



**Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ**

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Norman Brooks
Councillor Tony Cooper
Councillor Linda Coulam
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Sarah Plummer
Councillor Craig Rivett

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside, Lowestoft
on **Tuesday, 13 September 2022 at 2.00 pm**

This meeting will be broadcast to the public via the East Suffolk YouTube
Channel at <https://youtu.be/rjom7vxkK2Y>

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To approve as a correct record the Minutes of the Meeting held on 9 August 2022. | 1 - 3 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1277
Report of the Head of Planning and Coastal Management | 4 - 21 |
| 6 | DC/22/1891/FUL - G Engineering Ltd, Malt Office Lane, Rumburgh, IP19 0JD ES/1278
Report of the Head of Planning and Coastal Management | 22 - 34 |
| 7 | DC/22/0479/FUL - 23 Ferry Road, Southwold, IP18 6HQ ES/1279
Report of the Head of Planning and Coastal Management | 35 - 45 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North** held in the Conference Room, Riverside, on **Tuesday, 9 August 2022 at 3.30 pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Norman Brooks, Councillor Tony Cooper, Councillor Linda Coulam, Councillor Andree Gee, Councillor Malcolm Pitchers, Councillor Sarah Plummer

Officers present: Ben Bix (Democratic Services Officer), Joe Blackmore (Principal Planner), Matthew Gee (Planner), Mia Glass (Assistant Enforcement Officer), Nicola Wotton (Deputy Democratic Services Manager)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Ceresa and Rivett.

2 Declarations of Interest

There were no declarations of interest.

3 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

4 Minutes

On the proposition of Councillor Cooper, seconded by Councillor Pitchers it was

RESOLVED

That the minutes of the meeting held on 12 July 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1247** of the Head of Planning and Coastal Management, which was a summary of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 21 July 2022. At that time there were 15 such cases.

With regard to Pine Lodge Caravan Park, the Assistant Enforcement Officer clarified that an article had been published recently, as a likely consequence of the routine change in date on the report, and advised that the case was still with the Council's legal department.

In response to a query from Councillor Brooks regarding a site off the A146, the Assistant Enforcement Officer undertook to brief Councillor Brooks and the Chairman after the meeting. There being no further questions, on the proposition of Councillor Cooper, seconded by Councillor Gee, it was

RESOLVED

That the outstanding enforcement matters up to 21 July 2022 be noted.

6 DC/22/1885/FUL - 322 London Road South, Lowestoft NR33 0BG

The Committee considered report **ES/1248** which related to planning application DC/22/1885/FUL. The application sought planning permission for a change of use from a guest house (C1) with residential use, into a solely residential dwelling (use C3). The application had been referred directly to the Committee as the applicant was a close relative of an East Suffolk District Councillor.

The Committee received a presentation from the Planner, who was the case officer for the application. The site location was outlined, an aerial photograph was displayed, along with photographs of the site. The existing and proposed floor plans were shown. No physical, external works were proposed, and the application related only to the internal use of the building. The material planning considerations and key issues were summarised as: principle of the loss of tourist accommodation, design, amenity and highways.

In response to Members questions, Officers clarified that there would remain a substantial tourist accommodation offering in the town. As there was no on-site parking, there would be a negligible local parking benefit from the change in use insofar as the on-street parking would no longer be used by bed and breakfast customers.

Councillor Brooks asked whether the site, once converted to residential, could be converted back to bed and breakfast use in the future. Officers confirmed that the area would continue to be suitable for bed and breakfast accommodation subject to planning considerations if an application were to be made.

The Chairman invited the Committee to debate the application. There being no debate, Councillor Pitchers moved that the application be approved, Councillor Coulam seconded and it was unanimously

RESOLVED

That planning permission be **GRANTED** subject to conditions.

Conditions

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with:

- Site Location Plan, received 06/05/2022
- Existing and proposed floor plans, received 06/05/2022

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

The meeting concluded at 3:43 PM

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Chairman

PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

13 September 2022

Report Author and Tel No

Mia Glass
01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 25 August 2022. At present there are 15 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

RECOMMENDATION

That the outstanding enforcement matters up to 25 August 2022 be noted.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice being sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non- 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 • Site visited. Case currently with the Council's Legal Team for assessment. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Charging orders have been placed on the land to recover costs. 	
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> Authorisation granted to serve Enforcement Notice. 13/09/2013 -Enforcement Notice served. 11/03/2014 – Appeal determined – EN upheld Compliance period extended to 4 months 11/07/2014 – Final compliance date 05/09/2014 – Planning application for change of use received 21/07/2015 – Application to be reported to Planning Committee for determination 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. 	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 – Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. • 13/04/2021 – Letter sent to owner to establish current situation • Given until the end of June to either comply or supply the Council with any other information • Case being reviewed. • 22/05/2021 – contact received from site owner. Case reviewed • Due to the receipt of confidential information formal action has been placed on hold. • 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> 16/11/2017 – Authorisation given to serve EN. 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period Appeal submitted. Awaiting Start date Appeal started, final comments due by 08/02/2019. 	31/10/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Waiting for decision from Planning Inspectorate. • 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. • 13/11/2019 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 • Site visit to be undertaken after 11/12/20 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. Further visit to be done on 25/03/2021. Site visit completed, Notices not complied with, file passed to Legal services for further action. Application for an Injunction has been made to the High Court. Hearing scheduled for the 06/10/2022 	
ENF/2015/0279/DEV	05/09/2018	North	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took 	31/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>over the case, she communicated and met with the owner on several occasions.</p> <ul style="list-style-type: none"> • Notice served by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. • Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. • 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs • 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0543/DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 • Awaiting date of hearing from Planning Inspectorate. • Hearing date set for 02/02/2021. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision • Appeal dismissed and partial costs to the Council 	30/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Compliance with Notice by 18/08/2021 • Extension of time granted for compliance until 31/10/21. • Further extension granted until 15/11/2021. • Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered. • Certificate of Lawful Use (Proposed) application submitted. • Certificate of Lawful Use (proposed) refused. • Appeal submitted in relation to LDC refusal. Statements by 08/07/2022 	
ENF/2019/0307/CON D	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> • 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail 	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>sales from the site and to submit a scheme of landscaping within 3 months.</p> <ul style="list-style-type: none"> • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022. • Awaiting Planning Inspectorate Decision 	
ENF/21/0441/SEC215	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> • S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022- compliance due by 11/06/2022 • Site visit undertaken on 17th June 2022 to check compliance. Site remains untidy. Internal discussion to be held regarding further action. • File passed to Legal Department for further action. 	11/08/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and	<ul style="list-style-type: none"> • 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				caravans and residential use /erection of structures and laying of hardstanding)	<ul style="list-style-type: none"> • Site visit to check for compliance with Notices due on 25/08/2022. 	
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> • 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal started. Statements due by 07/06/2022 • Awaiting Planning Inspectorate Decision 	18/08/2022
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> • 07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. • Appeal submitted. Awaiting start date. • Appeal started. Statements by 30/06/2022 • Awaiting Planning Inspectorate Decision 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/21/0408/COND	12/05/2022	South	Land at Dairy Farm Cottage, Sutton Hoo	Breach of conditions attached to DC/21/0008/FUL relating to removal of summerhouse and steps	<ul style="list-style-type: none"> 12/05/2022 – Breach of Condition Notice served. Three months for compliance Site visited 25/08/2022, summerhouse has now been removed. Case will be closed. 	12/08/2022
ENF/21/0027/USE	16/06/2022	North	18 The Esplanade, Lowestoft	Mobile homes for residential use	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance 	18/11/2022
ENF/21/0359/CONL	16/06/2022	North	40 Victoria Street, Southwold	Insertion of a rooflight on principal elevation	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 25/07/2022. 3 months for compliance 	25/10/2022
ENF/21/0411/COND	16/06/2022	North	Paddock 2, The Street, Lound	Change of use of land for residential use and stationing of mobile home	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance 	18/11/2022

