

Committee Report

Item No: 7A

Reference: DC/23/00305

Case Officer: Alex Scott

Ward: Mendlesham.

Ward Member/s: Cllr Andrew Stringer.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Change of use of land for grazing of horses, and erection of stables with new vehicular access.

Location

Land Adjacent To, 17 Brockford Road, Mendlesham, IP14 5SG

Expiry Date: 10/11/2023

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - All Other

Applicants: Moss and Humphreys

Agent: Ben Elvin

Parish: Mendlesham

Site Area: 1.4 hectares

Density of Development:

Gross Density (Total Site): NA.

Net Density (Developed Site, excluding open space and SuDs): NA.

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

Has a Committee Call In request been received from a Council Member: Yes.

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:

The application has been referred at the request of the Ward Member.

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Planning Policy and Guidance

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

Current Adopted Development Plan Policies

FC1 - Presumption In Favour Of Sustainable Development

FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

CS1 - Settlement Hierarchy

CS2 - Development in the Countryside & Countryside Villages

CS3 - Reduce Contributions to Climate Change

CS4 - Adapting to Climate Change

CS5 - Mid Suffolk's Environment

SB3 - Retaining visually important open spaces

GP1 - Design and layout of development

HB1 - Protection of historic buildings

HB8 - Safeguarding the character of conservation areas

HB13 - Protecting Ancient Monuments

HB14 - Ensuring archaeological remains are not destroyed

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution

CL8 - Protecting wildlife habitats

CL21 - Facilities for Horse Riding

T9 - Parking Standards

T10 - Highway Considerations in Development

RT6 - Sport and recreational facilities in the countryside

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area (Parish of Mendlesham Neighbourhood Development Plan 2018 - 2037 - Adopted November 2022)

The Neighbourhood Plan is adopted by the LPA and forms part of the current Development Plan.

Neighbourhood Plan Policies relevant to the planning application are listed below:

MP5 - Historic environment
MP6 - Building design
MP9 - Local green spaces
MP10 - Open Spaces
MP11 - Paths and bridleways

Joint Local Plan

On 19th September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, officers have considered the modified policies having regard to the requirements of paragraph 48 of the NPPF, as relevant to the determination of this planning application. The JLP and its policies are a material consideration of significant weight in this case.

Emerging Joint Local Plan Policies

SP03 - The Sustainable Location of New Development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP20 - Equestrian or similar other animal land based uses
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport
LP32 - Developer Contributions and Planning Obligations

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

[Link to Comments Online](#)

Parish Council

Mendlesham Parish Council

Recommend Refusal: Flooding; Contrary to Policies MP10 and SB3; Impact on setting of Heritage Assets; Impact on Ecology and Public Health; Impact on Public Right of Way.

National Consultee

The Environment Agency

No objection providing the LPA take into account the advised flood risk considerations.

County Council Responses

SCC - Highways

It is noted that this application will use the approved access within application DC/23/00300 drawing number 1982.21.01i. - No objections, subject to compliance with suggested conditions, on this basis.

SCC - Rights Of Way Department

Accept the proposal but ask that the developer is made aware of their rights and responsibilities when carrying out the development - as provided.

SCC - Fire & Rescue

Have seen the application and as it poses no risk, will not be making comment.

Internal Consultee Responses

BMSDC - Heritage

Triage - Do not wish to make comment.

BMSDC - Ecology Consultants - Place Services

No objection subject to securing biodiversity mitigation and enhancement measures.

BMSDC - Environmental Health - Land Contamination

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the advised minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

BMSDC - Environmental Health - Noise/Odour/Light/Smoke

No objections subject to conditions: Limiting Commercial Related Activities; and Managing Manure; Foul Water Runoff and External Lighting.

BMSDC - Public Realm

Public realm officers have no comment to make.

Other Responses

Suffolk Wildlife Trust

Suffolk Wildlife Trust do not intend to submit any comments regarding this application.

