



Appeal Decision

Site visit made on 13 September 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/W3520/W/22/3290094

Stable Cottage, High Road, Great Finborough IP14 3BQ

- 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 Mr and Mrs I Lewis against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/03074/FUL, dated 24 May 2021, was refused by notice dated 2 September 2021.
 - The development proposed is erection of building for use as three holiday lets.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Officer Report refers to the potential effect of the proposed development on Habitat Sites and the Suffolk Coast RAMS. I therefore invited the main parties to comment on this issue. The Council confirmed the site is not situated within RAMS, so no further action is required in the context of Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (the Regulations). I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the ecology and biodiversity of the site and its surroundings;
 - whether the site would be a suitable location for the proposed development, having regard to its accessibility and rural diversification;
 - the effect of the proposed development on the rural landscape and character of the site and its surroundings; and
 - whether the proposed development would be at risk from flooding.

Reasons

Ecology and Biodiversity

4. The appeal concerns a paddock situated within a more substantial landholding of similar paddocks associated with the appellants' equestrian business. It is therefore predominated by maintained grassland, so is unlikely to form habitat in itself. However, there are areas of woodland, ponds and other waterbodies in close proximity, so protected species are likely to be present. No ecological

appraisal of the site and its surroundings has been undertaken and there is no other substantive evidence before me to suggest that protected or priority species, or habitat would not be harmed by the proposed development. This includes the potential of the site to be used by such species for foraging and commuting.

5. I have had regard to Circular 06/2005¹ (the Circular), insofar as it is relevant to the appeal before me. This states that the presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. Although the Circular states surveys should only be required where there is a reasonable likelihood of species being present, it advises they should be carried out before planning permission is granted and only required by condition in exceptional circumstances. In the case of the appeal, ecological enhancement of the site through, amongst other things, log piles, bird boxes and native planting could be secured by planning condition and would make a positive contribution to the biodiversity of the site. However, I am not satisfied that such exceptional circumstances exist to impose a planning condition to assess the ecological impact of the proposal at a later date.
6. There is potential for part of the site to be occupied by an approved building with ancillary accommodation for the existing stables, including grooming area, tack room and some training facilities. Nevertheless, the information before me does not suggest that there would be any alteration to the use of the remaining land within the site. This sets that scheme apart from the proposal, which would include an extensive area of amenity land up to the adjacent woodland.
7. In light of the above, I conclude that the proposed development has the potential to cause unacceptable harm to the ecology and biodiversity of the site and its surroundings. Hence, the proposal would offend the requirements of the Circular; and be in conflict with the aims regarding the natural environment outlined in paragraph 174 of the National Planning Policy Framework (the Framework). The information before me does not therefore enable me to exercise my duty to have regard for biodiversity under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC).

Location

8. The site is situated a short distance to the northeast of the village of Great Finborough. It is accessed from a long driveway, north of High Road, that serves the appellants' land and buildings, and other houses. Given the proximity of these to the site, it would not be isolated in the meaning of the Framework but is situated within the countryside. Policy CS1 of the Core Strategy² (CS) seeks to guide development to settlements with more facilities and services, particularly Towns and Key Service Centres. In the countryside, development is restricted to particular types, including to support the rural economy. Moreover, CS Policy CS2 restricts development to defined categories in accordance with other CS policies and the appeal scheme would fall under the bracket of recreation and tourism.

¹ 'Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System', which is still an active document.

² Mid Suffolk Local Development Framework Core Strategy Development Plan Document 2008.

9. It is commonplace for holiday lets to be situated beyond settlements, as the tranquillity and remote nature of their surroundings are part of the attraction to visitors. I have not been referred to any policies that require holiday lets to be situated close to visitor attractions. However, I note the potential for visitors to the development to ride the appellants' horses or stable their own and explore the surrounding countryside.
10. The village includes a limited range of facilities and services, that would be more likely to serve permanent residents. The town of Stowmarket is some distance further to the east, so it and the majority of other destinations sought by visitors would likely be reached by private motorised transport. However, the traffic associated with the proposal would not be excessive, so would be unlikely significantly contribute toward climate change through air pollution.
11. As a holiday use is residential in nature but often restricted to non-permanent occupation, it is common for accommodation to be comparable to that found in a house, particularly where it is intended to attract families or larger groups. The extent of accommodation in the proposed holiday lets would be reasonable for the operational needs of the proposal and similar to examples before me.
12. The appeal is supported by a Holiday Let Forecast, which is a reasonable and proportionate assessment of the potential profitability of one of the proposed holiday lets. The appellants' also claim that there is high demand for holiday accommodation in Mid Suffolk and refer to a recent Council decision³ which highlights the need for more such accommodation in the district. Neither are disputed by the Council, including any of the assumptions made in the forecasting regarding costs and overall operating profits. The appeal scheme is therefore likely to be viable and amount to a suitable form of diversification that would support the appellants' business.
13. The stabling east of the proposed building would remain separated and the appellants' business does not appear to be the type of operation that would generate significant noise or disturbance. The appeal site also constitutes only a small part of the appellants' overall landholding, so there would be a limited loss of land for grazing. The proposal would therefore have a minimal effect on the continued operation of the business, which would continue to dominate.
14. In light of the above, I consider that the site would be a suitable location for the proposed development, having regard to its accessibility and rural diversification. Hence, it would accord with the aims of Policies CL17 and RT16 of the Mid Suffolk Local Plan (Adopted September 1998) (LP); CS Policies CS1, CS2, CS4 and CS6; and sections 6 and 9 and paragraphs 80, 84 and 85 of the Framework, regarding the location and nature of countryside development.
15. I have not found in relation to CS Policy CS3, as it refers to the sustainable construction of buildings and development of renewable energy, which are not matters referred to on the Decision Notice. Similarly, Policies FC1 and FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focused Review 2012 (CSFR), do not contain any provisions relevant to this main issue and I find as to whether the proposal would represent sustainable development in the Planning Balance, including in the context of the Framework.