Committee Report

Planning Committee North – 13 September 2022

Application no DC/22/1891/FUL

Location

G Engineering Ltd
Malt Office Lane
Rumburgh
Halesworth
Suffolk

Expiry date 12 July 2022
Application type Full Application
Applicant G Engineering Ltd

Parish South Elmham All Saints and St Nicholas
Proposal Construction of rural workers dwelling
Case Officer Iain Robertson
07827 956946
iain.robertson@eastsoffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the construction of a two-storey detached residential dwelling, occupied in association with G Engineering Ltd who have relocated to the site following the grant of planning permission (Ref: DC/18/5021/FUL) for the construction of a replacement workshop building.
- 1.2. The applicant, G Engineering Ltd., is a family run business, providing maintenance and breakdown services for agricultural machinery in Norfolk, Suffolk, Essex, and some parts of Cambridgeshire.
- 1.3. Officers are of the view that an essential need for a rural workers dwelling has not been demonstrated and therefore recommend refusal of the application, contrary to the view of the Parish Council and Ward Members who are in Support of the application.

- 1.4. The application was referred to Planning Committee by the Referral Panel in order for further discussions to take place in relation to the key policy consideration, WLP8.8 – “Rural Workers Dwellings in the Countryside”.

2. Site Description

- 2.1. The site is situated outside of the settlement boundary of Rumburgh approximately 200m from the settlement edge, separated by an agricultural field.
- 2.2. The site is on an area of land in front of the newly built industrial building which replaced dilapidated buildings of similar scale.
- 2.3. Malt Office Lane terminates at Blooms Hall Farm to vehicular traffic; however, there are a number of public footpaths in the vicinity of the site accessed off Malt Office Lane.

3. Proposal

- 3.1. The application seeks permission for the erection of a new 4-bedroom, two storey dwelling on the frontage of the G Engineering site for the applicant and his family, as well as workers and business associates, as and when required.
- 3.2. The need for a residential property is proposed on the basis of security of machinery on the site and the need to be close to the site to attend to call outs, which can occur 24/7.

4. Consultees

Third Party Representations

- 4.1. Five representations have been provided in support of the application from clients of the applicant who have stated the importance of his business to their agricultural businesses.

Parish/Town Council

Consultee	Date consulted	Date reply received
South Elmham All Saints and St Nicholas Parish Council	30 May 2022	2 June 2022
“SUPPORT At TSPC meeting on Wednesday 1st June 2022: Councillors agreed unanimously to SUPPORT this application with the following comment: 'As a rural community it is important, that we support and encourage local businesses and employers.”		
Consultee	Date consulted	Date reply received
Rumburgh Parish Council	24 May 2022	No response
Summary of comments: No comment received		

Ward Members:

Consultee	Date consulted	Date reply received
Ward Councillor – Cllr Ritchie	N/A	19 July 2022
<p>“I wish to comment. I am out of time, but I understand that this application will not come to the referral panel until next week. I have read the details on the planning portal. I have spoken to the applicant and to the agent.</p> <p>I am David Ritchie, one of the two district councillors for the Bungay and Wainford Ward.</p> <p>I write in support of the application.</p> <p>This application is for a cottage adjacent to an engineering business. It appears to hinge on whether it qualifies for the rural workers exemption. I contend that it does for the following reasons.</p> <p>This is an engineering business that provides a service to local farmers. It is ideally located to provide this service. It provides a call-out service. The harvest is going on at present. Callouts are likely anytime, night or day. (At present the owner lives in the only nearby property but is under notice to quit).</p> <p>Living nearby is an important security consideration. It is in an isolated location and the workshop contains millions of pounds worth of equipment.</p> <p>Sustainability. The business may not survive in its present location if the application is refused. It is an ideally placed rural business with five employees.</p> <p>Finally, even if it is considered that this application does not qualify for the rural workers exemption, I would like it to be considered as an exception to policy. Common sense suggests to me that it is the right house in the right place for the right reasons. We have already allowed other rural workers exemptions where livestock are not involved. I do not think that this application would provide any further precedent.”</p>		

Consultee	Date consulted	Date reply received
Ward Councillor – Cllr Cloke	N/A	25 July 2022
“Support – In agreement with the comments made by Cllr Ritchie.”		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	24 May 2022	24 May 2022
<p>Summary of comments:</p> <p>No objection subject to conditions</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Rights of Way	24 May 2022	27 May 2022
Summary of comments: Standard comments provided.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	24 May 2022	27 May 2022
Summary of comments: Contaminated Land conditions required		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	24 May 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	24 May 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	24 May 2022	No response
Summary of comments: No comment received		

5. Site notices

General Site Notice

Reason for site notice:

New Dwelling

Date posted: 10 June 2022

Expiry date: 1 July 2022

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.

