



<b>Committee</b>	Cabinet
<b>Date</b>	09/04/2024
<b>Subject</b>	Rural Development Supplementary Planning Document
<b>Cabinet Member</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
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Key Decision?	Yes
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
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## Purpose/Summary

The purpose of this report is to recommend the adoption of the Rural Development Supplementary Planning Document (SPD). The SPD supports the implementation of policies relating to rural development in the East Suffolk Council – Suffolk Coastal Local Plan and East Suffolk Council – Waveney Local Plan. The SPD provides guidance on a range of topics including rural worker dwellings, rural annexes, rural residential curtilage expansion, rural building and barn conversions, economic development, equestrian development, tourism accommodation, small scale renewable energy generation, and wastewater management in rural areas.

## Recommendation(s)

That Cabinet:

1. Adopts the Rural Development Supplementary Planning Document.
2. Authorises the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, to make any presentational or typographical amendments to the Rural Development Supplementary Planning Document prior to it being published.

## Strategic plan

### How does this proposal support Our Direction 2028?

#### Environmental Impact

The SPD in particular supports the aim to ‘Support, promote and implement green tech’ in Chapter 9 ‘Small Scale Renewable Energy Generation’ which provides support and guidance on the benefits from generation on-site renewable or low carbon energy in rural areas. This includes information on roof mounted PV, heat pumps, biomass, wind turbines, and anaerobic digestion.

The SPD also supports the aim to ‘Preserve and maintain the district’s beauty and heritage’ by providing guidance on the impact of development on the natural landscape, historic environment and cultural heritage. Particular consideration is given in Chapter 5 Rural Buildings and Barn Conversions which include guidance on converting traditional barns and buildings.

#### Sustainable Housing

The SPD in particular supports the aim to ‘Deliver the right housing base on our communities’ need’ by providing guidance on residential development. Chapter 2 Rural Worker Dwellings, Chapter 3 Rural Annexes and Chapter 5 Rural Buildings and Barn Conversions supports the delivery of the right accommodation in the right location.

#### Thriving Economy

The SPD, particularly chapter 6 Economic Development, aims to ‘Ensure Local Plans work for local people’ by the implementation of policies relating to rural development in the East Suffolk Council – Suffolk Coastal Local Plan and East Suffolk Council – Waveney Local Plan.

	<p>The SPD also 'Support responsible tourism and visitor economy' by providing guidance on economic and tourist development. Chapter 6 Economic Development and Chapter 8 Tourism Accommodation supports the delivery of appropriate tourist accommodation.</p>
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## Justification for recommendations

### 1 Background

- 1.1 The Council has two adopted Local Plans: the East Suffolk Council – Waveney Local Plan (March 2019) and the East Suffolk Council – Suffolk Coastal Local Plan (September 2020). These Local Plans both contain a number of policies relating to rural development.
- 1.2 There is no current Supplementary Planning Document (SPD) relating to the type of guidance provided in the new Rural Development SPD for either the former Suffolk Coastal area or former Waveney area.
- 1.3 The document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Planning and Compulsory Purchase Act 2004.
- 1.4 The preparation of the SPD has been undertaken through an officer steering group, which included officers from Planning Policy and Delivery, Development Management, Design and Heritage, Ecology, and Landscape and Arboriculture. The preparation of the SPD has been overseen by the Council's Local Plan Working Group.
- 1.5 The Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) require the Council to undertake consultation to inform the production of the SPD and also, as a minimum, requires that the draft document is published for four weeks and that during that time it is available on the Council's website and that hard copies are available for inspection in the Council's offices.
- 1.6 The Council's approach to engagement in the preparation of SPDs is set out in the Statement of Community Involvement. The Council engages in two rounds of consultation with external stakeholders, and the public. The consultations were advertised on the Council's website, through social media posts and a press release. Consultation documents were available on the Council's website and in libraries and at the Council's Customer Service Centres.
- 1.7 The first consultation was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 1<sup>st</sup> February to 16<sup>th</sup> March 2023. The second consultation was on the Draft Rural Development SPD and the consultation ran from 15<sup>th</sup> November 2023 until 10<sup>th</sup> January 2024.
- 1.8 Under the Environmental Assessment of Plans and Programmes Regulations 2004 screening was carried out on the draft SPD to determine whether a full Strategic Environmental Assessment would be required. The screening concluded that this was not required. The Strategic Environmental Assessment Screening Opinion is appended to this report (Appendix D).
- 1.9 Habitat Regulations Assessment screening was also undertaken which concluded that implementation of the SPD would not lead to likely significant effects on protected Habitat sites and that it is therefore not considered necessary to undertake an Appropriate Assessment. The Habitat Regulations Assessment Screening Statement is appended to this report (Appendix E).

