importance of this site is that it lies by the River Waveney County Wildlife Site and sits between Wortham Ling SSSI and Roydon Fen LNR. It is a vital and extremely important part of the wildlife corridor and ecological network of this area and is highly valued by local residents as a peaceful and tranquil area of the countryside, appreciated for its natural beauty.

The applicant makes the point in the resubmission statement that the borehole will draw less water than it is permitted to. This in itself is not a reason to ignore any potential impact a borehole will have on this delicate site. There may still be an environmental impact as demonstrated in the revised objection submitted by Mr Dalglish for this new application. Wetlands are finely balanced ecological environments and any water abstraction, however low, could cause permanent and irreversible damage.

Our previous comments re application DC/ 20/05753 (amended to exclude the removal of the cycles and fire pits elements of the original application) are included below which still apply to this re-submission.

Development contrary to planning guidelines:

The proposed development is outside the settlement boundaries of Palgrave, Diss and Roydon.

1. Development in a Special Landscape Area:

The Mid Suffolk Local Plan defines the entire length of the river valley within its boundary, including the application site, as a Special Landscape Area (SLA). The proposed development unnecessarily impacts on this SLA. Policy CL2 requires any development to be "sensitively designed, with high standards of layout, materials and landscaping.", which this is not (see 3 below).

2. Lack of design quality:

This application does not specify any design quality for the cabins and entails the potential for a development of ugly caravan style structures.

3. Inappropriate greenfield development in an environmentally sensitive location

The proposed development is in a completely unspoiled and environmentally sensitive greenfield rural location and would set a dangerous precedent for development along the Waveney, adjacent to Wortham Ling SSSI and Roydon Fen Nature Reserve.

It is immediately adjacent to the 1066 Common Land identified as a Heritage Asset in the draft Diss and District Neighbourhood Plan, which >80% of local survey respondents consider important. There are also a number of sites of Ancient Monuments, one of which is adjacent to the application site.

Immediately to the north of the site is Roydon Fen, a Local Nature Reserve, comprising restored wetland fen with extensive rare fen species. It is generally wet with the spring-fed, deep peat soils permanently water-logged. [Groundwater springs are a feature of this area, even on high ground where there several spring-fed ponds in Palgrave village.] The site is owned by South Norfolk DC and managed by the Suffolk Wildlife Trust.

To the immediate west of the site is Wortham Ling, an SSSI, and an expanse of heathland sustaining a variety of habitats and species. Horses cannot be ridden across it, and cyclists are not allowed.

To the west, upstream, is Redgrave and Lopham Fen, a National Nature Reserve, SSSI, RAMSAR and Natura 2000 site and the largest remaining river valley fen in England, owned and managed by Suffolk Wildlife Trust.

The development of this site would also sever the wildlife corridor which connects Wortham Ling with the water meadows south of Roydon, and which is bounded by the Waveney to the North and Ling Road to the South. This contravenes Local Plan Policy CL10: "development adjacent to rivers...will be expected to conserve and enhance existing wildlife, landscape and archaeological features".

4. Direct environmental damage: Air pollution and Impact on Wortham Ling SSSI;

Air pollution: It is important to recognise that the "off grid" label applied by the developer does NOT mean a lower environmental impact. In fact, this development proposes to use wood for cooking and heating. The external fire pits have been withdrawn. However, wood burning stoves will still contribute to a **high level of local air pollution**. These emissions particularly feature the very harmful PM2.5 particulate matter which (according to the British Medical Journal) are estimated to have caused 37,800 premature deaths pa in the UK, with wood burning contributing 2.4x as much as road traffic.⁴ The site is directly upwind of and close to the populations of Diss and Roydon.

In addition, unless a significant investment in battery storage is made by the developer, there is the additional potential for **noise** and air pollution from diesel generator(s), as solar PV alone cannot provide 24h power. It is likely that tourist dissatisfaction with a small battery /solar only solution (e.g. inability to use hairdryers) could provoke the developer down the line to install a generator, even if this is not planned at present.

SSSI damage: The proposed development is less than 100m from Wortham Ling, a Site of Special Scientific Interest. The development will add light pollution and potential river pollution, and is clearly intended (with cycle storage specified) to encourage cycling, which is forbidden on Wortham Ling to avoid SSSI damage, but hard to enforce. As the Mid-Suffolk local plan notes, SSSIs “can be seriously damaged by development outside their boundaries”.