³ Change of Use of land for the siting of 3 no. shepherds huts for use as holiday lets, at Beechwood Farm, Forward Green, Earl Stonham, Stowmarket, Suffolk, IP14 5EQ.

Rural Landscape and Character

16. The site is situated within a Special Landscape Area. Although there are no details before me to explain any particular characteristics of the area, woodland situated along the valley of the River Rat has sylvan qualities that significantly contribute to the character and appearance of the site and its surroundings, the backdrop of which is dominated by the mature trees therein.
17. I have already outlined that I consider the extent of accommodation to be reasonable. Similarly, while the proposed building would be larger than that which could be built on the site, it is designed to reflect an agricultural character, consistent with existing buildings nearby, with weatherboarding under a tiled roof and fenestration of vertical emphasis. It would be viewed in the context of those buildings, as well as the backdrop of the woodland, so its scale would be complimentary and contained within the landscape.
18. While there would be parking adjacent to the public right of way in the foreground of the building, there are similar areas of hardstanding nearby, including in front of other buildings to the east. The inclusion of such parking would not therefore be out of context in this setting. Likewise, the amenity land to the north of the building would be a relatively large space, but it would not be visually harmful, as it would be sited behind the building. The inclusion of other built forms could also be controlled by planning condition.
19. In light of the above, I conclude that the proposed development would not have a harmful effect on the rural landscape and character of the site and its surroundings. Hence, it would accord with the design and landscape aims of LP Policies CL17, GP1, and RT16; and sections 6 and 12 of the Framework.

Flood Risk

20. A small portion of the site to its northeast corner would be situated within Flood Zones 2 and 3 and would be used as amenity land for the proposed holiday lets. The remainder of the site, including the location of the proposed building, falls within Flood Zone 1, so is not identified as being at risk from flooding. While use of that area of amenity land could result in some risk to occupants of the proposed holiday lets, in reality it would be relatively simple for it to be excluded from use within the wider amenity area, which could be facilitated by planning condition.
21. I acknowledge the Climate Change Emergency declared by Babergh and Mid Suffolk Councils in 2019, but this does not enable the Council to make presumptions that there would be changes to flood zones in the future. There is also no substantive evidence before me to suggest why I should disregard the existing flood designations, including mapping based on the topography of surrounding land and any implications of climate change.
22. Accordingly, I conclude that the proposed development would not be at risk from flooding. Hence, it would accord with the requirements of CS Policy CS4 and Section 14 of the Framework, regarding current and future flood risk.

Planning Balance

23. The proposal would not conflict with the development plan in respect of its location, the effect on the rural and landscape and character, and flood risk. There would also not be harm caused to the living conditions of neighbouring

occupiers or to highway safety from use of the existing access. However, all these all amount to neutral factors that would neither weigh in favour nor against the appeal scheme.

24. The proposal would provide two 3-bedroom and one 2-bedroom holiday lets, which would assist the Council in meeting its aims to improve the provision of holiday accommodation in the district. This would help support the appellants' business and others in Mid Suffolk that benefit from tourism. In line with the Framework, I afford significant weight to this as a benefit.
25. The proposal would also include access for people with mobility issues and thereby increase the availability of such accommodation within the district, this would therefore amount to a social benefit of moderate weight.
26. I also recognise that the appeal scheme could be said to make more effective use of the site and would be designed to minimise waste and energy usage. However, the potential harm to ecology and biodiversity would not safeguard and improve the environment, as required by the Framework. I therefore afford these benefits very limited weight.
27. In terms of that potential harm to ecology and biodiversity, it would not conflict with any development plan policies to which I have been referred, but there would be conflict with the Framework, NERC and Circular and I afford these conflicts considerable weight.
28. Nevertheless, there are no relevant development plan policies with which the proposal would conflict with, so paragraph 11(d)(ii) is engaged. In this case, the adverse impacts of granting permission identified in respect of the ecology and biodiversity of the site and its surroundings would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
29. This finding therefore means that the proposal would not amount to sustainable development under the terms of the Framework and Policies FC1 and FC1.1 of the CSFR. Despite the resultant conflict with these CSFR policies, the principal conflict would be with the Framework. This indicates that the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

30. While the proposed development would accord with the development plan, the other considerations, including the provisions of the Framework, outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR