



Appeal Decision

Site visit made on 4 December 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2024

Appeal Ref: APP/W3520/W/24/3343459

Land at Moneypot Lane , Redgrave, IP22 1SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr G Sutton against the decision of Mid Suffolk District Council.
 - The application Ref is DC/22/04600.
 - The development proposed is described on the application form as 'seven new chalets with access track, parking and foul drainage. Expanding on the current site which currently houses three existing chalets.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original proposal was for seven chalets, but this was reduced to four during the course of the application. The Council's decision relates to the revised scheme, and I have determined the appeal on the same basis.
3. A previous planning permission for three holiday chalets on the site was under construction when I visited (ref 2354/13). Comments about the implementation of this permission, and whether or not the buildings have been constructed as approved, are a matter for the Council.
4. A revised version of the National Planning Policy Framework (the Framework) was issued on 12 December 2024. The Framework applies from the date of issue, so reference to the Framework in this Decision letter is to the December 2024 version.

Main Issues

5. The main issues are:
 - whether an overriding business need for the proposed development in this location has been demonstrated,
 - whether the proposed development would be accessible by a range of transport modes,
 - whether safe and suitable access to the site can be achieved,
 - the effect of the proposal on the internationally important Redgrave and Lopham Fen,
 - the effect on protected species, and

- whether the proposal would meet policy requirements for a measurable net gain in biodiversity.

Reasons

Whether an overriding business need

6. The appeal site is in a rural location, outside of any settlement boundary defined in the Joint Local Plan Part 1 2023 (Local Plan).
7. Policy SP03 of the Local Plan aims to promote sustainable patterns of development; reduce the need to travel and protect the intrinsic character of the countryside. To achieve this, the policy restricts development outside of settlement boundaries except in certain circumstances. Part 2c) of Policy SP03 allows for proposals outside of settlement boundaries where they accord with other relevant policies in the Local Plan, which are listed in Table 5. Included in the list is Policy LP13, which is concerned with holiday accommodation.
8. Local Plan does allow for tourist accommodation in the countryside, but Policy LP13 makes clear that such applications will be considered on an exceptional basis. To satisfy Policy LP13, proposals must demonstrate an overriding business need to be in that location.
9. The Local Plan does not explain what information the Council expect to demonstrate an overriding business need, but the appellant's case is scant and lacks detail.
10. The site is in a peaceful and tranquil location, and there are facilities which may be of interest to visitors nearby, such as the Redgrave and Lopham Fen nature reserve and the Bressingham Steam Museum. Even so, no information has been provided about anticipated demand for the type of accommodation proposed in this location, or the projected occupancy rates of the site.
11. The Framework supports a prosperous rural economy, and paragraph 88 allows for the sustainable growth and expansion of existing businesses. The proposal would be an extension to an existing site, but that is not yet up and running, so its success or otherwise is not yet known. No business plan has been provided to support the appellant's case, and there is no financial information demonstrating why the business needs to expand to make it viable. Without such information, there is no clear case for expansion.
12. The overriding business need required by Policy LP13 has not been demonstrated. Because the proposed development does not comply with Policy LP13, the requirements for development outside of settlement boundaries in Policy SP03 are not met either.
13. In its decision notice, the Council has also referred to Local Plan Policy SP07, which encourages new sustainable tourism development which supports the tourism role of settlements in the area. The proposed holiday accommodation is within a rural area, but future occupiers may well visit services and facilities in local towns and villages. Whilst any economic contribution from a proposal of this scale is likely to be limited, I have identified no clear conflict between the proposal and part 1) of Policy SP07. However, this does not overcome the conflict with policies LP13 and SP03.