## **2 Introduction**

- 2.1 Planning policies on rural development issues are set out in the adopted Local Plans. The two adopted local plans are the East Suffolk Council – Suffolk Coastal Local Plan (September 2020) and the East Suffolk Council – Waveney Local Plan (March 2019).
- 2.2 An SPD cannot create new or amend existing planning policies nor can it prescribe that particular areas of land be developed for particular uses; this is the role of the Local Plans and Neighbourhood Plans. SPDs provide valuable guidance to support the implementation of the Local Plans. As an SPD, the guidance is a material consideration in determining applications for planning permission and listed building consent. This SPD does not cover parts of East Suffolk that are within the Broads, for which the Broads Authority is the local planning authority.
- 2.3 The guidance in the SPD addresses matters that regularly arise in development management and will assist officers, applicants, Members and consultees. The SPD also provides guidance on General Permitted Development Rights, particularly Class Q Prior Approval applications for barn conversions. The guidance should improve the quality of applications submitted and schemes proposed.
- 2.4 The Rural Development SPD covers the following topics which each have a chapter in the SPD:
- Rural worker dwellings,
  - Rural annexes,
  - Rural residential curtilage expansion,
  - Rural buildings and barn conversions,
  - Economic development,
  - Equestrian development,
  - Tourism accommodation,
  - Small scale renewable energy generation, and
  - Wastewater management in rural areas.
- 2.5 The SPD was subject to two rounds of consultation during its preparation. Details of the consultations carried out are contained in the Consultation Statement (Appendix B of this report). The first was an initial consultation to inform the scope and content of the SPD. The initial consultation was carried out between 1<sup>st</sup> February to 16<sup>th</sup> March 2023. In total 26 individuals and organisations responded to the consultation. The responses received to the initial stage of consultation were used to inform preparation of a draft document which was subsequently subject to a public consultation.
- 2.6 The Draft Rural Development SPD consultation ran between 15<sup>th</sup> November 2023 and 10<sup>th</sup> January 2024. The consultation was advertised on the Council’s website, as well as on social media. 1,779 emails and 28 letters were sent out at the start of the consultation to the consultees on the planning policy mailing list which includes Town and Parish Councils, individuals, and organisations including those who were previously contacted or responded to the informal stage of the consultation. As part of the consultation an online briefing session was held for Town and Parish Councils, and another one held for East Suffolk Councillors. In total, 14 individuals and organisations responded to the consultation. Between them they made 40 comments.
- 2.7 The main themes of the comments received are summarised below; however, many of the comments covered very specific matters and it is not possible to summarise all of them here

in a succinct manner. The full consultation responses have been published on the Council's consultation website (see - <https://eastsuffolk.inconsult.uk/Drafruraldevelopment23/consultationHome>) and summarised in the appended Consultation Statement along with details of how each comment has been responded to (Appendix B).

2.8 The main issues raised through the consultation are listed below.

General/ Introduction –

- Areas of Outstanding Natural Beauty (AONB) are now known as National Landscapes and references need updating. References to NPPF need changing to Dec 2023 version. References to Suffolk Parking Guidance need updating to recently published 2023 version.
- References to the Broads Authority requested throughout the document.
- Aldeburgh Town Council wants protection for 'curtilage' of around AONB, setting of the town and its countryside. The Town Council also expressed concerned about developers not implementing landscape schemes.

Chapter 2 –

- Kettleburgh Parish Council expressed concern temporary accommodation can become permanent.

Chapter 3 –

- 2 respondents disagree with the characteristics of an annex e.g. shared utilities, distance from original dwelling, independent living, etc

Chapter 5 –

- Request for text to clarify that dependence on the private car doesn't preclude barns from conversion.
- Request for information on how an application with a barn extension will be viewed.
- Additional text requested regarding enhancing setting of LBs, protection for LBs by use of traditional design and techniques, and appropriate use of buildings.
- Request to clarify that flooding from all sources must be considered and to include links to LLFA.
- Overall Historic England is pleased with advice on rural buildings and barn conversions.

Chapter 6 –

- Request for guidance regarding large farming estates diversifying.
- Bentwaters Park Ltd objected to elements of the guidance that covers matters associated with former airfields being used for employment.
- Request for references to the Broads, biodiversity, and security lighting.
- Request for development to minimise dust and maintain air quality.

Chapter 8 –

- Desire for all year-round tourism to be balanced with holiday conditions.
- Request for text that provides advice for existing development with parking and transport issues that could be addressed through planning.

Chapter 9 –

- Request for references to Broads and their Landscape Character Assessment.
- Request for more information on heat pumps, biomass and wind turbines.

2.9 Changes have been made to address many of the comments received from respondents during the consultation. Changes include:

General / Introduction comments –

- Updated references to National Landscapes, NPPF, and Suffolk Parking Guidance.
- Added in references to the Broad Authority area.

