



## Committee Report

### Planning Committee North- 13 June 2023

**Application no** DC/21/3687/FUL

**Location**

The Ship Inn  
St James Street  
Dunwich  
Suffolk  
IP17 3DT

**Expiry date** 29 September 2021

**Application type** Full Application

**Applicant** Chestnut Group Limited

**Parish** Dunwich

**Proposal** Retrospective Application - Construction of a new garden to the rear involving the creation of new hard and soft landscaping

**Case Officer** Steve Milligan  
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#### 1. Summary

- 1.1 This is a retrospective application for the retention of hard and soft landscaping works to the rear garden/curtilage of the Ship Inn, St James Street, Dunwich.
- 1.2 The works undertaken, have introduced two paved terrace areas, with retaining walls and paved steps up from the lower level at the rear of the public house. The rear service access has been altered to set back the gate and pave a driveway and hard standing down into the garden. A mobile kitchen facility has been parked on the hardstanding but that is not a part of this planning application.
- 1.3 The works are considered to be beneficial to the operation and use of the premises, being safer for customers and staff. The work is not particularly visible from public views

(Monastery Hill) and is considered to have only limited impact upon the setting of the listed building and character of the Conservation Area. There will be public benefit from the safety improvements and improvements to the viability of the use, which has cultural and heritage importance to residents and visitors. The less than substantial harm, in heritage terms, is considered in this instance to be outweighed by the public benefit.

- 1.4 Whilst it is clearly unfortunate that the work was carried out in advance of the receipt of planning permission and without prior archaeological investigation, this does not justify the refusal of planning permission.
- 1.5 With conditions to control the operation of the mobile food kitchen, the proposal is acceptable in terms of residential amenity impact.
- 1.6 The application is recommended for approval. The decision has been referred to the Planning Committee (North) by the Referral Panel, as the officer recommendation to approve is contrary to the recommendation of Dunwich Parish Meeting who have objected to the application.

## **2. Site Description**

- 2.1 The application site is the garden/curtilage of the Ship Inn, St James Street, Dunwich. Dunwich is a small village that is a popular tourist destination. It does not have the status of a village and is within the countryside for the purpose of applying planning policy.
- 2.2 The Ship Inn is a grade II listed building that dates from the 18th century, and which lies within Dunwich Conservation Area and the Suffolk Coasts and Heaths AONB.
- 2.3 The Ship and the adjoining Ship House are at the east end of a terrace of listed buildings, with nearby buildings of local interest within the Dunwich Conservation Area. The 2013 Conservation Area Appraisal identifies the Ship Inn as forming a part of 'important views along St James's Street with 'important walls on its north-east side, at the bend in the road, and the garden to The Ship is shown as an important open/green/tree space.
- 2.4 The rear garden/curtilage of the Ship is roughly triangular in shape with an eastern boundary to Monastery Hill and the western boundary with the property Black Pig Cottage. The western boundary is hedged. The eastern boundary is a mix of hedging, post and rail and wattle fencing. There is a gated access in the south-western corner of the curtilage. The original garden/curtilage was a grassed bank which has a change in levels of 4-5m. It was informally set out with bench seating.

## **3. Proposal**

- 3.1 The works undertaken, have introduced two paved terrace areas, with retaining walls and paved steps up from the lower level at the rear of the public house. The rear service access has been altered to set back the gate and pave a driveway and hard standing down into the garden. A mobile kitchen facility has been parked on the hardstanding but that is not a part of this application.
- 3.2 The application submission states:

*"The hard and soft landscaping works to the rear garden area were undertaken in May and June of this year (2021). As it was seen principally as a landscaping project we did not appreciate that the rule governing the area of hard landscaping relating to a listed building required formal planning approval.*

*The rear garden area is a steeply banked area which follows the gradient of Monastrey Hill to the southern edge of the garden. The gradient across the garden varies from 8.130 AOD to 12.920 AOD a rise over the rear garden of nearly 5 metres. The garden was previously laid to grass with some limited planting. All the existing trees and boundary hedges have been maintained throughout*

*This garden has been used by customers of The Ship for a considerable period of time and provides extensive seating for patrons particularly in the summer months when the public house is very busy and the weather permits.*

*At certain times of the year the garden was extremely muddy and difficult for customers to access. Due to the gradient across the site it was also uncomfortable for customers carrying trays and such like and had the potential risk of customers tripping and falling.*

*The requirement was to create a garden for The Ship, which was both a practical means of using the garden space, but also one where the space was improved with additional planting to create an attractive feature for The Ship Hotel and bar.*

*Generally two natural plateau areas existed which allowed for the terraced areas to be formed as two separate flat areas with minimal disturbance to the natural conditions of the hill side.*

*These two terraces were formed and laid in natural stone paving with a random pattern.*

*The upper terrace has loose gravel infills. Linking these two levels is a single stairs constructed in the sandstone and supported with timber sleepers.*

*All the existing trees to the site were maintained and the hard landscaping areas were specifically designed around the planting and tree locations. The central tree strip was planted and enhanced with new plant species suitable for sea exposure. The remaining areas were kept as grass. The 'old boat' was maintained in position.*

*The existing vehicle access was lengthened and the gradients adjusted to allow for an easier access. The surface finish is to be bonded gravel, albeit the final top surface is still on order and awaiting the subcontractors delivery."*

3.3 The scheme includes low level lighting.

#### **4. Third Party Representations**

4.1 The application was subject to an initial consultation period and a re-consultation following receipt of more detailed plans/information.