5. Lack of Highways safety compliance

The Highways Visibility Plan for the proposed development states a Visibility Splay of 90m, while the Highways response to application requires compliance with DM1 for the access. We note that Ling Road has a speed limit of 60mph and we understand from SCC planning document DM01 that a Visibility Splay of 215m is required under these circumstances. The proposed development is therefore unsafe and noncompliant from a road safety perspective. Any increase to visibility would be likely to entail excessive hedgerow destruction.

6. Flooding

The River Waveney is liable to flooding and whilst the proposed units have been repositioned from the original 2015 application, their own site layout plan clearly shows units 3 and 4 as being particularly close to the flood plain, being nearer the main arm of the river. Units 1 and 2 are extremely close to the small branch that runs from the Waveney before re-joining it further along. The plan states the ‘area at potential risk of flooding under extreme weather events.’ In December 2020 we experienced the worse flooding for some years with the River Waveney bursting its banks along a huge stretch of the river including the area near Diss. It is a proven fact of climate change that our weather is becoming more extreme so the siting of a new holiday venue on this area prone to flooding is questionable.

Wortham and Burgate Parish Council:

Wortham and Burgate Parish Council continue to OBJECT to this application as detailed in comments for DC/20/05763.

Roydon Parish Council:

Roydon Parish Council, at its meeting held on 12 January agreed to OBJECT to planning application DC/21/06787 (re-submission of DC/20/05763) on the following grounds:

The resubmission has not significantly improved on the application considered by the planning committee in September 2021, which was refused on the basis that: "There is insufficient information to demonstrate that the proposed development would, by reason of its scale, location, nature of use and ranges of activities, not likely adversely damage the sensitive and valued landscape near and adjacent to a SSSI and nature reserves.

Specifically relevant to the parish of Roydon:

Environmental effects of development in this area.

Roydon Fen, adjacent to the proposed site, like all valley fens is incredibly wet most of the year with the spring-fed, deep peat soils permanently water-logged. This natural waterlogging supports a wide variety of species which rely on the surrounding environment to support them. Barn owls are known to use this area. The Waveney valley is made up of a series of natural habitats which are linked by environmental corridors, allowing one development may reduce the ability to stop

further future developments causing permanent damage to this fragile eco-system. This disruption could result in a loss of species, many of which are in severe decline.

Potential effects of water abstraction via borehole.

Insufficient evidence has been submitted on the potential impact of a borehole on the hydrology of Roydon Fen and the other surrounding river valley areas. Wetlands are finely balanced ecological environments and continued abstraction, even at low levels, could permanently change and damage this.

Flooding.

This area naturally floods, however, in recent years this has become more pronounced. Any type of development on areas of flood plain could result in worse flooding in other areas and have a detrimental and devastating effect on homes and businesses.

Diss & District Neighbourhood Plan.

Within the public consultation processes of this emerging plan, in which both Roydon & Palgrave are included, public opinion overwhelmingly recognises the need to protect and enhance local green spaces and environments. Within this document it recognises that "Individually, core sites or greenspaces are insufficient for protecting species and ecosystems, but linking them together can establish a functioning Green Infrastructure". This planning application goes against this by potentially fragmenting greenspaces and disrupting wildlife corridors.

Setting a precedent for future developments.

If this site was allowed to be developed it sets a precedent for others to follow. This would exacerbate all the above noted effects further damaging the fragile environment of this area and intensifying the effects on both the natural and human environments locally and in many other surrounding areas.

National Consultee (Appendix 4)

Environment Agency

The previous comments made by the Environment Agency remain valid, however, further information is provided in regard to foul water drainage. Given the lack of on-site mains electricity, the two foul water options are a septic tank discharging to a soakaway or a cesspit. The preference from the Environment Agency for this site would be a septic tank discharging to a soakaway as it would remove the need for road tankers to access the site.

Natural England

Natural England previously commented on the development and noted no objection. They continue to record no objection, however, note that the standing advice noted in the previous comments still stands and they also note that the amendments to the proposed development are unlikely to lead to significantly different impacts on the natural environment.

County Council Responses (Appendix 5)

Archaeology

The site lies within an area of archaeological potential with prehistoric flintwork and pottery having been previously recorded adjacent to Wortham Ling. There is, therefore, a high potential to

discover below ground heritage assets of importance within the site. In this case, there are no grounds to consider the refusal of planning permission on these grounds with the advice being that conditions would be reasonable to secure the archaeological investigation of the site prior to development.

Fire and Rescue

No objection is noted, and no conditions are requested.