6.3. The East Suffolk Council (Waveney) Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 - Scale and Location of Growth
- WLP1.2 - Settlement Boundaries
- WLP7.1 - Rural Settlement Hierarchy and Housing Growth
- WLP8.8 - Rural Workers Dwellings in the Countryside
- WLP8.21 - Sustainable Transport
- WLP8.29 - Design
- WLP8.35 - Landscape Character

7. Planning Considerations

Principle:

- 7.1. Policy WLP1.2 defines settlement boundaries and restricts the development of new residential, employment and retail uses outside of settlement boundaries. Rumburgh is classified as a smaller village within Policy WLP.71 - "Rural Settlement Hierarchy and Housing Growth". The development requirements elsewhere in other rural settlements in the Countryside will come forward through Neighbourhood Plans and windfall sites in accordance with Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 of this Local Plan
- 7.2. Of these exceptions highlighted, policy WLP8.8 - "Rural Workers Dwellings in the countryside" is of relevance to this proposal.
- 7.3. This policy sets out that proposals for permanent dwellings in the Countryside for rural workers where they are to support an existing and viable rural business will only be permitted where:
- There is a clearly established functional need and this could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so;
 - The need relates to a full-time worker, or one who is primarily employed in the rural sector, and does not relate to a part time requirement;
 - The unit and the rural activity concerned has been established for at least three years, has been profitable for at least one of them and is financially sound and has a clear prospect of remaining so; and
 - The proposed dwelling is sensitively designed, landscaped and located to fit in with its surroundings and of a scale that reflects its functional role to support the agricultural activity.
 - Where a rural dwelling is permitted, the occupancy will be restricted by condition to ensure that it is occupied by a person, or persons, currently or last employed in local rural employment.
- 7.4. Paragraph 80 (a) of the NPPF describes that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking most control of a farm business, to live permanently at or near the place of work in the countryside.

- 7.5. Although the applicant refers to his business as Agriculture; the definition of agriculture for planning purposes is contained within Section 336 of the 1990 Act which includes *"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land) the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes."*
- 7.6. Given national support for rural enterprise and farm diversification, even if it cannot be shown that a business is agricultural in the strict legal sense, planning policy allows leeway for dwellings connected with other land-based enterprises which have a locational need to be within a rural area, subject to a thorough evaluation of essential need.
- 7.7. Further guidance on assessing essential need is provided within the Planning Practice Guidance Paragraph: 010 Reference ID: 67-010-20190722, which states the following:
- "How can the need for isolated homes in the countryside for essential rural workers be assessed?*
- Considerations that it may be relevant to take into account when applying paragraph 80 (a) of the NPPF could include:*
- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
 - the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
 - whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
 - whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
 - in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period".*
- 7.8. Paragraph 010 of the PPG highlighted above includes the prevention of crime as a reason why a 24-hour presence *may* be necessary on a land-based rural enterprise. However, it only states that this is a consideration that may be relevant.
- 7.9. Development Control Practice (DCP) is a resource used by the Planning Industry to compare similar cases against appeal decisions. This highlights that past cases have demonstrated that security has not been deemed sufficient justification, on its own, for a dwelling and, in any case, security is in the context of animal welfare and theft. Security needs may increase

in weight where the farm is near a built-up area, or the animals kept are particularly valuable. Heightened security problems may also be argued where an establishment might be liable to attack by animal rights activists.

- 7.10. DCP also considers Quasi-agricultural activity such as this and has a section which considers Agricultural servicing/engineering operations and references appeal cases.
- 7.11. It is highlighted that an activity based on servicing agriculture or forestry is unlikely to justify a dwelling as there is no linkage to particular land. For example, retention of a mobile home justified by an egg grading machine service use was rejected. While an inspector conceded that the use provided a valuable service to the poultry industry, he felt that there was too tenuous a relationship with agriculture to warrant a dwelling, see Chichester 13/11/1996 DCS No 036-643-580.
- 7.12. Although providing around the clock engineering service to those engaged in farming may be useful, an inspector upheld enforcement action by a council and refused permission for a permanent dwelling at an agricultural machinery services business offering a 24hour call out service from buildings in the open countryside. The inspector accepted that the business providing a repair and fitting service, including fabrication work, for agricultural and forestry machines which necessitated a rural location, but held it was not essential for a worker to be permanently resident on site. Evidence of the frequency and location of callouts did not alter the inspector's conclusion that the appellant's case for a permanent residential presence was based more on convenience than functional necessity, and he dismissed the appeal for retention of a dwelling. (See Pembrokeshire 25/01/2017 DCS No 200-006-051).
- 7.13. The most recent appeal decision in East Suffolk for a rural workers dwelling (Appeal Ref: APP/X3540/W/21/3267880 Land and barn known as Buttons Meadow, Charsfield, IP13 7QE) was dismissed against a consideration for an equestrian worker's dwelling to provide care and security to horses essential to an equestrian business. In that case, heard thoroughly by way of an informal hearing with the Inspector the decision states:

"36. The appellant's agent has referred to the need to take a leap of faith in considering whether to grant a temporary permission, as if the business is not successful after three years, then the appellant would not be able to justify a permanent dwelling. However, it is not a leap of faith but a planning judgement that must be made as to whether the proposal before me accords with planning policy and taking a view based on the evidence presented.

37. Whilst a temporary permission can be appropriate for new enterprises, this is so that confidence can be gained as to whether a viable business can be built, before allowing for a permanent dwelling. This does not remove the need to demonstrate a functional need for someone to live on the site in connection with the proposed rural enterprise.

38. In conclusion there is insufficient evidence to demonstrate that there is an essential need for a rural worker to live at the appeal site for a period of three years. Therefore, in this regard the development conflicts with policies SCLP3.3, SCLP5.3 and SCLP5.6 of the LP"

Justification of essential need:

- 7.14. The pre-application report highlights that the applicant and family live nearby, however the tenancy is coming to an end. It is stated that it is essential for the applicant to live

permanently at or near their place of work (G Engineering Works) to ensure fast 24/7 on call emergency services for agricultural machinery. It is also considered to be essential to have on site surveillance.

- 7.15. Importance of out of hours service: - It is highlighted that G Engineering supports at least 315 farming clients across East Anglia and is one of very few companies offering an out-of-hours callout service. The applicant considers the speed with which he is able to reach his customers to be G Engineering's competitive edge, and the pace of growth of the business demonstrates the market demand for this excellent service.
- 7.16. The business attended 586 callouts in the last year, 110 (20%) of which were out-of-hours, with staff travelling an average distance of 56 miles per round trip, and the furthest destination some 106 miles (i.e., 212 miles in total) from the site. Callouts require the attendant to travel to G Engineering to collect any necessary parts before attending the incident, and this mileage is additional to the distance to the client.
- 7.17. It is said that if Mr Gowing, who carries out most of the callouts himself to avoid the need for staff to carry out this function, were required to live further afield this may no longer be possible.
- 7.18. Furthermore, it is said that G Engineering regularly receives visits from business partners, as far afield as Devon, who at times operate from G Engineering's workshop before returning to Devon; accommodation would be available for them within this property.
- 7.19. On site surveillance: It is highlighted that it is not uncommon for G Engineering Ltd. to house up to £10m worth of farming equipment and technology at one time. With Agri theft on the rise, it is said to be important to be nearby, on watch, to reduce risk of potential burglary.
- 7.20. Mr Gowing's current residence at Dandy Hall Cottage is less than 100m from the site, allowing him and his family to see the business premises from their home. This has proven invaluable during two recent incidents, which Mr Gowing was able to intercept these attempts in the early hours.
- 7.21. Mr Gowing has already taken as many security measures from NFU Guidance as he reasonably can, including installing automatic lighting and zoned CCTV (which notifies him of any movements on site). However, Mr Gowing is very concerned that his business will be vulnerable to theft if he is not on site or within view of his premises.
- 7.22. As highlighted by other similar such examples, it is not considered that reasons of security and the convenience of living on site to provide an out of hours service offered to the agricultural sector demonstrates an essential need for a rural worker to live at the site. This would be contrary to criterion one of Policy WLP8.8, and the NPPF.