4.2 Thirteen representations were received in objection to the original consultation which object for the following reasons:

- Design
- Dominating/Overbearing
- Drainage
- Flat saturation area
- Harm to Listed building
- Inappropriate in Conservation Area
- Landscape impact
- Light Pollution

- Noise
- Over Development
- Parking
- Scale
- Smells/Air quality: Pollution from diesel vehicles, propane gas burning in the food wagon and noxious cooking smells.
- Sustainability
- Traffic or Highways
- Wildlife

4.3 Four representations in objection to the proposed development were received in response to the re-consultation:

- None of the concerns raised in my previous comments have been addressed.
- They propose to open the garden for business until 10pm which means continuing noise until 11pm way after a civilised bedtime. As a next door neighbour my evenings were ruined last season by the proximity of drinks and food wagons with noise of barrels being changed, loud voices and noises and smells from the food wagon.
- The lights were unnecessarily bright and left on all night. This has resulted in a complete fall off of nocturnal animal and bird activity, particularly owls and bats.
- Design
- Dominating/Overbearing
- Drainage
- Flat saturation area
- Harm to Listed building
- Inappropriate in Conservation Area
- Landscape impact
- Light Pollution
- Noise
- Over Development
- Parking
- Scale
- Smells/Air quality: Pollution from diesel vehicles, propane gas burning in the food wagon and noxious cooking smells.
- Sustainability
- Traffic or Highways
- Wildlife

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Dunwich Parish Council	17 August 2021	7 September 2021
Summary of comments: This Parish Meeting rejects the retrospective planning applications for the garden of The Ship Inn and calls for the full restoration of the garden to its pre-existing condition, the removal of the field kitchen and outdoor bar, all new lighting and additional seating; the garden to be treated as such and not as a commercial extension to the pub/hotel kitchen. The full details of the objection are available on the ES website via Public Access.		

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	2 September 2021	7 September 2021
Summary of comments: This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a Highway Authority does not wish to restrict the grant of permission.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	17 August 2021	8 September 2021
Summary of comments: no objections on the grounds that the new landscape works will not have any impact on either the landscape character of the Conservation Area, or the wider AONB landscape, being contained within the curtilage of the pub.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	17 August 2021	31 August 2021
Summary of comments: no objections.		

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	31 August 2021	No response
Summary of comments:		

### Re-consultation Comments

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	18 January 2022	21 February 2022
<p>Summary of comments:</p> <p>As the hard surfacing facilitates the business, which in turn enhances its viability and that of the designated heritage asset, the harm arising to the setting may be deemed justifiable. Therefore, I have no objections to this application to retain works existing.</p>		

Consultee	Date consulted	Date reply received
Dunwich Parish Council	18 January 2022	31 January 2022
<p>Summary of comments:</p> <p>Dunwich Parish Meeting was unable to support the amended application and would rather refer to the original strong and comprehensive comments. All these radical works were done without planning permission or any consultation with the Parish or Dunwich residents despite the location and importance of The Ship as a focal point for village life and its grade 2 listing. The imposed changes are not considered in keeping with the local environment despite that being a stated aim of the Chestnut Group.</p> <p>Precedents have been set such as cooking in the garden and lighting. No firm commitments have been made to limit lighting and activity in the gardens to set hours to avoid neighbour disturbance and disturbance to the nocturnal ecology.</p>		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	18 January 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
SCC Highways Department	18 January 2022	No response
Summary of comments:		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	18 January 2022	4 February 2022
Summary of comments: No objections on the basis that the works remain within the context of the pub garden and have no meaningful impact on the wider AONB landscape.		