B: Representations

At the time of writing this report at least 5 no. letters/emails/online comments have been received. It is the officer opinion that this represents 5 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concerns with regards location of the proposed access and impact on Highway Safety, on Junction of Church Road, Glebe Way, Brockford Road, and Oak Farm Lane;
- Concerns proposal could be used for a commercial venture which would intensify impacts;
- Concerns with regards environmental impacts of Manure: flies, vermin and odour;

(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/23/00300	Full Planning Application - Erection of 2No dwellings (revised scheme to implemented outline permission for 2No dwellings under 0366/17 and reserved matters approval DC/20/01525).	DECISION: Granted (GTD) 04.04.2023
REF: DC/22/01401	Application under S73 for Removal or Variation of a Condition following grant of Outline Planning Permission ref: 0366/17, dated 27/09/2017, and Reserved Matters Approval ref: DC/20/01525, dated 01/06/2020 - Town and Country Planning Act 1990 - Erection of 2No Dwellings - To vary Condition Numbers 1 and 4 of Outline Planning Permission ref: 0366/17 and Condition Number 2 of Reserved Matters Approval ref: DC/20/01525 to amend the layout, scale and appearance	DECISION: Refused (REF) 11.05.2022

of Plot 1, the landscaping of the site, and to add a phasing condition to enable properties to be built independently of each other.

REF: DC/20/01525	Application for approval of reserved matters following outline approval 0366/17 Appearance, Landscaping, Layout and Scale for Erection of 2No Dwellings.	DECISION: Granted (GTD) 01.06.2020
REF: DC/18/01038 (Adjacent Site)	Outline Planning Application (including access with all other matters reserved) - Erection of 8 dwellings with associated works including vehicular access, provision of a pedestrian link, infrastructure and landscaping.	DECISION: REF (Planning Permission Refused by the LPA) 26.10.2018; Appeal dismissed by PINS 22.03.2021.
REF: 0366/17	Outline planning permission sought for the erection of two detached dwellings.	DECISION: REF (Planning Permission Refused by the LPA) 06.04.2017; Appeal allowed and outline planning permission granted, with conditions, by PINS 27.09.2017.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site lies adjacent to the east of the village of Mendlesham, to the north-west of Brockford Road, at the Junction with Church Road, Glebe Way, and Oak Farm Lane, on the approach from the A140.
- 1.2. The site lies outside the village settlement boundary and, for planning purposes, lies within the countryside.
- 1.3. The site comprises a large open field which extends north from Brockford Road. Although a small cluster of dwellings sit along the road frontage, the site lies outside the village. Together with the adjoining field and the open churchyard the site is identified as Visually Important Open Space within the adopted Mendlesham Neighbourhood Plan.

- 1.4. The field is on gently rising land and clear views of the Grade I Listed St Mary's Church and the churchyard are available from within the site, along with the eastern part of the Mendlesham Conservation Area in which the Church and other listed buildings and ancient monuments lie.

2. The Proposal

- 2.1. The proposal seeks planning permission for the use of land within the site boundary for the grazing of the applicants' personal horses and for the erection of a stable building to house the horses.
- 2.2. The proposed stable building would be single-storey in scale and would measure 22.3 metres long, by 4.8 metres wide, and would have a dual pitched roof with a maximum ridge height of 4.4 metres above ground level.
- 2.3. The proposed stable building would comprise 3 no. Stables, a Hay and Bedding Store and a Feed and Tack Room. A covered walkway would be included under the proposed roof structure, to the north elevation of the building, in front of the Stable, Store and Tack Room access doors.
- 2.4. The proposed stable building would be externally finished in facing black stained weatherboarding, applied horizontally, and vertical boarded doors. The proposed roofing materials are not specified.
- 2.5. The proposed stable building would be sited parallel to Brockford Road, set back 4.6 metres from the fronting hedgerow and 20.9 metres from the corner of Brockford Road and Church Road.
- 2.6. Hardstanding areas are proposed adjacent to the north and north-east of the proposed building, with vehicle parking and manoeuvring space, for at least 4 no. vehicles and a trailer, to the north-east and a yard area, with permeable surfacing, to the north.
- 2.7. The remainder of the site is proposed to be laid to grass, including the area in between the building and the corner of Brockford Road and Church Road. Existing hedgerow planting to Brockford Road and Church Road are proposed to be retained and additional hedge planting is also proposed internal to the site. Proposed internal fences and gates would be 1.2 metres in height, of post and rail design.
- 2.8. Access is proposed via the existing field access to Brockford Road, which has recently received permission to be upgraded as part of extant planning permission ref: DC/23/00300 for the erection of 2 no. new dwellings adjacent to the north-east of the proposed stable building.