Financial test:

- 7.23. Since PPS 7 was superseded some years ago there has been no guidance to determine the size of a dwelling which an agricultural unit can sustain, known as the financial test. Policy WLP8.8 requires that the unit and the rural activity concerned have been established for at least three years, has been profitable for at least one of them, and is financially sound and has a clear prospect of remaining so. Guidance within the NPPG highlights that

consideration should be given to whether the provision of an additional dwelling on site is essential for the continued viability of a farming business.

- 7.24. In this case the financial information provided (on a confidential basis) highlights a clear prospect of remaining profitable and has been for at least 3 years. However, there is no evidence to suggest that a dwelling on the site would be essential for the continued viability of the business.

Assessment of available property:

- 7.25. In addition to an essential need being demonstrated, the first criterion of Policy WLP8.8 also requires accommodation to be on or close to the site and could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so.
- 7.26. It is highlighted that the current property, albeit of small scale, is ideally located for the purposes of the business as it is close to the site, situated 85m to the southwest of the premises. It is said that it had been anticipated that the family would reside there for the foreseeable future. Within the planning statement, there is no explanation of why this property is to become unavailable.
- 7.27. The applicant proposes to carry out the majority of the building works himself, reducing the build cost to around £250,000, and this would be the Applicant's budget for purchasing a home.
- 7.28. It is highlighted that there are no properties offering the same accommodation within the vicinity for the same cost as the construction costs of the proposed dwelling.
- 7.29. Although there is an assessment of the current availability of properties in Rumburgh and the surrounding area, these have all been discounted, by the applicant, on the basis that they are far in excess of the budget set. Within the financial information submitted the business is shown to be very profitable and there are no details of why this figure has been set which would appear to be unrealistically low. Furthermore, there is no assessment of dwellings in the area that already hold an agricultural restriction, which would be available at a reduced purchase price.
- 7.30. It is therefore considered that it has not been demonstrated that there are no other properties within the vicinity that are available, contrary to the requirements of criterion one of Policy WLP8.8.

Design/landscape:

- 7.31. Criterion four of Policy WLP8.8 highlights that the proposed dwelling is sensitively designed, landscaped, and located to fit in with its surroundings and of a scale that reflects its functional role to support the agricultural activity.
- 7.32. Policy WLP8.29 also requires high quality design.
- 7.33. It is not considered that the property has been designed in a way that responds to its local context. The site is removed from the settlement boundary of Rumburgh in an area which is

characterised by modern agricultural buildings. Instead, a residential property will be seen within this flat landscape with no opportunity for planting of any significance around it due to the limited size of the plot.

7.34. Furthermore, this area was shown within the previous approval as a landscaped area to help assimilate the workshop building into the surrounding landscape, the details of which were agreed within the discharge of condition application Ref DC/21/3780/DRC as shown on drawing no. DRS-MAL-L-001 Rev B. Given that officers are of the view that a functional need is not demonstrated, the provision of a building and associated residential curtilage in this location would be an unnecessary visual intrusion in the countryside without justification and running contrary to the Development Plan.

7.35. The proposal is contrary to the aims of Policy WLP8.8, WLP8.29 and WLP8.35.

RAMS:

7.36. The site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Benacre to Easton Bavents SPA and Minsmere-Walberswick SPA/SAC/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. A contribution has been received in relation to this site.

7.37. The proposal would therefore accord with Policy WLP8.34.

Other Matters

7.38. The proposal is acceptable in highways safety terms, and there have been no objections from the County Highways Authority.

7.39. The proposal would provide acceptable living conditions for future occupiers, and would cause no harm to living conditions/amenity for local residents.

8. Conclusion

8.1. The property is outside of the settlement boundary of Rumburgh. The proposal for a dwelling does not meet any of the exceptions that allow for development outside of settlement boundaries as highlighted in Policy WLP7.1.

8.2. The application seeks to demonstrate an essential need for a rural worker to live on the site in accordance with Policy WLP8.8. In this case as the business is a Quasi-agricultural activity carrying out servicing of agricultural machinery, the justification in terms of security of machinery and convenience of being on site to respond to call outs across the region is not considered to demonstrate an 'essential need'. This conclusion is supported by multiple appeal decisions highlighted within the planning considerations of this report. A rigorous application of the essential/functional need test is fundamental to the planning consideration of rural worker's dwellings. It is a well-established planning principle, reflected in the Local Plan, that proposals for new rural worker's dwellings must meet an essential/functional need.

- 8.3. There will of course be instances where it would clearly be of some convenience for an applicant to live on site, and there will be many rural businesses across the District where that may well be desirable for the owners/operators. Officers can appreciate that, but the planning consideration is not about convenience or applicant preference; rather, it is about demonstrating a clear, evidenced, essential need as required by WLP8.8, the NPPF and as guided by national planning practice guidance.
- 8.4. As an essential need has not been demonstrated, the construction of a residential property of the scale and location shown would cause harm to the rural character of the area without sufficient justification. The proposal would not be sympathetic to this rural location outside of the built-up area of Rumburgh.
- 8.5. For the reasons given, the proposal is contrary to the Development Plan, and there are not material considerations that would indicate for a decision other than refusal.

9. Recommendation

- 9.1. Refuse.

The reason for the decision to refuse permission is:

1. The application site is located outside of the settlement boundary of Rumburgh, in an area defined as Countryside as shown in the Policies maps to the Local Plan.

The proposal does not meet any of the provisions within the Local Plan that seek to permit housing in the countryside contained in Policy WLP7.1 of the Local Plan. In the absence of such conformity, the principle of residential development on this site runs contrary to the Development Plan, particularly Policy WLP8.8 which deals with the provision of rural workers dwellings in the Countryside where there is a requirement for a clearly established functional need to be demonstrated of which could not be fulfilled by existing accommodation in the area.