East Suffolk Council Environmental Protection Team		11 April 2023
Summary of comments: <i>"The application is retrospective and relates to work undertaken to improve the pub garden, this work has been undertaken and it's subsequent use continues to be that which was occurring prior to this as a pub beer garden. I have discussed the field kitchen with the planning officer who has informed me that this activity does not form part of the application and does not require planning permission and therefore I am unable to comment on its presence or it's use at the site. As the work and application essentially relate to the continued use of the outside space of the pub, have been carried out and have been in use in this form since 2021, there is little I am able to comment on and therefore I have no objection to the application. The applicant should however be aware that the space should continue to be managed with the prevention of nuisance in mind and my response does not prejudice any future complaints should they be received and substantiated, at which point the applicant's cooperation in resolving that complaint would be required."</i>		

## 6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	26 August 2021	17 September 2021	East Anglian Daily Times

## 7. Site notices

General Site Notice	Reason for site notice: Conservation Area; Listed Building Date posted: 18 August 2021 Expiry date: 9 September 2021
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## 8. Planning policy

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.3 - Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Dunwich - Conservation area appraisal (East Suffolk Council - Suffolk Coastal District Local Plan - Supplementary Planning Document)

National Planning Policy Framework 2021 (NPPF)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.5 - Economic Development in Rural Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.1 - Tourism (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP6.3 - Tourism Development within the AONB and Heritage Coast (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.3 - Environmental Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

## **9. Planning Considerations**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case is the Suffolk Coastal

Local Plan 2020 which was adopted on 23 September 2020. The application must be determined in accordance with the planning policies listed in section eight of this report.

- 9.2 Given the site location within the Conservation Area, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant which states that it is the duty of the Council that with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 requires development proposals preserve the special interest of listed buildings, including any contribution made by their setting.

#### Impact on Conservation Area and setting of Listed Building

- 9.3 This application is for the retention of works which have taken place on the site to the rear of The Ship Inn which include landscaping of the garden to provide two terraces for outside public house use, previously an informal area of picnic tables within the garden.
- 9.4 The application was supported with a Heritage Statement which includes a brief history of the development of the site, a description of the significance of those heritage assets affected and an impact assessment of the works undertaken, which satisfies the requirements of Paragraph 194 of the NPPF.
- 9.5 The Heritage Statement notes that there has been a long and historic association between the public house and the land immediately to the south, since at least 1838. This land has been in use as a pub garden from around 1970, a use considered to be entirely appropriate for a public house catering for families and outdoor eating.
- 9.6 Prior to the recent works, it was an open grassed area laid out with an informal arrangement of tables and seating. The works which have been undertaken have created a more formal layout within the garden, with seating being provided on areas of hard paving along with planting to soften the visual impact. The existing trees have been retained together with the existing planting along the boundary with the road to the south of the site.
- 9.7 The Conservation Area Character Appraisal notes that the village enjoys a public house and a local economy that benefits from substantial visitor numbers and goes on to say that The Ship Inn is an attractive building, the use of which makes an important contribution to the life of the village and is a draw for surrounding visitors to Dunwich and therefore The Ship Inn makes a very important contribution to the Conservation Area.
- 9.8 Although the works which have been carried out have changed the appearance of the area with more formal seating arrangements and the introduction of areas of hard landscaping, it still retains its open character. The retention of the existing trees and boundary planting together with the additional planting which has been undertaken will ensure that there is a soft, green character to the area which will improve with time. It is considered that the works have not resulted in an adverse impact on the setting of the listed building, or its significance and its special interest is therefore preserved. In terms of the impact on the character and appearance of the Conservation Area, there is a very minor degree of harm arising from the works undertaken, although this will reduce as planting matures. This harm is less than substantial requiring the application to be determined in accordance with

Paragraph 202 of the NPPF, whereby the harm identified must be weighed against the public benefits of the development.

- 9.9 There are heritage benefits through the works undertaken helping to ensure the long term use and economic viability of The Ship Inn as an important designated heritage asset and its contribution to the vitality of the Conservation Area. There are also safety benefits for users of the space given the original garden/curtilage was a grassed bank which has a change in levels of 4-5m. The less than substantial harm is considered in this instance to be outweighed by the public benefit. Accordingly, the proposal accords with historic environment objectives of the NPPF and Local Plan policies SCLP11.3, 11.4 and 11.5.
- 9.10 It is clearly unfortunate that the work was carried out in advance of the receipt of planning permission and without prior archaeological investigation, but the impact upon any archaeological features cannot be reversed and therefore this does not justify the refusal of planning permission.

#### Parking

- 9.11 The existing car park at the front of the building is unaffected and there is parking on both The Street and in the public car park by the beach. Whilst the terracing of the garden has improved its safety and arguably its capacity to accommodate customers, it is not considered that parking is a reason to refuse planning permission in this instance. Concerns have been raised by the Parish Council about refrigerator trailers in the car park, but they are not a part of this application.

#### Lighting

- 9.12 10 No. low bollard lights are positioned in the planting areas at the rear of the site. The external lighting will be limited to a 9.00pm in the winter months when the garden is open.
- 9.13 The operating times for the garden assume good weather and are: March to October noon until 10.00pm generally, although weather permitting it may open outside of these times. The garden is not necessarily closed during the winter months, but that customers tend not to sit outside in any numbers during the winter.
- 9.14 External lighting is in operation and controlled by a light sensor during the evenings for the summer months.
- 9.15 Given the lighting is low level and required for safety, it is considered reasonable in its impact upon the area and wider AONB.