Flood and Water

No comment is recorded.

Highways

The Highway Authority does not seek to oppose the granting of planning permission and suggests a number of conditions relating to the laying out of the site access and parking on site.

Internal Consultee Responses (Appendix 6)

Arboriculture

No objection is noted provided the scheme is undertaken in line with the details contained with the submitted tree report.

Environmental Health

No objection is noted with regards to land contamination.

Final Place Services – Ecology

No objection subject to securing ecological mitigation and enhancement measures.

It is highlighted that Place Services previously recommended that insufficient ecological information upon protected species (Otter and Water Vole). As a result, the Preliminary Ecological Appraisal Addendum (Greenlight Environmental Consultancy, January 2023) further confirms that no evidence that Otter and Water Vole have been confirmed within the stream to the northern boundary of the development. In addition, a 6m no-work buffer zone will be implemented to further minimise any potential impacts upon the species from the proposals. As a result, we are satisfied that likely impacts upon Otter and Water Vole can now be predicted for this application.

Furthermore, Place Services previously recommended that insufficient ecological information on Priority habitat had been provided for this application. This is because the grassland on site had been marked on the Priority habitat inventory on MAGIC maps as Coastal Floodplain Grazing Marsh Priority habitat and further clarification was required to determine whether the habitat meets the Priority habitat criteria and whether any additional measures are required for this habitat. Therefore, the Preliminary Ecological Appraisal Addendum (Greenlight Environmental Consultancy, January 2023) outlines that the grassland has not been seasonally inundated in recent years and whilst it has been previously grazed, it is currently being managed under a mowing regime. In addition, the grassland contains no ditches or dykes and can be categorised as modified grassland based on the plant species present. As a result, whilst the grassland contains some features of Coastal Floodplain Grazing Marsh Priority habitat, the overall distinctiveness and biodiversity richness of this grassland is poor. Consequently, we support the

suggested soft landscaping scheme, which will include the provision of wildflower mix to increase species richness of the grassland present within the scheme.

We also note that Suffolk Wildlife Trust have raised concerns regarding the fragmentation of an important ecological network which stretches along the River Waveney and Little Ouse, linking several County Wildlife Sites (CWS) and Sites of Special Scientific interest (SSSI), which could impact upon riparian species. Therefore, it is indicated that we are satisfied that measures have been embedded into the development for Otter and Water Vole during the construction and operation phases, albeit we can't rule out potential impacts on the wider ecological network from increased human disturbance. Nevertheless, we are not aware that the wider ecological network has been mapped within any local strategies, which includes safeguards for local wildlife-rich habitats and corridors (as outlined in paragraph 179a of the NPPF). Therefore, it is not considered reasonable for Place Services Ecology to object to the application on this matter.

Furthermore, it is reiterated that we are satisfied that the water borehole is unlikely to result in impacts upon Roydon Fen SSSI and Local Nature Reserve (LNR), given that the predicted extraction level of 840 litres per day. This is because this extraction amount is low, as well as being significantly lower than the levels permitted without an extraction licence. However, impacts upon Roydon Fen SSSI and LNR could be caused by water abstraction if multiple developments require boreholes. As a result, the LPA would need to consider the cumulative effect of each new development within this location to minimise impacts upon wetland habitats within the local area.

As a result, we are satisfied that sufficient ecological information is available for determination of this application.

The mitigation measures identified in the Preliminary Ecological Appraisal Addendum (Greenlight Environmental Consultancy, January 2023) should be secured and implemented in full, as this is necessary to conserve designated sites, protected and Priority species. As a result, we recommend that a Construction Environmental Management Plan (CEMP): Biodiversity should be secured as a condition of any consent to protect the stream and County Wildlife Site on the northern boundary of the site. The CEMP: Biodiversity should include a pre-commencement check for Barn Owl, as outlined in Suffolk Wildlife Trust's comments (January 2023).

We also still highlight that Wortham Ling Site of Special Scientific Interest (SSSI) is located immediately adjacent west of the site. As a result, we still agree that the development will not directly result in adverse impact upon the designated features of the legally protected site. However, lowland dry heath and acid grassland is particularly sensitive to increases in recreational disturbance and we note that operations likely to damage the special interest of the SSSI include *"Recreational or other activities likely to damage features of interest"*. Therefore, we still recommend that the developer should provide leaflets and signs to promote alternative recreational options within the local area and outline good practice recreational behaviours within Wortham Ling SSSI for the visitors of the holiday cabins, to be secured as a condition of any consent. It is recommended that this includes correspondence with landowners and relevant stakeholders to ensure that effective advice is delivered to avoid adverse impacts from recreational disturbance upon the SSSI.