3. The Principle of Development

- 3.1. The proposal site is located outside of any settlement boundary as designated in the current adopted development plan and adoption of the emerging development plan will not alter this provision. Current adopted development plan policy CS2 is, therefore, engaged and regard must also be had to emerging development plan policy SP03 and Table 5 thereof.
- 3.2. Current development plan policy CS2 provides that in the countryside development will be restricted to defined categories in accordance with other core strategy policies. Emerging development plan policy SP03 similarly provides that outside of the settlement boundaries, development will only be permitted in the circumstances listed.
- 3.3. Current adopted development plan policy CS2 exceptions include for recreation developments. Similarly emerging development plan policy SP03 exemptions for development outside of settlement boundaries include for equestrian purposes, with reference to emerging policy LP20.
- 3.4. Furthermore, the current adopted development plan makes provision for horse riding facilities in the countryside at policy CL21:

““The use of land and buildings for keeping horses and for other equestrian activities will be acceptable provided there is not adverse effect on landscape, wildlife habitat, road safety or residential amenity. Proposed buildings should be sited, and of a size and design, to complement their surroundings. Particular care should be taken in the design of jumps and other equipment to avoid unsightliness in exposed landscapes. The district planning authority may impose planning conditions for the removal of jumps and other equipment.

Where new stables or an equestrian centre are proposed applicants will need to demonstrate that riding or other activities can take place:-

- on their own land; and/or
- on other land by legal agreement on a long term basis; and/or
- along nearby defined bridleways or byways.

New dwellings connected with equestrian activities will not be permitted in the countryside”.

- 3.5. The emerging development plan also makes provision for Equestrian or similar other Land Based Uses at policy LP20:
 - “ 1) The use of land for equestrian purposes or other similar animal land-based uses, including the erection of buildings and equipment, may be permitted subject to:
 - a. Applicants demonstrating that they have prioritised the re-use of existing buildings.

- b. Where there are already buildings and structures on site, any new buildings being located close to and/or integrated with the structures to minimise impact on the landscape;
 - c. The siting, size, scale, design, materials being suitable/appropriate for the proposed use and any proposed building or equipment (including lighting and means of enclosure) not creating a significant adverse impact on the natural and local environment or the appearance of the locality;
 - d. Demonstrating the noise, odour or other emissions that are likely to give rise to significant adverse impact on amenity can be effectively mitigated;
 - e. Integrating with existing features and respecting and enhancing the character of the surrounding landscape/area through sensitive integration and where appropriate mitigating the potential impact of permanent structures through good design, layout and siting; and
 - f. Convincingly demonstrating that there are no suitable alternative sites on lower grade land if the proposal is located on the best and most versatile agricultural land.”
- 3.6. The current and emerging development plans are, therefore, considered supportive of the broad principle of the development proposal, subject to assessment of other material planning considerations, and those expressed specifically within the policy wording in particular. Such assessment is provided below:

4. Land Quality

- 4.1. The existing site is assessed to have a grade 3 (Good to Moderate) Agricultural Land Grade. The site is also assessed to be currently rough undeveloped grass land, not currently used for food production, and evidence suggests this has been the case for a significant amount of time.
- 4.2. As such, it is not considered that the proposal would result in the loss of the best and most versatile agricultural land.

5. Design and Layout

- 5.1. Current adopted development plan policy CL21 provides that all such proposals, which include for the provision of buildings, should site and design buildings to complement their surroundings.
- 5.2. Emerging development plan policy LP20 provides that: applicants should demonstrate that they have prioritised the re-use of existing buildings; any new buildings being located close to and/or integrated with the structures to minimise impact on the landscape; and the siting, size, scale, design, materials of new buildings should be suitable and appropriate for the proposed use and should not create a significant adverse impact on the natural and local environment or the appearance of the locality.
- 5.3. With no existing buildings present on the site that would be used for the proposed purposes, it is considered reasonable for the applicant to propose a new building in relation to the proposal. The new building is located close to the public highway, adjacent

to approved buildings to the north-east, located where the site is lowest in the landscape, and screened by the fronting hedgerow, proposed to be retained.

