
Appeal Decision

Hearing Held on 22 February 2022

Site visit made on 21 February 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/F3545/W/21/3277972

**Willoway Caravan Park, Turnpike Road, Red Lodge, Bury St Edmunds
IP28 8LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Leisure Parks Luxury Living Ltd against the decision of West Suffolk Council.
 - The application Ref DC/20/0307/FUL, dated 6 February 2020, was refused by notice dated 29 December 2020.
 - The development proposed is (i) change of use of agricultural land to provide 16 caravan pitches and associated amenity green space and (ii) improvement to existing highways access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would prejudice the overall planning of the housing allocation SA9a: Land off Turnpike Road and Coopers Yard;
 - Whether the layout of the proposal would be acceptable in relation to future surrounding residential development and public open space;
 - Whether the proposal would have an adverse effect on the integrity of the Breckland Special Protection Area (SPA) or harm the Red Lodge Heath Site of Special Scientific Interest (SSSI); and
 - The effect of the proposal on protected species.

Reasons

Planning the overall Site SA9a allocation

3. The proposal is for an extension of the longstanding 40 pitch Willoway Caravan Park, currently being upgraded with new mobile homes, to accommodate a further 16 pitches. The site would be enclosed by a 1.8 m high close boarded fence, upgraded to a 2.4 m high acoustic fence around the north-western end to provide protection against noise from the A11 bypass. This would enclose an area of amenity green space for the caravan park residents.

4. Both the existing caravan site and proposed extension form part of housing allocation SA9a: Land off Turnpike Road and Coopers Yard in the Forest Heath Site Allocations Local Plan 2019 (SALP). This forms one of several allocations to enable the continuing expansion of Red Lodge, a roadside settlement dating from the 19th century which was bypassed by the A11 in 1991. Red Lodge was selected for major growth in the 1990s with the vision and detailed proposals for the settlement set out in the Red Lodge Master Plan 1998, a supplementary planning guidance document. Much new housing has been delivered since that time together with a range of facilities.
5. SALP Policy SA9 allocates site SA9a, about 9.07 ha in size, for housing with an 'indicative capacity' of 132 dwellings in addition to the 40 mobile homes on the existing 1.5 ha caravan site. Importantly, with the allocation in three main ownerships and the need to co-ordinate the overall development, Policy SA9 requires the preparation of a development brief by the landowners for approval by the Council prior to any planning permissions being granted. Whilst the three landowners have been working together to some extent, there is as yet no agreed draft development brief for public consultation purposes. Council approval therefore remains at best some way off and there is no guarantee that a finally agreed document will be produced at all.
6. SALP paragraph 5.8.12 and Policy SA9 explain the need for the planning of the overall site to be co-ordinated. This is necessary due to the requirement for a landscaped buffer adjacent to the A11 to mitigate the noise impact of the road and to provide recreational space linking to the Taylor Wimpey scheme to the north and Heath Farm Road to the south. This would provide pedestrian and cycling routes to join up with a wider network around the village and to link with public rights of way providing access into the surrounding countryside. As Policy SA9 states, it is important for the development of the site to influence the recreation behaviour of residents, and those walking dogs in particular, to avoid a damaging increase in visitors to the nearby Red Lodge Heath SSSI and Breckland SPA.
7. However, three separate planning applications have now been submitted by the landowners, the proposal which is the subject of this appeal and two further applications. Just to the south an outline application for up to 55 dwellings¹ on Coopers Yard, a disused haulage depot, was submitted in 2017 but is not being actively pursued at present and remains undetermined. Access would be from Turnpike Road and the indicative layout shows a cul-de-sac with a footpath connection to Heath Farm Road but no potential connections to Willoway Caravan Park. To the north Persimmon Homes submitted a full application in July 2021 for 148 dwellings² with strategic open space alongside the A11 to the north-west of the appeal site but again, no potential connections are shown to Willoway Caravan Park. Persimmon Homes are seeking to co-ordinate the development brief for the overall SA9a site and in the meantime the application remains undetermined.
8. The appellant, who bought the caravan park in 2016 with plans to modernise it, is currently laying out 40 mobile home pitches on the existing site for which it has a certificate of lawful use³. These are being marketed, and the appellant understandably wishes to settle the future planning of the site prior to new