Access by a range of transport modes

14. To limit reliance on travel by car, Local Plan Policies LP12 and LP13 require that applications for tourist accommodation are accessible by a range of transport modes. Policy RED14 of the Redgrave Neighbourhood Plan requires that proposals maximise opportunities for sustainable transport, and Policy RED15 seeks improvements in levels of walking and cycling.
15. To access local facilities, occupiers of the proposed chalets may well wish to visit nearby towns and villages during their stay, as well as tourist attractions in the surrounding countryside. The nearest railway station is several miles away in Diss, so travel by train is unlikely to be a realistic option unless combined with a car journey.
16. Various parties have provided somewhat differing information about local bus services. The appellant has provided a copy of a timetable for the number 304 bus serving Redgrave, which suggests a slightly more frequent service than the 3 buses a day on Mondays to Fridays mentioned by the Parish Council. However, the timetable provided is dated 2020 so may not be up-to-date. Moreover, a local resident provided information during the appeal which suggests that the number 304 bus between Redgrave and Diss was to cease operating from 2 September 2024. This has not been formally confirmed by Suffolk County Council, but even if the service is still operating, it provides a very low level of service.
17. Furthermore, to reach the nearest bus stop, it would be necessary to walk to Redgrave, but the lack of footway and potential for fast moving vehicles on the B113 may make this an unattractive option for visitors. If the Redgrave service has ceased, then a much longer walk to Botesdale would be required.
18. For the determined public transport user, it may be possible to reach nearby towns and tourist destinations using a combination of walking and buses. However, journeys by public transport to nearby tourist attractions would be long and convoluted, requiring considerable planning, compared with much quicker and easier travel by car. Realistically, it is highly likely that most visitors to the site would arrive by private car, and use their car if they wished to explore further afield.
19. I acknowledge that areas with good public transport links may not have such a peaceful and tranquil setting. However, the appellant has failed to demonstrate why such a location is essential for the business, or why the proposed holiday accommodation could not be provided in a more accessible location somewhere else.
20. Some footpaths and public rights of way do exist locally. The long-distance Angles Way path crosses Fen Street a short distance from the appeal site, and walking trails are available through the nearby Redgrave and Lopham Fen. Cycling on local lanes may also be an option for some. Given the scale and location of the appeal site, the provision of links to improve levels of walking and cycling within the Neighbourhood Plan area, as sought by RNP Policy RED15, may be difficult to achieve. Even so, this does not overcome the deficiencies of the site in terms of accessibility.
21. Overall, I find that the site is not accessible by a range of transport modes including public transport. The proposal therefore conflicts with Local Plan

policies LP12 and LP13, and RNP Policy 14. Together, these policies support development including facilities for tourist accommodation which are accessible by public transport and facilitate walking and cycling.

Whether a safe and suitable access

22. The existing site access is from Moneypot Lane, but as part of the appeal proposal, a direct access onto Fen Street would also be provided. This would reduce the need for traffic associated with the appeal site to use Moneypot Lane, this section of which is an untarmacked track with no passing places, and already serves a number of properties.
23. The proposed additional access onto Fen Street would use an existing track which runs along the edge of the field between the appeal site and Fen Street, emerging immediately adjacent to the access of the adjoining property.
24. At the point where the proposed access emerges onto Fen Street, the road is straight for a considerable distance. When I visited the site, there was good visibility along Fen Street in both directions. There was plenty of opportunity to see traffic coming from either direction along Fen Street, and vehicle speeds were not particularly fast. That said, I was only there for a short period of time, and a weekday morning in December may not have been representative of traffic levels and speeds more generally.
25. The access was satisfactory when I visited, but maintaining visibility throughout the year, and particularly in the summer months, would require the thick and high boundary hedge at the neighbouring property to be kept trimmed, and vegetation along the verges cut. This cannot be guaranteed if land on either side of the access is outside of the appellant's control. Even on a relatively quiet road, inadequate visibility could risk the safety of all road users.
26. In the absence of information to demonstrate how visibility splays could be maintained, concerns over the safety of the access remain. As the proposal has not demonstrated how safe access could be maintained, so it does not comply with Local Plan Policy LP29 or Framework paragraph 115b).

Effect on Redgrave and Lopham Fen

27. The appeal site is located within 200m of the Redgrave and Lopham Fen, which forms part of the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC). Redgrave and Lopham Fen is itself an internationally important Ramsar site, National Nature Reserve and Site of Special Scientific Interest (SSSI). The site is managed by Suffolk Wildlife Trust, who have commented that Redgrave and Lopham Fen is the largest valley fen in England, and one of the most important wetlands in Europe.
28. The Conservation of Habitat and Species Regulations 2017 require that the decision maker (so called 'competent authority') must ensure that there are no significant effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC. This should be done through a Habitats Regulation Assessment (HRA).
29. I have not been provided with comprehensive information about the conservation objectives of the SAC, and Natural England have not made any comments on the appeal. However, the Council has noted that the Fen and its habitats are dependent on maintaining good water quality across the site.