We also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be secured as a condition of any consent, which

demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the bespoke biodiversity enhancements outlined within the ecological assessment, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. Therefore, we recommend that these measures should be secured via a Biodiversity Enhancement Strategy to be secured as a condition of any consent. This should include the finalised planting specifications of the native species planting, bird and bat boxes and a long-term management plan for these features, which could be implemented over a 5-year period.

Place Services – Landscaping

The visual impact of development will be limited given existing roadside screening and limited public access. No trees or vegetation are shown to be removed on the submitted plans although comment on the plans allowing for local tree management is misleading as it could comprise tree removal as management without input from Planning. Further, confusion is raised by the tree report showing that 13 no. trees may need to be removed to facilitate the site access improvements. These inaccuracies should be addressed. It is proposed that further information on tree removal should be provided and further, that two trees be replaced for each one removed.

N.B It is considered that this could be adequately controlled via planning condition.

Other Consultee Responses (Appendix 7)

Norfolk Rivers Drainage Board

Consent from the Board is required under the Land Drainage Act 1991. This operates separately from the planning process although the ability to implement a planning permission may be dependent on the granting of their consent.

Suffolk Wildlife Trust

We have reviewed Section 11. Water Extraction of the Planning Statement (Roberts Molloy, Dec 2021) and we are satisfied with the letter provided by M.Woodcock Well Driller dated 19/10/21 which states that the site usage will be below licensable levels. We therefore wish to withdraw our holding objection which was based on the need for the applicant to provide further information regarding water abstraction on site, which has now been provided.

The applicant in their Summary of Consultation responses dated December 2021 suggests there is an inconsistency in SWT's previous comments and questions the legitimacy of concerns raised in our most recent comments. SWT raised concerns about the location of this development within an area of high ecological value in our comments dated 28/08/2015 in response to a similar

planning application 2682/15 made by the applicant in 2015. Comments made on subsequent consultations should be considered as a whole and they are based on information available to SWT at the time of writing.

We maintain our concerns outlined in our previous comments dated 02/09/2021 in response to planning application DC/20/05763, regarding the fragmentation of an important ecological network which stretches along the River Waveney and Little Ouse, linking several County Wildlife Sites (CWS) and Sites of Special Scientific interest (SSSI). Increased human disturbance along this previously undeveloped and undisturbed stretch of the River Waveney (including the River Waveney (Sections) County Wildlife Site which adjoins the site) will directly impact upon the riparian wildlife of this area.

Notwithstanding the above, we would like to reiterate our recommendations made in our previous responses to planning application DC/20/05763. We recommend that the barn on site is assessed for barn owls prior to any work commencing. Should this barn be identified as a barn owl roost then further information should be submitted to ensure that barn owls can be accommodated on site with minimum disturbance. 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. These should be implemented as a condition of planning consent, should permission be granted.

B: Representations

At the time of writing this report at least 12 letters/emails/online comments have been received. It is the officer opinion that this represents 12 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Ecology impacts from development and increased human activity on site.
- Potential for fires from the site to spread.
- Flood risk and potential for flood water to cause issue hazard to road users.
- Application is the same as that previously refused.
- Use of borehole to provide water to the site.
- Natural England's response seems limited and misses key ecological considerations.
- Impacts on floodplain and flooding.
- Failure to consider Diss and District Neighbourhood Plan fully.
- Air pollution created from proposed log burners.
- Development would create a breach in the wildlife corridor.
- Existing issue with land in wider area being bought and fenced off.
- Site is part of a special landscape area and habitat restoration projects are being undertaken in the area.
- Removal of fire pits and cycles from Wortham Ling does not alter the fundamental issues with the site.