It is not considered that reasons of security and the convenience of living on site to provide an out of hours service offered to the agricultural sector demonstrates an essential need for a rural worker to live at the site, and neither has it been demonstrated that this need could not be fulfilled by other accommodation in the area.

In this case the financial information provided (on a confidential basis) highlights a clear prospect of the business remaining profitable, as it has been for at least 3 years. However, there is no evidence to suggest that a dwelling on the site would be essential for the continued viability of the business, as required by the PPG to paragraph 80 of the NPPF.

Furthermore, this area was shown within the previous approval (DC/18/5021/FUL) as a landscaped area to help assimilate the workshop building into the surrounding landscape. As an essential need has not been demonstrated, it is considered that the construction of a residential property of the scale and design proposed would fail to protect the rural character of the area and would be an unnecessary visual intrusion in the countryside outside of the built-up area of Rumburgh, without adequate justification for such impacts.

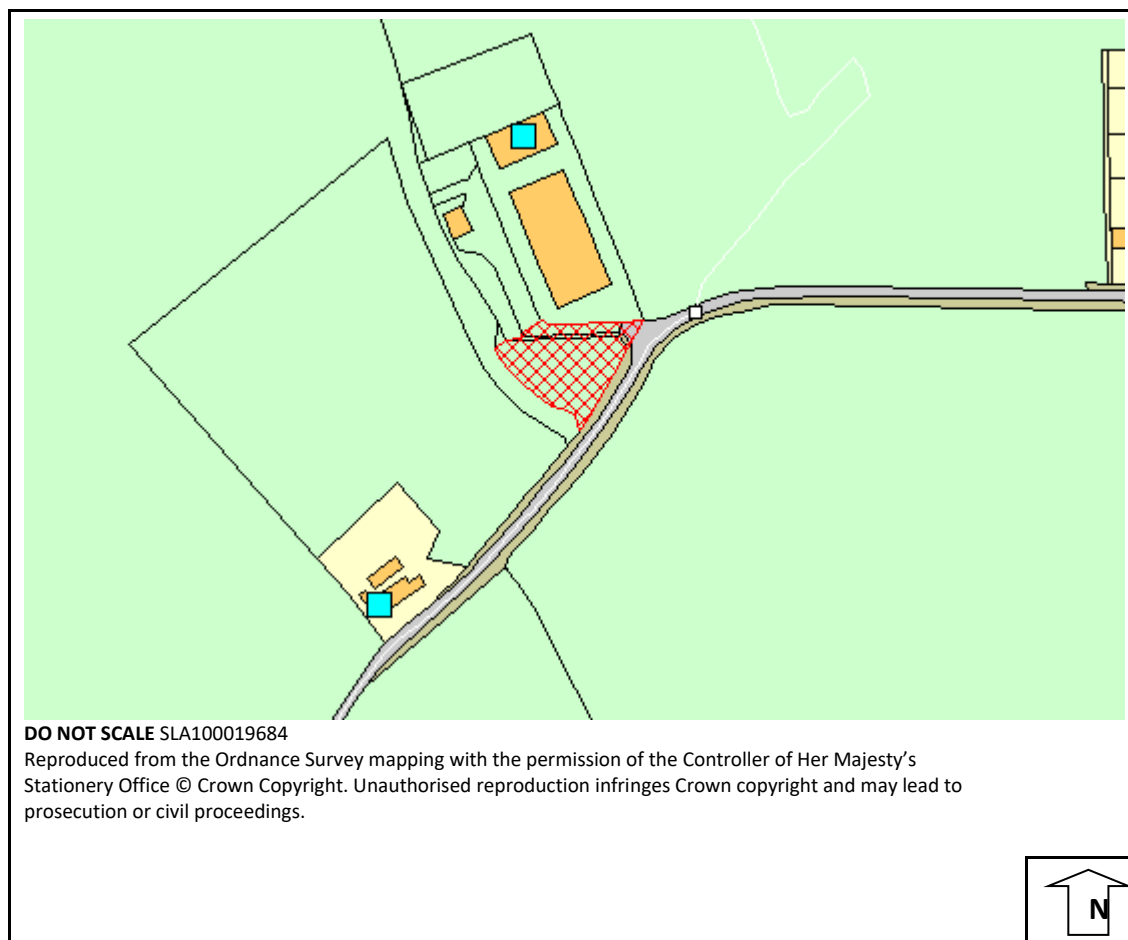
The development proposed would have limited social and economic benefits. The benefit arising from the delivery of this development would not outweigh the harm identified and is not sufficient to set aside adopted policies in this instance.

The development proposal is therefore contrary to policies WLP1.2 "Settlement Boundaries, WLP7.1 "Rural Settlement Hierarchy and Housing Growth", WLP8.8 "Rural Workers Dwellings in the Countryside", WLP8.29 "Design" and WLP8.35 "Landscape Character" of the East Suffolk Council - Waveney Local Plan (March 2019), the Planning Practice Guidance and the Environmental and Social dimensions of sustainable development outlined in the NPPF.

Background Papers

See application reference DC/22/1891/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support

Committee Report

Planning Committee North – 13 September 2022

Application no DC/22/0479/FUL

Location

23 Ferry Road
Southwold
Suffolk
IP18 6HQ

Expiry date 6 April 2022

Application type Full Application

Applicant Mr Colin Thompson

Parish Southwold

Proposal To demolish a single-storey side addition and replace this with a new single-storey side entrance, a two-storey rear extension, and internal alterations. Erect a detached beach room to the side and upgrade the boundary fence. Revised design to the approved scheme DC/21/4971/FUL.

Case Officer Jamie Behling
07919 303788
Jamie.Behling@eastsoffolk.gov.uk

1. Summary

- 1.1. The proposed development seeks planning permission to erect a single storey side and a two-storey rear extension, along with a detached 'beach room' to the side of the dwelling.
- 1.2. Officers are of the view that the proposed beach room is a comparable ancillary outbuilding to what has been previously approved. The extended parking area could be completed through permitted development and in any case would not cause significant harm to the area.
- 1.3. The application was referred to Committee by Referral Panel in order for further consideration of the application, primarily in relation to the use of the building and the design of the proposed parking area to the front of the building.