¹ DC/17/0451/OUT

² DC/21/1510/FUL on a site which includes some additional land outside the SA9a allocation

³ DC/19/0500/CLE

residents moving in. The proposal thus seeks planning permission now for a further row of 16 mobile homes to complete the site layout and, importantly, aims to show that the site would be able to integrate with adjacent housing on the wider SA9a site when it comes forward in due course. In this way it is argued that the scheme would not prejudice the overall planning of the SA9a site and permission can thus be granted in advance of a development brief.

9. To achieve this the appellant states that the acoustic fence around the end of the site would be removed when the landscaped bund with acoustic fencing is provided alongside the A11. The area of amenity green space at the end of the caravan park would then be amalgamated with the wider area of strategic open space when that is provided. This would link into the wider network of footpath and cycleway routes providing recreational and dog walking options for the new and existing caravan park residents. Finally, the appellant states that they would provide a connection to the Coopers Yard scheme when this comes forward to enable access for its residents to the strategic open space and the wider recreational/dog walking opportunities.
10. However, there is no guarantee the conditions suggested by the appellant to secure these matters would be enforceable. A condition requiring removal of the acoustic fence around the site within (say) six months of the noise attenuation along the A11 being completed would have no effective sanction as the additional caravans would already be in place. There would be no means to ensure agreement as to how the amenity green space would be laid out with suitable footpath connections, or its maintenance regime, to complement the strategic open space, and thus no means to ensure they would work together in an integrated way. Secondly, a condition requiring implementation of connections to adjacent sites within (say) twelve months of approval of the development brief or the grant of an adjacent planning permission would be vague and imprecise. There would be no mechanism to ensure agreement between the parties as to the connections required and again, no effective sanction if the work is not done.
11. A mutually agreed and then approved development brief is not guaranteed and adjacent planning permissions may not include potentially suitable connections once the appeal proposal has been implemented. There is no clear timescale for surrounding developments to come forward and consequently the proposed integration of the scheme with the remainder of site SA9a is at best uncertain. The upshot is that the scheme could be in place on its own for some time and, should the layout of adjacent development not proceed as currently anticipated or allow for connectivity for whatever reason, this may continue to be the case in the long term.
12. For these reasons granting permission for the proposal at this stage would prejudice the overall planning of the housing allocation SA9a: Land off Turnpike Road and Coopers Yard. The proposal would conflict with SALP Policy SA9 which requires a development brief prior to any planning permission being granted in order to ensure a satisfactory scheme, in particular suitable connectivity within the allocation as a whole and the provision of accessible, strategic open space to avoid a damaging increase in visitors to Red Lodge Heath SSSI and Breckland SPA.

Layout

13. There is no objection in principle to an additional 16 mobile homes within the allocation site SA9a provided the requirements of Policy SA9 are met and the layout is satisfactory in itself and in relation to future neighbouring uses. The proposal is for a simple row of mobile homes along the north-east side of the existing caravan park. Whilst unimaginative, this reflects the existing layout of the park and given this context would not be unacceptable. However, the layout only allows for a very limited 2 m wide landscaping strip along the inside of a close boarded timber boundary fence.
14. Seen from the north-east, the proposal would appear an intrusive, hard edged development adjoining future housing. In the absence of a development brief or planning permission to ensure a landscaped boundary is provided, this would fail to satisfactorily blend the proposal into its future surroundings. In addition, the lack of agreed connections into adjacent future housing and the planned strategic open space would fail to integrate the proposal into the wider area to encourage walking and cycling as the most sustainable means of travel. Without such connections the proposal would become an isolated enclave of mobile homes within the future residential neighbourhood.
15. For these reasons, in the absence of a development brief or adjacent planning permissions to establish its context, the layout of the proposal would not be acceptable in relation to future surrounding residential development and public open space. This would conflict with Policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015 (the JDMPD) which require proposals to recognise the characteristics of the area and to encourage sustainable transport by including pedestrian and cycle links to ensure appropriate levels of permeability that meet the needs of users.