(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

REF: DC/20/05763	Planning Application - Use of land for the siting of 4no. 'Off-Grid' Holiday Units and Erection of replacement Stores/Housekeeping building; Installation of PV Panels, Upgrading of existing Access and Track; New low-impact Parking Area and Foul Drainage	DECISION: REF 20.09.2021
REF: 2682/15	Construction of 3 holiday lodges. Works to 2 sheds to convert into 3 stables (including erection of extension) together with associated works.	DECISION: WDN 20.10.2015

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site is located on the northern side of Ling Road, just east of its junction with Union Line, one mile southwest of Diss. The site is largely undeveloped save for small timber buildings located toward the front of the site. The land has historically been used for stock grazing and exercising horses, with the rear northernmost portion retained as meadowland. The site features a frontage hedgerow to Ling Road and perimeter vegetation screening. There is a single established vehicle access off Ling Road.
- 1.2 The River Waveney County Wildlife Site is immediately north of the site and beyond that grazing land and the Roydon Fen County Wildlife Site (120m to the north). An established copse area occupies some of the northern portion of the site, with a further established copse area adjoining the site's western boundary. Further to the west, beyond the western copse, is a dwelling and commercial business. To the east is similar meadow in the applicant's ownership. On the south side of Ling Road, opposite the site, is arable farmland. Wortham Ling, a site of special scientific interest, is 80m west of the site. The broader area is best characterised as open countryside.
- 1.3 A small part of the site is in Flood Zone 2. The majority of the site is in Flood Zone 1.
- 1.4 The wider site extends to 7.6ha in area and is within a Special Landscape Area. There are no designated heritage assets within or adjacent to the application site.

2. The Proposal

- 2.1 This site was previously considered by Planning Committee on 15th September 2021 under application reference DC/20/05763. The application was refused for the following reason:

There is insufficient information to demonstrate that the proposed development would, by reason of its scale, location, nature of use and ranges of activities, not likely adversely damage the sensitive and valued landscape near and adjacent to a SSSI and nature reserves. Furthermore, it would adversely harm and fragment the ecological value and connections of the area. This is contrary to policies of CL8, CL9, RT19, RT16 and CL2 of the local plan 1998; CS5 of the Core Strategy and the NPPF including section 15 “Conserving and enhancing the natural environment.”

- 2.2 This application represents a resubmission of the application following amendments to respond to the comments of members during their debate on the previous application such as removal of the fire pit from the site and restriction on the use of bicycles from Wortham Ling. It also provides additional ecological information such that sufficient information is now available.
- 2.3 For the avoidance of doubt, the application proposes the erection of four no. holiday lets; management building for operating check-ins, storage of cleaners’ supplies, bin stores; internal access road with parking provision and foul drainage. The holiday units are proposed as off-grid units with the wider site targeted towards those looking to get away from the pressure of everyday life and get closer to nature. Electricity is proposed to be provided by ground mounted solar panels with the exception of a battery to operate emergency lighting of the site should it be required; heating of the units is to be undertaken via wood burning stoves.
- 2.4 Water for the site is proposed to be supplied via a borehole and accessed by solar powered pump. Foul water is proposed to be dealt with by fully sealed storage tanks and surface water is to be directed towards soakaways.
- 2.5 The proposed holiday lets are positioned entirely within Flood Zone 1 and are single storey and offer a single bedroom. Externally the holiday lets measure 11.25m by 3.8m (including covered gable) with ridge height no more than 4.2m including stilts. Each unit is proposed to be finished in timber with standing seam roof. The management building is similarly proposed to be timber clad and will sit within the footprint of an existing building on site, measuring 14.4m by 4.6m and measures 2.8m to its eaves. It is to be provided with a flat roof finished in felt.
- 2.6 Access to the site is to be made via the existing access which is proposed to be upgraded to SCC requirements.
- 2.7 A draft management plan has been submitted alongside the application noting the site owner will ensure that the site operates at all times in accordance with the stated requirements and that a 24-hour emergency contact number will be available for issues arising from occupation of the site. The owner retains the right to refuse entry to remove any persons from site where they have breached the management requirements. In particular the following restrictions are noted:
- Electricity on site to be limited to battery (for emergencies only) and solar. High consumption appliances are to be restricted from site.
 - Heating and cooking is to be via woodburning stoves within the holiday lets. Kiln dried wood is to be supplied by the site owner.

- Hot water is to be provided via LPG boilers.
- Arrivals to and departures from site are to be within daylight hours only.
- Pedestrian access is permitted to the holiday lets, no vehicles are to travel beyond the designated areas of the site.
- Guest code of behaviour to prevent wildlife disturbance, plant removal, cycling on Wortham Ling, pets to be kept on a lead, no bonfires, barbecues or smoking on site.
- Rubbish disposal will be organised by the site owner.
- Noise and light restrictions to avoid disturbance to neighbours and wildlife.

Officers suggest that the use and enforcement of the management plan be made a condition of any approval that members might consider.