2. Site Description

- 2.1. The site is one of a linear row of properties that lie between the sand dunes on the east side of Ferry Road and the Marshes to the west. It is outside the settlement boundary but within the Conservation Area and Suffolk Coast and Heaths AONB. The dwelling is raised off the ground on concrete and brick supports, with a raised platform around the front and one side of the building. Most of the accommodation is at ground floor level with two small bedrooms at first floor. The roof is hipped, and the walls clad in timber boarding. There is a small flat roof addition to the side.
- 2.2. There is a paved parking area to the front/side of the property separated from the garden by timber fencing which also extends across the remaining site frontage.
- 2.3. The Conservation Area Appraisal states in respect of the linear row of properties on the west side of Ferry Road backing onto the marshes that:

"Few of the buildings could be said to be of a high standard of architectural design nor have great significance in the Clough Williams-Ellis Portmeirion style. Nevertheless, they are a 'character-full' group of seaside vernacular buildings which should be preserved."

- 2.4. No.23 is identified as making a positive contribution to the character of the Conservation Area, and thus considered to be a non-designated heritage asset (NDHA). The appraisal specifically states in respect of the dwelling that:

"The 1st floor sits inside the ground floor like a Russian doll. The whole recently renewed; the walls black stained shiplap boarding and the roofs are hipped, covered with felt slates and with a small axial chimney stack. The windows are plastic and there is a ground floor level veranda. The house is set in a small garden to the front behind a timber fence."

- 2.5. An application to extend the property was refused in 2001 on the grounds that the size, scale, form, and design of the extensions failed to respect the essential character of the existing building and hence would be harmful to the character and appearance of the Conservation Area and the buildings landscape setting within the AONB.
- 2.6. A revised scheme of a smaller scale was later approved under ref. DC/21/4971/FUL which also allowed for a detached single garage to the side of the dwelling and was slightly amended under ref. DC/22/0458/AME. This permission is still extant.

3. Proposal

- 3.1. The proposal seeks permission for the extensions to the dwelling as already approved within DC/21/4971/FUL. Instead of a detached garage, the proposal seeks to erect a detached 'beach room' of a similar size and scale. This will be positioned closer to the house so that vehicles can park to the side of it within an extended driveway.

4. Consultees

Third Party Representations

4.1 No third-party representations received.

Parish/Town Council

Consultee	Date consulted	Date reply received
Southwold Town Council	15 February 2022	8 March 2022
<p><i>“Recommendation: Refusal. The cumulative impact of this scheme and the previous consent undermines the objectives and policies of the Southwold NP with respect to parking, design and the natural environment.</i></p> <p><i>Ferry Road, which falls within the Harbour and Ferry Road Character Area of the SNP Character Area Appraisal (SNPCAA) is a sensitive part of the Conservation Area. It is a single track road with a narrow pavement leading from the town to the harbour, with a cluster of dwellings on the north and south ends and open land in-between. With the sea and denes to the east and marshes, one feels the immediacy of the AONB. Ferry Road has a ‘remote and separate character’. (SNPCAA, P. 129) ‘The area has a unique and distinctive character due to the topography and dispersed built areas which create a sense of isolation from the town’. (SNPCAA, P. 133) Close and far landscape views of Ferry Road occur from the footpaths on the Denes and across the Town Marsh (SNPCAA, P. 127).</i></p> <p><i>All but two of the houses on Ferry Road are used as summer homes and for holiday letting – historically, they were mainly low, wooden structures of eccentric design, with varying roof lines and gaps between them that offered views of the marshes from the denes. Today, ‘many are modern in their architectural style, and now contribute to contemporary built character to the north of Ferry Road. The large spaces between the detached buildings on Ferry Road also contribute to the character of the area, with views between buildings to the marshes beyond further highlighting their secluded nature’ (SNPCAA, P 136) (Italics added).</i></p> <p><i>This application proposes to change the consented scheme by removing a garage and building instead a Beach Room, which is effectively a detached bedroom and shower room with storage (which could be converted to a kitchen in the future). The detached accommodation is linked to the main house via decking running along the rear of both structures. The detached accommodation is narrower than the garage but the same length as the house and closer to the house. It is proposed to convert the area between the ‘Beach Room’ and the neighbour to the north to a car park for 3 vehicles.</i></p> <p><i>Ferry Road is narrow, with no on-street parking permitted. It falls in Zone 5, Map 6.2, P. 41. Zone 5 is an area of the town where on-street car parking is either at capacity or has exceeded capacity to provide for the cumulative parking needs of resident, workers and visitors. (Para 6.9, P. 40) Therefore, under the SNP parking policy, SWD7, SCC Highway Guidance on the number of off street</i></p>		

parking spaces required should be strictly adhered to unless there is a public benefit for reducing the number, such as to make possible a community facility or affordable housing.

This scheme cannot be supported under Policy SWD7 – Parking. This requires parking provision not only to comply with Suffolk Highways Guidance 2014 but to be designed in such a way so as NOT to result in a car dominated street scape. Parking schemes should also preserve and enhance biodiversity and preserve a good quality of garden amenity space for existing and future occupants of the site. Moreover, Section E of the policy requires that ‘in determining applications that include parking provision, great weight will be given to achieving high quality design that respects the character and feel of Southwold, and to preserving and enhancing biodiversity.’ (Bolded added)

POLICY SWD7 – PARKING

A. Development proposals that create a demand for vehicle parking should meet the requirements of the Suffolk Highways Guidance 2019. Alternative levels of provision will only be supported if the application demonstrates a clear local benefit such as enabling the provision of affordable housing, community and employment space, and is of a high quality design that preserves and enhances biodiversity.

B. Development proposals which include new on-site residential parking provision will be supported provided the scheme:

- does not result in a car-dominated street scape; and*
- preserves and enhance biodiversity; and*
- does not create an open frontage in areas where enclosed front boundaries prevail; and*
- preserves a good quality of garden amenity space for existing and future occupants of the site; and*
- uses permeable surfacing, where practicable.*

Where this cannot be achieved, proposals should demonstrate how surface water will be drained on-site in a sustainable fashion.

C. The use of on-street parking in order to satisfy the requirements of the Suffolk Highways Guidance 2019 should:

- be well integrated into the layout and street scene, ensuring safety and avoiding obstruction for all users, in particular pedestrians and cyclists; and*
- should demonstrate that there are available on-street parking spaces within peak demand periods to accommodate the additional demand in areas of parking stress (as shown on the policies map).*

D. Development that results in the loss of existing off-street or on-street parking should provide the same number of new parking spaces in the Parking Zone in which the proposed development is located.

E. In determining applications that include parking provision, great weight will be given to achieving high quality design that respects the character and feel of Southwold, and to preserving and enhancing biodiversity.

This application should also be refused because it does not comply with the design principals of Policy SWD6 – Design set out below specifically Sections A-D.