- 5.4. The proposed design and materials are also considered to convey a rural, rather than urban or utilitarian character.
- 5.5. It is noted that the majority of the site will remain laid to grass, as existing, and will remain undeveloped.
- 5.6. The proposed layout and design is, therefore, considered appropriate in accordance with current adopted development plan policies CS5, SB3, GP1, HB8, HB13, CL21, RT6, MP5, MP6, MP9, MP10 and MP11, and with emerging development plan policies SP09, LP15, LP17, LP19, LP20, LP23 and LP24.

6. Landscape

- 6.1. Emerging development plan policies LP17 and LP20 require such developments to conserve and enhance landscape character, to integrate developments with existing landscape features, and where appropriate mitigate the potential impact of permanent structures (including on dark skies and tranquil areas) through good design and layout. Impacts.
- 6.2. When considering landscape impact it must also be considered that the site is designated as a Visually Important Open Space (VIOS) in the current adopted Local Plan, and part of the site falls within the Church and Graveyards local green space, and within principle view 10, as designated in the current adopted Neighbourhood Plan. These policies, inter alia, provide that development in such areas will be resisted which would have a harmful effect on their undeveloped form and contribution to the area's character.
- 6.3. Your officer's assessment is that, overall the proposal would not result in a significant landscape or visual impact as the majority of the site would remain undeveloped and remain free of significant operational development and, what operational development is proposed would be located and designed in such a way so as to minimise visual impact.
- 6.4. The proposed siting, scale, design and landscaping of the stable building is not considered to result in a harmful effect on the character of the VIOS or to significantly affect neighbourhood plan principle view 10, due to its siting on the lowest level part of the site, single storey scale and screening offered by existing hedgerow planting, proposed to be retained. The proposed location of the stable building is, therefore, considered to be the optimum viable within the site, being the least intrusive location contained close to the roadside, at the lowest site level, and screened.
- 6.6. Overall no significant conflict is considered with regards current adopted development plan policies SB3, MP9 and MP10, or with emerging development plan policies LP17 and LP20, in landscape impact terms.

7. Site Access, Parking and Highway Safety Considerations

- 7.1. The current application proposal is for use of an existing field access to Brockford Road, which has recently received planning approval to be upgraded in relation to an adjacent development for 2 no. dwellinghouses. The current development proposal would share this access with the 2 no. adjacent dwellings recently approved.
- 7.2. The Local Highway Authority has assessed the latest access and visibility splay proposals and are satisfied that such a proposal would not result in significant harm to existing highway safety. It is also considered that the proposal would generate limited additional traffic movements, that would also not result in a significant impact on the existing highway network.
- 7.3. Your officers consider that the proposed layout demonstrates on-site turning and parking could be provided in accordance with current adopted parking standards, as advised by the Local Highway Authority.
- 7.4. The Local Highway Authority has assessed the current application proposal, and has not raised objection, subject to the imposition of standard highways conditions.
- 7.5. Subject to compliance with conditions as suggested by the Local Highway Authority, therefore, it is your officer opinion that the development currently proposed would not result in as severe impact on existing highway safety. The proposal is, therefore, considered to be in accordance with the provisions of NPPF Paragraphs 110 to 113, with current adopted development plan policies T9 and T10, and with emerging development plan policy LP29, in such regards.

8. Impact on Residential Amenity

- 8.1. Current adopted development plan policies CL21, RT6 and H16, and emerging development plan policies LP20 and LP24 seeks to ensure development protects the amenities of neighbouring occupants and land users. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future land users.
- 8.2. Due to the proposed siting, scale and fenestration layout of the proposed stable building, in relation to nearby neighbouring properties the proposed building would not result in significant demonstrable harm to the amenities currently enjoyed by occupants of neighbouring properties. The proposed Equine land use is also considered to be countryside compatible and not to result in significant amenity harm over and above activities that could otherwise lawfully be carried out on the site.
- 8.3. Your Environmental Protection Officers have also considered the latest proposal and have not raised objection with regards health and amenity impacts, should conditions

limiting commercial activities and managing manure, foul water runoff and external lighting be applied.