2.8 The application site itself is 0.90ha in area.

3. The Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 3.2 For the purposes of the adopted Development Plan, Core Strategy policy CS1 identifies a settlement hierarchy based on the services, facilities and access within the locality and accordingly directs development sequentially towards the most sustainable areas. The application site in this instance is located outside of any settlement boundary and therefore is located in the countryside.
- 3.3 Policy CS2 flows from CS1 and identifies a list of acceptable development within countryside locations including for recreation and tourism uses. Paragraph 84 of the NPPF notes that planning policies and decisions should enable both the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 3.4 Policy RT19 supports holiday chalets subject to amongst other matters, appropriate design, residential amenity, landscape and highway safety outcomes. Policy RT19 states that in the countryside conditions should be imposed restricting occupancy to ensure the accommodation remains available for holiday use only.
- 3.5 The emerging Joint Local Plan adopts the same approach as Policy RT19 and provides additional detail as to the content of the preferred occupancy condition. JLP Policy LP12 states that new tourism and leisure facilities will be supported where they can demonstrate the following:
- Improve the District's ability to attract and cater for visitors, increase local employment opportunities, enhance the vitality of places and provide for environmental improvements;
 - Improve the range, quality and accessibility of facilities;

- Are accessible by public transport and facilitates walking and cycling, whilst providing appropriate parking and access, and ensuring the associated traffic movements would not compromise highway safety;
- Include facilities which are open to the wider community, to enhance both accessibility and the range of facilities available;
- Respect the character of the landscape by having regard to landscape guidance that supports the development plan; and
- Follows a hierarchy of seeking firstly to avoid impacts, secondly mitigating for impacts so as to make them insignificant on the local ecology, biodiversity, trees and hedgerows, or thirdly, as a last resort, compensate for losses that cannot be avoided or mitigated.

Additionally, proposals outside of settlement boundaries may be supported where:

- Increases access, enjoyment, and interpretation of the countryside, appropriately, sensitively and sustainably;
- Improves accessibility for existing places, which are not well served by public transport; and
- Is of an appropriate scale for their context.

3.6 Having regard to the relevant policy context, it is considered that the principle of establishing a tourist facility at the site is accepted, subject to appropriate landscape, amenity, highway safety and ecological outcomes being achieved.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 The application site is located over 1km from Diss, where there is a good range of services and facilities including supermarkets, restaurants and public houses although this distance reduces if making a walking connection via public footpaths, but not significantly. Diss itself is well-served by frequent bus connections and a railway station on the London to Norwich line although none are located close to the site itself, they are all accessed via Diss.
- 4.2 For context, the Chartered Institution of Highways and Transportation (CIHT) Planning for Walking document states “Across Britain about 80 per cent of journeys shorter than 1 mile are made wholly on foot”. Furthermore, the CIHT guidelines for Providing Journeys on Foot sets out desirable walking distances for journeys with acceptable walking distances of between 400 and 1000m, with the maximum of 1200m being suggested. The Department for Transport Local Walking and Cycling Infrastructure Plans Technical Guidance for Local Authorities sets out a core walking distance of 400m (approx. 5 minutes), with a 2km radius around this, extending the walking zone to 2.4km.
- 4.2 The site is also served by the Long Angles Way walking trail and the national cycle network runs along the highway serving the site increasing the likely tourism interest in the site and Wortham Ling is located a short distance away. All three would mesh well with the proposed off-grid nature of the site.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 The site already benefits from an existing access which is proposed to be upgraded as part of the overall works to the site. Consultation with the Highway Authority previously noted no objection subject to the imposition of conditions. This stance is continued here where four parking spaces are to be provided.
- 5.4 Specific concern has been raised relating to water from the site flowing onto the highway and causing an obstruction and hazard to road users. Specific conditions have been suggested to combat this in addition to conditions which would control improvement of the access, storage and presentation areas for refuse and recycling bins, provision of parking and manoeuvring space.
- 5.5 The applicant explicitly notes that due to the off-grid nature of the site and reliance upon solar power for electricity, onsite electric vehicle charging points are not feasible. They note that electric vehicle charging points are provided within Diss and within nearby garages such that visitors to the site utilising electric vehicles would still be able to locate a charge for their vehicle within the local area. Three are available for use within Diss, while within Mid Suffolk District the nearest is located at the BP garage at the Scole roundabout. It is considered that the recommended condition from the Highway Authority requiring the provision of an electric vehicle charging point would not be reasonable in this specific instance.