POLICY SWD6 - DESIGN

In order to create high quality buildings and places that are beautiful and enduring, development proposals should be informed by the National Design Guide as appropriate to their scale nature and

location and respond positively to its principles. All planning applications should demonstrate, either through the Design and Access Statement where this is required or through sufficiently detailed plans and documents that they have:

- A. understood and followed the process for creating high quality design set out in the National Design Guide;*
- B. understood and proposed design that is sympathetic to and in keeping with the best of the prevailing local character area;*
- C. maximized the opportunities to improve the quality of design;*
- D. positively addressed the Recurrent Design Issues and area-specific Sensitivities and Susceptibilities identified in the Southwold Character Area Appraisal (SCAA) and reinstated character where the SCAA identifies opportunities for this; and*
- E. where relevant, addressed heritage management issues identified in the Southwold Conservation Area Appraisal.*

Development proposals which do not demonstrate their compliance with the design principles A – E above will not be supported. Recurrent Design Issues throughout Southwold that are applicable to this application are listed below:

- over-development – trying to fit another accommodation structure plus more parking onto this small site;*
- significant reduction of garden space;*
- green areas paved for car parking;*
- the public realm – development proposals will be expected to take account of their impact on the public realm, and preserve and enhance its character. Landscaping should provide green areas visible to the public and contribute to bio-diversity. (Para 5.33.*
- Development that does not enhance landscape character – Ferry Road is mentioned specifically. (Paras 5.7, 5.25, 5.27). Looking down from the denes footpath onto a garden given over to car parking cannot be said to enhance Southwold's landscape, described in Para. 5.4. 'Its skyline has a simple and uncluttered character'. 'Its setting is a simple, often wild coastal landscape of big skies and defined panoramic views across a windswept, exposed coast...' Sensitivities and susceptibilities: 'Along Ferry Road, it is considered that key sensitivities lie in:...*
- The loss of spaces between existing buildings which provide views from the roads to the marshes and wider landscape beyond'. (P. 137)*

The NP calls for preservation and enhancement for biodiversity – expanding the footprint of structures and expanding the amount of hard standing for parking runs counter to the NP's objectives and Policy SWD11 – Provision for Wildlife in Development. The key paragraphs and the policy are set out below. 8.14 The Coastal Communities Team public consultation on an economic strategy for the town found that improving the natural environment was a community priority... 8.15 The use of dwellings for second homes and holiday lets often works against this community priority in two ways. Firstly, there is the loss of gardens to infill development to enhance the value of an investment. Secondly, gardens are often paved to provide for additional off-street parking and to be maintenance-free. (Italics added.)

8.16 At the local scale, the design of individual buildings and of green and open spaces, will help to ensure that many of the species that are in Southwold can not only survive but thrive. This is crucially in line with the national planning guidance for achieving net biodiversity gain through all new development (NPPF, 2019). Examples of such features could include bird boxes, bat boxes, nectar rich planting schemes for pollinators, native trees and shrubs, hedgehog runs and crevices and plantings between paving stones. POLICY SWD11 – PROVISION FOR WILDLIFE IN

DEVELOPMENT As appropriate to their scale, nature and location, development proposals should incorporate features which provide net gains to biodiversity."

Non statutory consultees

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	1 March 2022
<p>Summary of comments:</p> <p><i>"The Executive Committee have discussed the above application and object to the erection of a detached beach room as we feel that it is inappropriate in this location. No provision appears to have been made for the additional parking that the extra bedroom will require.</i></p> <p><i>We therefore recommend that this application is rejected."</i></p>		

5. Publicity

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

Category	Published	Expiry	Publication
Conservation Area	18 February 2022	11 March 2022	Beccles and Bungay Journal
Category	Published	Expiry	Publication
Conservation Area	18 February 2022	11 March 2022	Lowestoft Journal

Site notices

General Site Notice	Reason for site notice: Conservation Area
	Date posted: 16 February 2022
	Expiry date: 9 March 2022

6. Planning policy

National Planning Policy Framework 2021 (NPPF)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.38 - Non-Designated Heritage Assets (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

SWD6 - Design (Southwold Neighbourhood Plan, 'Made' February 2022)

SWD7 - Parking (Southwold Neighbourhood Plan, 'Made' February 2022)

7. Planning Considerations

Planning Policy Background

- 7.1. All planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Given the sites location in the Conservation Area it is also the duty of the Council under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
- 7.2. Policy WLP8.9 of the Waveney Local Plan relates to extensions of dwellings situated in the countryside and requires proposals to be in keeping with the height, scale and character of the original dwelling and not adversely affect the character and appearance of the building, the plot of land on which it is located and the rural setting.
- 7.3. Policy WLP8.29 "Design" requires that developments respond to local context and the form of surrounding buildings in relation to the overall scale and character, layout, site coverage, height and massing of existing buildings, the relationship between buildings and spaces and the wider street scene or townscape and by making use of materials and detailing appropriate to the local vernacular, in addition to resulting in no adverse impact upon neighbouring amenity or parking provision.
- 7.4. Local Plan policies WLP8.37 - Historic Environment; WLP8.38 Non-Designated Heritage Assets and WLP8.39 - Conservation Areas, seek to conserve and enhance heritage assets and their settings in line with the NPPF. Policy WLP8.39 requires proposals to be assessed against the Conservation Area Appraisals and should be of a particularly high standard of design and materials in order to preserve and enhance their character and appearance.
- 7.5. Policy WLP8.35 - Landscape Character seeks to ensure that development proposals are of a scale, form, design and use materials that protect and enhance the special qualities and distinctiveness of the AONB and the visual and historical relationship between settlements and their landscape setting.
- 7.6. Also relevant is the Southwold Neighbourhood Plan which was adopted in February 2022 and now forms part of the Development Plan for the district. Policy SWD6 relates to Design and requires high quality designs that show an understanding of local context and designs that are sympathetic and in keeping with the best of the local character area. Policy SWD7 seeks to ensure sufficient parking is provided and that development does not result in a car dominated street scape.