#### Mobile kitchen

- 9.16 The alterations to the rear access and extent of hard paving enabled the parking of a mobile food trailer within the area to the rear of the premises adjacent to the western boundary. This has been in place over recent years. Technically the siting of a food trailer within the grounds of a pub may not require planning permission but in this case the physical landscaping works which are being regularised by this application have specifically enabled its siting. For that reason and the impacts which may come from that enabled siting there is

control over the approval of that hardstanding and how use of the hardstanding may need to be controlled.

- 9.17 The Agent confirmed that the mobile food trailer was intended to be moved to various alternative locations during the winter, spring and autumn periods and for it to be sited at The Ship only during the busy summer months; however due to the global pandemic it had not been possible to secure other events to use the mobile food trailer and bar, but that once the economy is fully open the mobile unit will be used in other locations.
- 9.18 Whilst the siting of the mobile food trailer on the land does not amount to a material change of use requiring planning permission in its own right, it is clear that the hard landscape works undertaken facilitate the siting of the trailer in the part of the site, adjacent the western boundary. There is potential for use of the mobile food kitchen/trailer to cause harm to the living conditions of adjacent residential properties, through odour, noise and general activity. Because the hard landscape works subject of this application facilitate the trailer/kitchen siting, it is therefore necessary to add a planning condition controlling the number of days that the trailer/kitchen sited on the land may be used for the cooking of hot food and service to customers in the pub garden. A further condition is also required to secure an odour and noise management plan, to be submitted within three months of the date of any planning permission granted and once approved, fully adhered to.

## **10. Conclusion**

- 10.1 The works undertaken, have introduced two paved terrace areas, with retaining walls and paved steps up from the lower level at the rear of the public house. The rear service access has been altered to set back the gate and pave a driveway and hard standing down into the garden.
- 10.2 The works are beneficial to the operation and use of the premises, being safer for customers and staff. The work is not particularly visible from public views (Monastery Hill) and is considered to have only limited impact upon the setting of the listed building and character of the Conservation Area. There will be public benefit from the safety improvements and improvements to the viability of the use, which has cultural and heritage importance to residents and visitors. The less than substantial harm, in heritage terms, is considered in this instance to be outweighed by the public benefit.
- 10.3 Whilst it is clearly unfortunate that the work was carried out in advance of the receipt of planning permission and without prior archaeological investigation, this does not justify the refusal of planning permission. With conditions controlling the use of the mobile food kitchen, the amenity impact of the development is acceptable.
- 10.4 The development is therefore judged to accord with the Development Plan, and permission can be granted.

## **11. Recommendation**

- 11.1 Approve.

## 12. Conditions:

1. The development hereby permitted shall accord with the following approved plans/reports: Drg Nos TS/01 Rev A received 18.01.2022; TS/02 and Site Plan received 03.08.2021.  
Reason: For the avoidance of doubt as to what has been considered and approved.
2. Within three months of the date of this consent, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reasons: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

3. The approved scheme of landscape works shall be implemented not later than the first planting season following approval of details consented under condition 2 (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying, or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter and shall be retained and maintained.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity

4. External lighting shall not be operated after 21.00 October to April (inclusive) and shall not be operated after sundown May through to September (inclusive).  
Reason: In the interests of amenity and to protect the environment and dark skies of this part of the AONB.

5. The hardstanding area where the mobile kitchen/food trailer, named as 'The Field Kitchen' is currently sited shall not be used for siting of any vehicle or trailer for the preparation of food and drink, and service to customers, for more than a total of 28 days in any calendar year and this may only commence following the discharge of and compliance with condition 6. At all other times the mobile kitchen/trailer may only be sited/parked on the land, and not in active use.

Reason: the hardstanding area where the trailer is sited is immediately adjacent residential properties and therefore unrestricted, year-round use of the kitchen facilities in the trailer has the potential to cause amenity impact. This condition is necessary as the work subject of this application facilitates the siting of the trailer. In all other respects the condition meets the tests of paragraphs 55 and 56 of the NPPF.

6. Within 3 months of the date of this planning permission or prior to first use of the hardstanding for any catering vehicle/trailer, a noise and odour control/management plan is to be submitted to the Local Planning Authority for approval in writing. Any mitigation measures required are to be implemented prior to first use and thereafter the control/management plan is to be adhered to whenever the mobile food kitchen/trailer is being used for the preparation and service of food and drink.

Reason: the application does not include detail on the noise and odour impact of the use of the mobile food kitchen/trailer, and it is necessary to secure this information in the interest of neighbour amenity.

### **13. Background Papers**

See application reference DC/21/3687/FUL on [Public Access](#)

# Map



## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support