6. Design and Layout

- 6.1 The built form proposed within the scheme is modern but not unattractive and has been carefully considered both with regards to the proposed end use of the site but also its existing landscape context. The holiday lets are designed to provide the required facilities but lack the facilities that would make them attractive in the long-term for prolonged residential use. High energy consumption white goods such as washing machines, ovens and hair dryers are unable to be operated onsite due to the preference of solar power over mains connection. There is insufficient battery storage on site to allow these to function although, some battery storage is proposed to cover emergency use. The site is remote from utilities, such that connection to a mains supply is not financially possible.
- 6.2 Dominant glazing to the gable end and the orientation of each of the holiday lets allows for views over the landscape while offering a degree of seclusion to each and each is well

spaced within the site. The multipurpose management building is more utilitarian, but again, is not unpleasant within the site, and the timber construction would allow all of the buildings within the site to blend with the existing trees and hedging within the site which is all proposed to be retained. This allows for the holiday lets and management building to be screened from the highway and within the site without impacting the wildlife habitat on site. Positioning of the ground mounted solar array and sealed foul drainage tanks have been positioned to avoid impacts on root protection areas.

- 6.3 In terms of landscaping within the site, existing meadow grass will be treated to encourage the growth of wildflowers and routes through the site, the access road and parking area notwithstanding, are to be provided via mown paths through the site.
- 6.4 It is considered that the design of the site performs well when read against the currently adopted design policies of the Council, its emergent policies and in particular the policies of the Diss and District Neighbourhood plan. It is sensitive to its location and minimises energy consumption as a matter of course. Issues such as controlling biodiversity net gain and limiting light spill can be managed effectively via planning conditions.

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

- 7.1 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Local Plan Policy CL8 outlines a strategy for the protection of wildlife habitats and states that development will be refused where it results in the loss or significant alteration of important habitats. Local Plan Policy CL9 specifically relates to the protection of 'recognised wildlife areas'. It stipulates that development proposals which would harm the nature conservation interest of, amongst other sites, Sites of Special Scientific Interest will not be permitted except where a case of overwhelming national need has been clearly demonstrated, and there is a lack of acceptable alternative sites. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 7.2 In terms of the wider landscape, Joint Landscape Guidance identifies the site as forming part of a landscape of rolling valley farmlands and furze (dry grassland and gorse) with Wortham Ling being particularly notable element of furze within it. Woodlands and hedgerows within the landscape are particularly notable and should be protected from development. Consideration of changes to the skyline are important given how open the landscape is.
- 7.3 With this in mind, the low-level nature of the proposed buildings means that impacts on the skyline are mitigated and further, it is noted that the proposed development does not seek to remove hedgerow or trees from the site, such that the proposed development would minimise its impacts on the wider landscape. This view is shared by Place Services, and while concern is raised regarding potential for tree removal, replacement on a two for one basis could be secured via planning condition.

- 7.4 The site is in close proximity of recognised wildlife areas and therefore the potential harm to the nature conservation interest of these areas is of paramount consideration bearing in mind the previous reason for refusal. The application is supported by the originally submitted ecology report which has been supplemented by an additional ecological report with this application.
- 7.5 In assessing the reports and surveys provided in support of this application, Place Services have undertaken a thorough review of the issues raised during consideration of the previous application on site. Their final view is provided in full within this report for Members. In summary they note:
- No evidence of water vole or otter activity within the stream to the northern boundary of the site. A 6m no work zone is proposed to minimise any potential impacts to the stream.
 - The site features some elements of Coastal Floodplain Grazing Marsh; however, distinctiveness of the site and overall biodiversity richness of the site is poor. They recommend that a soft landscaping scheme to increase wildflower mix on the site would be beneficial.
 - Concerns around the fragmentation of the ecological network raised by commenters and specifically by Suffolk Wildlife Trust. This network is not noted to be mapped or protected within any local strategies. Further, there is certainty regarding impacts on riparian species utilising the site.
 - The borehole is not considered to create issues with water levels within the Roydon Fen SSSI. Evidence provided in terms of borehole usage is noted and it is further noted that Suffolk Wildlife Trust have removed their holding objection with regards to the borehole proposed.
 - Increased use of Wortham Ling may occur as a result of the development, however, the scale of any impact is difficult to predict. They recommend that best practice for the running of the site include sharing of information on the Ling and on what recreational activities can safely be enjoyed there.
- 7.6 As a result, they raise no objection to the scheme provided that a range of conditions to control mitigation works, biodiversity enhancement, soft landscaping improvements, sensitive lighting scheme and information sharing on Wortham Ling be included within any approval Members may wish to consider. They also require the provision of a construction method statement with particular focus on ecology to avoid impacts that may occur during the development phase.
- 7.7 Policy 8 of the Diss and District Neighbourhood Plan requires the management, enhancement and creation of wildlife habitats within green corridors. Development is noted to be highly likely to create a barrier to wildlife within the corridor, however, in this instance, the loose grain of development and potential to improve the site for wildlife are noted such that a measurable level of improvement could be created and is proposed to be secured by planning condition.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 No issues are raised with regards to land contamination given the use of the land. With regards to flood risk, no holiday lets are positioned within areas of flood risk. With regards to drainage and waste, use of soakaways for surface water drainage is acceptable under Building Regulations and while the Environment Agency would prefer to see wastewater stored in a tank which discharges to a soakaway, in this instance, the preference of Suffolk Wildlife Trust to see it stored in a sealed unit is noted and preferable given the wildlife sensitivity of the site. This would be controlled via use of planning conditions.