Design, Visual Amenity and Street Scene

- 7.7. The appearance of the dwelling itself will not change from what has previously been approved. The two-storey rear and single-storey side extension have not been altered and therefore are acceptable in principle considering the fallback position of the previous application which is still extant. The design of the extensions is again acceptable in accordance with the aforementioned policies and will cause no harm to the character and appearance of the Conservation Area.
- 7.8. The new beach room is of a similar size and scale as the approved garage building. It has the same sized footprint and is of the same height with a matching dual pitched roof. It is, however, positioned closer to the dwelling - moving 3.5 metres to the south so that there is still a pathway between the beach room and the dwelling, but the main gap now will be between the beach room and the neighbour. A sizeable gap has still been retained on the site which was a requirement of the previous approval in determining the width of the side extension.
- 7.9. As the proposed beach room is of a similar size, form, and mass as the approved garage it is considered acceptable in principle. It does however appear more domesticated with a window on the elevation which faces the road. This is considered suitable as it still appears as a subservient, ancillary outbuilding rather than an independent, self-contained dwelling. The proposed beach room is an acceptable design that meets the relevant Development Plan policies; again, there would be no harm to the conservation area.
- 7.10. To ensure that the applicant does not build both the beach room and the previously approved garage (which officers consider would be overdeveloping the site), the applicant has entered into Unilateral Undertaking. This is a legal agreement which ensures the applicant can only complete one of the two outbuildings.

Residential Amenity

- 7.11. The proposed beach house would be positioned further away from the neighbouring property leading to less massing along the boundary. The change to the proposal would not lead to any significant loss of light, loss of privacy or sense of oppression for any properties along the street. There have been no neighbour objections to this application.
- 7.12. The proposed extensions are again judged to be acceptable in amenity terms, causing no harm to living conditions of neighbouring residents.
- 7.13. The proposal meets the amenity objectives of the relevant Development Plan policies.

Parking and Highway Safety

- 7.14. Part of the Town Council's objection is the increased parking area at the front of the site. This is shown to be extended by approximately 15sqm in front of the new beach room, up to the front garden path. Although officers can appreciate the reasoning behind this objection to the increased parking area, and the Town Council not wanting to see the area become car dominated, there are permitted development rights which allow the creation of hardstanding without the need for planning permission; this is so long as it is made from either a porous material or rainwater runoff is directed to a permeable or porous area or surface within the curtilage of the dwellinghouse. As there is still a grassed area to the front of the dwelling, it is not considered that this parking area will be materially harmful to the

character and appearance of the Conservation Area. The parking area will be of benefit to ensure car parking can take place on site, perhaps relieving some pressure on the local roads. There are no highways safety concerns and the scheme accords with the highways/sustainable transport objectives of the Development Plan.

Coastal Erosion

- 7.15. The Council's Coastal Management Team have confirmed the submitted CEVA is acceptable and thus accords with Local Plan policy WLP8.25 - Coastal Change Management Area. There are no concerns with the proposal being vulnerable to coastal erosion.

Other Matters

- 7.16. A condition (no.4) is recommended to require that the 'beach room' is only used ancillary to the main house, and not as a separate dwelling.

8. Conclusion

- 8.1. The design is acceptable preserving the character and appearance of the Conservation Area and as noted above, there is no significant impact on neighbour's amenity. The proposal accords with the Development Plan and the application is recommended for approval.

9. Recommendation

- 9.1. Approve.

10. Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with 05M and 06G received 18/05/2022, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 23 Ferry Road.

Reason: The proposal is inappropriate for use as a separate/independent dwelling.

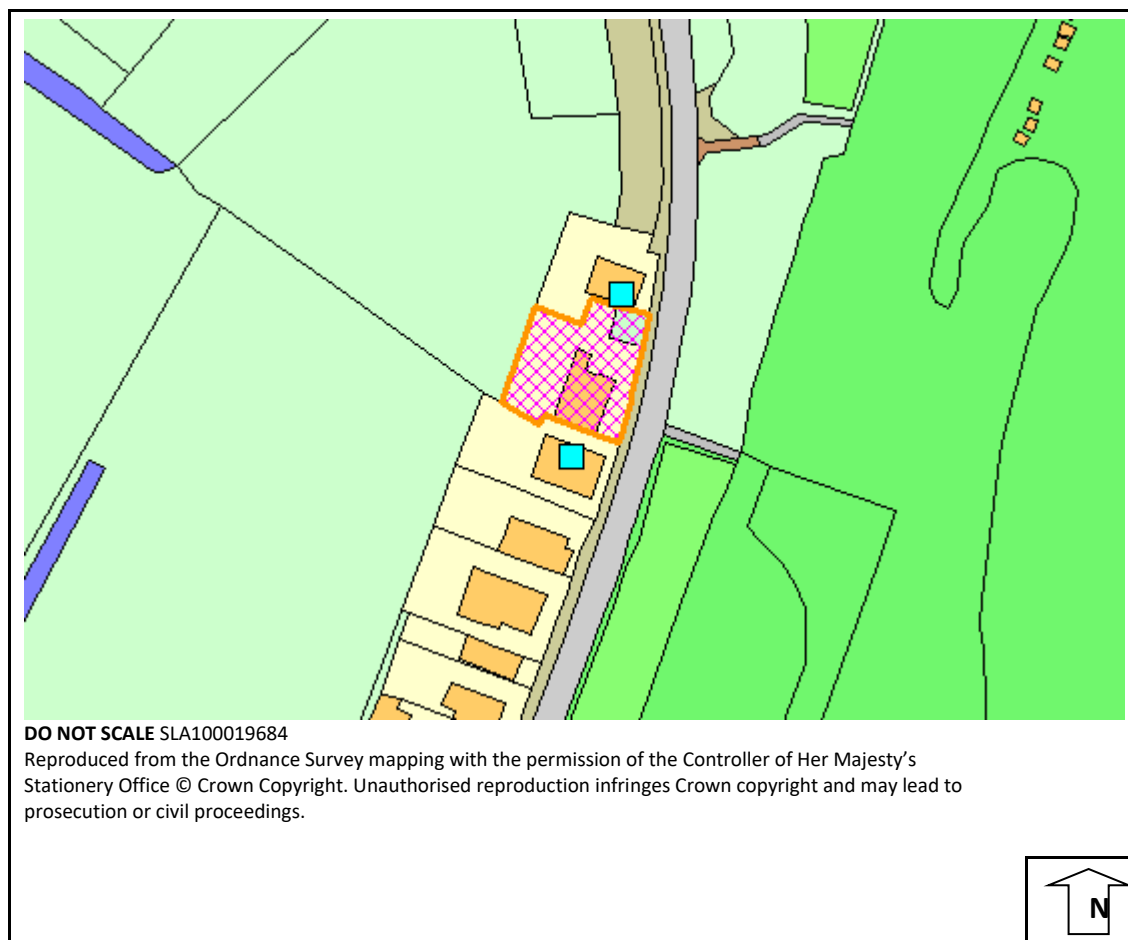
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. A unilateral undertaking (S106) has been completed and submitted, which means that either this planning permission or the previous planning consent DC/21/4971FUL maybe constructed, but not both.

Background Papers

See application reference DC/22/0479/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support