Effect on the Breckland SPA and Red Lodge Heath SSSI

16. The appeal site lies within 7.5 km of the Breckland SPA where visitor pressure from additional residents may adversely affect the integrity of the habitats concerned and their ability to support breeding populations of Stone Curlew, Woodlark and Nightjar. Lying on the far side of Red Lodge the effect of the scheme alone is likely to be negligible but together with other plans and projects this may not be the case.
17. In any event, more significantly, the access to the caravan site lies directly opposite the Red Lodge Heath SSSI which is in unfavourable condition due to excess recreational pressure. In advance of the provision of strategic open space as part of the overall proposals for site SA9a the main on-site recreation area for the residents of the new mobile homes would be the area of amenity green space. About 76 m by 48 m in size, this would clearly be inadequate for many purposes, particularly for exercising dogs which often requires a 2.5 km walk daily. The SSSI would be the obvious destination for many such walks and even an estimated 4-5 extra dogs on the site would result in additional recreational pressure.
18. The appellant's proposals for dog waste bins on site, interpretative boards and information for new residents would not adequately address the issue. Without guaranteed links to the strategic open space and wider footpath network, and these being in place prior to occupation, the proposal would be likely to have an adverse effect on the integrity of the Red Lodge Heath SSSI and possibly

the Breckland SPA contrary to JDMPD Policy DM10 and SALP Policy SA9. These seek to protect nature conservation sites and require proposals on the SA9a allocation to include measures to influence recreation in the area to avoid a damaging increase in visitors to the SSSI and SPA. Natural England confirm that the offsetting measures set out in Policy SA9 to divert recreational activity are necessary and should be delivered in advance of development on any part of the allocated site. This includes any additional mobile homes.

Protected species

19. A reptile survey of the site in May-June 2019 identified one common lizard which indicates a low population density of this protected species. Progressive mowing would encourage any present to leave the site but to provide habitat a hibernacula is proposed within the area of amenity green space. However, in advance of the wider proposals this would be disconnected from other habitat and would conflict with JDMPD Policies DM11 and DM12. These require suitable measures to provide alternative habitats to sustain the population of protected species and proposals for biodiversity enhancement.

Other matter

20. The appellant draws attention to the planning permission recently granted by the Council for 25 dwellings on a nearby site off Turnpike Road⁴. However, the proposal includes on site footway provision to improve pedestrian routes in the vicinity and an off-site connection to the footpath network to the south west of the village. These offsetting measures are sufficient to mitigate the potential impact of additional visitors to the SSSI and SPA.

Conclusion

21. The proposal would provide 16 dwellings of a type of affordable housing which would help meet local housing needs and offer social and economic benefits for the local area. However, these material considerations would not outweigh the significant harm identified in relation to the main issues and the associated conflict with the development plan. It is appreciated that this decision leaves an area of vacant land within the caravan park for a period but this is inevitable given the current uncertainty regarding the layout of the wider allocation.
22. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

⁴ DC/19/2128/FUL

APPEARANCES

FOR THE APPELLANT:

Nick Laister BA DipTP MRTPI	Managing Director, Laister Planning Ltd
Josh Lambert BSc MSc MRTPI	Senior Planner, RPS
Kurt Goodman BSc MSc MCIEEM	Ecology Director, RPCR
Graham Farrier DipLD CMLI	Landscape Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Britta Heidecke MSc	Senior Planning Officer, West Suffolk Council
Jaki Fisher MLI	Senior Landscape & Ecology Officer, West Suffolk Council
Connor Vince MSc	Senior Planning Officer, West Suffolk Council

DOCUMENTS SUBMITTED AT THE HEARING

Accessible Natural Greenspace Study for Forest Heath, January 2017

SA9a allocation Land Ownership and Option Plan 2017

Plans of recent and current planning applications within and near SA9a allocation

Various documents relating to Bluecrest development DC/19/2128/FUL

Land off Turnpike Road and Coopers Yard, Draft Development Brief, Bidwells
November 2021 together with associated project plan

Red Lodge Master Plan 1998