9. Ecology, Biodiversity and Protected Species

- 9.1. Your Ecology Consultants have reviewed the Preliminary Ecological Assessment, by DCS Ecology, submitted by the applicant, relating to the likely impacts of development on designated sites, protected and priority species and habitats, and identification of proportionate mitigation.
- 9.2. Your Ecologists agree that no further surveys are needed for bats as the field maples in the southern hedgerow have negligible bat roosting potential and there are no existing buildings on site that could accommodate bat roosts.
- 9.3. It is noted that the site lies within an Amber Risk Zone Area for Great Crested Newts, as 11 no. water bodies lie within 500 metres of the site. However, as there are environmental barriers between those bodies and the site, the nearest two ponds are considered unsuitable for Great Crested Newts and there is no suitable terrestrial habitat for them on site, your Ecologists agree that no further surveys for Great Crested Newts are required.
- 9.4. Your Ecologists support the applicant's proposal for the presence of a suitably qualified ecologist during the removal of any vegetation or wood/building material piles to reduce the risk of impact to reptiles, which may be present.
- 9.5. Your Ecologists are satisfied that there is sufficient ecological information available for determination of the application. This is considered to provide certainty of the likely impacts on designated sites, protected species and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable. As a result, your ecologists advise that the mitigation measures identified in the Preliminary Ecological Assessment (DCS Ecology, March 2023), should be secured and implemented in full.
- 9.6. Should the proposed ecological mitigation and enhancement measures, biodiversity enhancements, and wildlife lighting conditions, as suggested by your consultants, be complied with, it is considered the current development proposal would meet the requirements of NPPF paragraph 174, current adopted development plan policy CL8, and emerging plan policy LP16, in such regards.

10. Flood Risk and Surface Water Drainage

- 8.1. Whilst the proposal site itself lies within Environment Agency Flood Zone 1, wherein there is the least probability (less than 1 in 1000 annually) of flooding, the highway fronting the site (Brockford Road) lies within Environment Agency Flood Zones 2 and 3.
- 8.2. It should, however, be considered that previous applications for housing development on the site and adjacent to have concluded that this does not represent a significant impediment to accessing the site and it should be noted that the Planning Inspectorate have previously granted permission for 2no. dwellings adjacent to the site, on this basis,

which would also use the proposed means of access to the development currently proposal.

- 8.3. There is also no evidence to suggest that the site is at significant risk of flooding from other sources or would significantly increase flood risk elsewhere. The current proposal is, therefore, considered acceptable on such grounds.

11. Parish Council Comments

- 11.1 It is considered that the matters raised by Mendlesham Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. The current and emerging development plans are considered supportive of the principle of the development proposal, subject to assessment of all other material planning considerations.
- 12.2. It is not considered that the proposal would result in the loss of the best and most versatile agricultural land.
- 12.3. The proposed layout and design is considered appropriate in the context of the existing site and area and in accordance with current adopted development plan policies.
- 12.4. The proposed development is not considered to result in significant harm with regards impact on landscape character, visually important spaces and views, or the setting of heritage assets.
- 12.5. Subject to compliance with conditions as suggested by the Local Highway Authority, the development currently proposed would not result in a severe impact on existing highway safety.
- 12.6. The proposal is not considered to result in a significant impact on the amenities currently enjoyed by nearby occupants and land users.
- 12.7. The proposal is not considered to result in harm to protected and priority species or their habitats and biodiversity mitigation and enhancement measures would be ensured by way of conditions.
- 12.8. There is also no evidence to suggest that the site is at significant risk of flooding from other sources or would significantly increase flood risk elsewhere.
- 12.9. The current proposal is, therefore, considered to represent sustainable development.

RECOMMENDATION

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

- Standard time limit (3 years to commence the scheme);
- Approved Plans and Documents (Those submitted that currently form this application);
- Detailed Landscape Scheme and Aftercare;
- Approval of external facing and roofing materials and colours;
- Development to be carried out in accordance with the approved ecological appraisal recommendations;
- Biodiversity Enhancement Scheme to be agreed and implemented;
- Lighting Scheme to be agreed (if external lighting required) and PD removed for external lighting;
- Restriction on development - not to be used as commercial livery, riding school or for other business purpose(s);
- Manure management: Muck Pad and runoff control, and no burning;
- Highways - Access to be provided, as proposed, prior to first use;
- Highways - Access Visibility Splays to be provided, as proposed, prior to first use;
- Highways - Access to be surfaced with a bound material for a minimum distance of 10 metres from the metalled carriageway;
- Highways - Means to prevent surface water flowing from the access onto the highway;
- Highways - Gates to be set 10 metres back from the highway edge and not to open towards the highway; and
- Highways - Onsite Turning and Parking to be provided, as proposed, prior to first use, and thereafter retained.