9. Impact on Residential Amenity

- 9.1 Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.2 There are no dwellings in proximity of the site that could be adversely impacted by the development. The built form is so modestly proportioned it will not compromise the amenity of any nearby residents. The application does not present any conflict with saved Policy H13 or H16.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1 Since the previous application was considered by Planning Committee and refused, additional ecological information has been provided and assessed by the Local Planning Authorities retained ecological advisors. They have identified no objection to the proposed development subject to the imposition of conditions and indicate through their response that sufficient information has been provided such that Planning Committee may have certainty on the ecological impacts of the development.
- 10.2 With regards to the principle of development, this is considered to be established, and having regard to the detail provided within the application, it is considered by Officers that the proposed development would contribute positively towards the direction of travel set out under the emergent policies of the Joint Local Plan. The site is located in the countryside, however, this is considered to be part of the attraction of the development bearing in mind the off-grid, back to nature ethos noted within the submitted documents.
- 10.3 No other matters of concern are raised by consultees with the exception of Suffolk Wildlife Trust which centre on potential fragmentation of the wider ecological site. While a number of commenters are primarily concerned about the ecological impacts of development, neither the concerns of the Suffolk Wildlife Trust or the concerns of commenters are not borne out by Place Services.

- 10.4 The design of the scheme is attractive and subject to conditions would not create adverse impacts on the wider landscape. In terms of amenity impacts, the site is fairly isolated from neighbours and while concerns around air quality are noted, owing to the use of wood burners on site, provided that the wood burnt meets Government requirements, there is no planning reason to oppose their use.
- 10.5 On the basis of the above report, Officers recommend that Planning Committee approve the proposed development subject to the conditions noted in the section below:

RECOMMENDATION

That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- **Time limit to commence development**
- **Development to be undertaken in accordance with approved drawings**
- **Archaeological scheme of investigation to be agreed**
- **Results of archaeological investigation to be provided and shared prior to use**
- **Clarity on tree removal and replacement (on two for one basis) to be provided**
- **Arboricultural protection scheme for retained planting on site to be agreed**
- **Construction management plan (including HGV routing) to be agreed**
- **Ecological mitigation**
- **Environmental construction management plan to be agreed**
- **Biodiversity enhancement strategy to be agreed**
- **Wildlife lighting scheme to be agreed**
- **Soft landscaping plan for open areas of the site to be agreed**
- **Visitor leaflet scheme to avoid adverse impacts on Wortham Ling**
- **Access improvement to be provided before development on site**
- **Access gradient to be no more than 1 in 20**
- **Bound surface for access (first 5m)**
- **Visibility splays to be provided prior to use**
- **Scheme to prevent surface water discharge onto highway to be agreed**
- **Parking and turning areas to be provided as shown**
- **Bin collection and presentation areas to be agreed**
- **Occupation restriction – site to only be used for holiday purposes**
- **Register of occupants to be maintained and restriction on length of stay and time between repeat stays.**
- **Site to be managed at all times in line with agreed management scheme**
- **Photovoltaic panels to be provided and available for use prior to first occupation**
- **Sealed septic tank details to be agreed, including schedule and means of disposal. Tank to be installed prior to first occupation and means of disposal to be operated as agreed**

And the following informative notes as summarised and those as may be deemed necessary:

- **Pro-active planning statement**
- **Requirements to obtain consent under Land Drainage Act 1991**
- **Land contamination notice**
- **Building control notice**
- **Archaeological notice**