30. Local Plan Policy SP09 says that development within the identified Protected Habitats Sites Mitigation Zones (which includes the 5km Impact Risk Zone for Redgrave and Lopham Fen) should seek to avoid harm in the first instance. However, this has not been demonstrated. The Council and Wildlife Trust have identified various ways in which the proposed development could impact on the SAC, including through pollution of water courses, which could occur as a result of inadequate drainage measures. In the absence of a clear strategy showing how wastewater and surface water would be dealt with across the site, this cannot be ruled out. Given the sensitivity of this location, this matter should be addressed as part of the proposal, rather than left to a condition.
31. There may be potential for increased demand for water from new development to put pressure on local supplies, increasing the need for abstraction from rivers. Concerns have also been raised about the potential for increased recreational disturbance, which can be a problem if people and dogs stray into areas outside of designated trails. It is unclear whether the proposal would comply with the Council's HRA Recreational Disturbance and Avoidance Mitigation Strategy, which is referred to in Local Plan Policy SP09.
32. In light of the concerns raised, further consideration is required through a HRA to ascertain whether the proposal would have an impact on the SAC and the specific features that led to its designation. Had the appeal proposal been otherwise acceptable, I would have asked for further information from the parties to enable me to do this, including information about the qualifying features of the SAC, and details of mitigation measures which might be necessary. However, because I have dismissed the appeal on other grounds, I have not addressed this matter any further.
33. On the basis of the information provided, I am unable to conclude that the proposal would not have an adverse impact on the internationally important Redgrave and Lopham Fen, and Waveney and Little Ouse Valley Fen SAC.
34. As it has not been demonstrated that the proposal would safeguard natural features of merit, it does not comply with Local Plan Policy LP24. An impact on a Protected Habitats Site has not been ruled out, so the requirement for mitigation measures in part 3) of Policy SP09 has not been met either.
35. Furthermore, appropriate consideration of all forms of pollution, in particular ground and surface water, has not been made. There is insufficient information to show that the proposal would not result in any adverse effect on the integrity of a Protected Habitats Site with regard to water resources, so there is also conflict with Local Plan Policies LP15 and LP26.

Protected species

36. According to the Council's ecologist, the Suffolk Biodiversity Information Service contains records of a significant number of protected and priority species in the wider area.
37. The appeal site is within an 'amber risk zone' for Great Crested Newts, a protected species which has been recorded around 400m to the north of the site. The Wildlife Trust has indicated that the appeal site could provide suitable habitat for this species. In addition, deciduous woodland to the east of the appeal site, and boundary hedgerows around it, are habitats which could be used by bats, which have been recorded within 500m of the site.

38. On the basis of the evidence provided, and taking account of the location of the site within 200m of an internationally important site for wildlife, there is a reasonable prospect that protected species may be present at the site, and/or make use of it. If so, they could be affected by the proposed development.
39. Circular 06/2005 advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. To this end, an up-to-date ecological survey, carried out by a suitably qualified person, is required.
40. In this case, no such survey has been provided. The presence or otherwise of any protected species, and the extent to which they might be affected by the proposal, is unknown. Without suitable mitigation measures in place, harm to protected species resulting from the proposal, including activities which might constitute a criminal offence, cannot be ruled out.
41. Because of this, even if the proposed development was otherwise acceptable, I would be unable to allow the appeal and grant planning permission. I note the appellant's comment that the lack of an ecological survey did not stop the Council granting the original planning permission for chalets on the appeal site in 2013. That permission was subject to a condition requiring a survey, but Circular 05/2005 is clear that such information, including any necessary mitigation measures, should be provided prior to the grant of planning permission.
42. In light of the above, it has not been demonstrated that there would be no adverse impact on protected species. The proposal fails to comply with Local Plan Policy LP16, which is concerned with the protection of biodiversity.

Biodiversity net gain

43. The planning application was submitted before the requirement for mandatory 10% biodiversity net gain came into force, and prior to Local Plan Policy LP16, which requires biodiversity enhancement, being adopted. However, planning decisions must be made on the basis of the development plan in place at the time that the decision is made. The Council rightly made its decision based on the policies of the Joint Local Plan – Part 1, including Policy LP16.
44. Local Plan Policy LP16 requires proposals to identify and pursue opportunities for securing measurable net gains for biodiversity, equivalent to a minimum 10% increase. I note the appellant's comment that this could be secured through a condition, but without any information about the biodiversity baseline, it is unclear how, or indeed whether, the required enhancement could be achieved on site. Any off-site provision could not be achieved through a planning condition.
45. No information has been provided to explain how the biodiversity enhancement required by Policy LP16 could be achieved. The proposal fails to comply with the policy.

Other Matters

46. The proposal may benefit the local economy through spending at local shops, pubs and tourist attractions, but any such benefit would be modest and not sufficient to overcome the harms identified above.

Conclusion

47. The proposed development would not be accessible by a range of transport modes, and an overriding business need has not been demonstrated. There is uncertainty about whether a safe access could be maintained, and a lack of information about the effect of the proposal on protected habitats and species. Requirements for biodiversity net gain have not been met either.
48. For these reasons, the proposal does not comply with the development plan, and no other considerations outweigh these findings. The appeal is therefore dismissed.

R Morgan

INSPECTOR