#### Chapter 5 –

- Added new paragraph 5.4 regarding barns typically being dependent on the private car for transport and this not precluding them from conversion.
- New text in para. 5.7 and 5.9 added regarding listed buildings.
- New para. 5.21 added to emphasise that rural buildings should be converted with minimal alteration.
- Requirement for a Heritage Statement added to para. 5.38.
- New para. 5.59 added requesting justification for extensions to rural building and barn conversion to be provided in the Design and Access Statement or Heritage Statement.
- Reference in para. 5.103 to the government’s consultation on permitted development rights updated.
- Reference to Suffolk County Council as the Lead Local Flood Authority (LLFA) and link to their website added to para. 5.126.
- References to Flood Risk Assessments being required to consider any site at risk of flooding from any source added throughout Chapter 5.

#### Chapter 6 -

- Sentence requiring security lighting in economic developments to be justified added to para. 6.16.
- Reference to Suffolk County Council as the Lead Local Flood Authority (LLFA) added to para. 6.18.
- Sentence requiring security lighting to be justified added to para. 6.30.
- Sentence requesting new proposals minimize dust and maintain air quality added to para. 6.32.
- Text noting that junctions should be designed and located so that hedgerows do not need to be removed added to para. 6.39.
- Information regarding development on former airfields expanded and updated in para. 6.99 – 6.103. Amendments address objections raised by Bentwater.
- A requirement for a Heritage Statement and reference to Suffolk Historic Environment Record added to para. 6.104.
- Additional text added to para. 6.118 - 6.119 regarding farm diversification in response to comment from Benacre Estate.

#### Chapter 8 –

- New para. 8.48 added regarding the impact of smoke and noise from tourist accommodation. Text in line with comments received from the Environmental Protection Officer.

#### Chapter 9 –

- Text in para. 9.11 updated in line with comments received from the Environmental Protection Officer.
- Additional information on heat pumps added in para. 9.28 and 9.29.
- Additional information on biomass boilers added in para. 9.34.
- Text noting that wind turbines can cause noise added to para. 9.38.
- New paragraph 9.42 added regarding to wind turbines and the Broads Authority areas with a link to the Broads Landscape Character Assessment.
- Requirement for air quality assessments added to para. 9.49.

2.10 Changes have also been made to update the document, improve the clarity and understanding of the guidance, and improve the format for adoption. Changes include:

#### General / Introduction comments –

- Changes have been made to address typographical and grammatical errors and provide clarity.

#### Chapter 3 –

- Amendments have been made to ensure the chapter provides clear guidance that is not open to interpretation, addresses common issues and removed any misinterpretation that annexes can be constructed under permitted development rights. These include:
  - Paragraph 3.1, bullet point three removed.
  - Former para. 3.8 removed.
  - Flow chart in Chapter 3 removed at the request of Development Management.
  - Text from the Permitted development right for householders: technical guidance (2019) added.
  - Information on Class E Permitted Development Rights removed.
  - Section on applying for planning permission for the conversion of a building to an annexe.

#### Chapter 4 –

- References to domestic curtilage changed to residential curtilage for consistency.
- Amendments have been made to ensure the chapter provides clear guidance that is not open to interpretation, addresses common issues. These include:
  - In para. 4.8 removed second bullet referencing land previously used by the occupant of the dwelling.
  - In para. 4.9 removed references to residential curtilage changing over time and lack of limits on size.
  - Removed sections on permitted development rights, what can residential curtilage be and what can residential curtilage not be.
  - In para. 4.1 removed second sentence regarding residential curtilage and settlement boundaries.
  - Image on boundary treatments changed.
  - In section on permitted development (PD) right and planning conditions text on PD removed.

#### Chapter 6 -

- Two paragraphs replaced with para. 6.24. Text provided by the Council's Ecologist and provides updated information on biodiversity.

#### Chapter 8 –

- Small alteration to the text in Chapter 8 following legal advice on the terms tourist accommodation and holiday accommodation.
- Wording of para.8.53 - 8.55 improved post consultation based on officer conversations.

### **3 Proposal**

- 3.1 The Rural Development SPD contains comprehensive planning guidance on a range of rural issues within a single document. It has been prepared to support the implementation of policies contained in the adopted Local Plans, as well as being consistent with Government policy, principally that contained within the National Planning Policy Framework.
- 3.2 On adoption the Rural Development SPD will be a material consideration in the determination of planning applications.

## **4 Financial implications**

- 4.1 The production and adoption of the SPD is covered by the existing budget of the Planning Policy and Delivery Team. As an SPD, it cannot and does not introduce any additional financial requirements upon developers beyond the Local Plan policy requirements.

## **5 Legal implications**

- 5.1 The SPD has been produced in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended).
- 5.2 An Equality Impact Assessment Screening opinion was produced to meet the requirements of the Equality Act 2010 (Appendix C). The SPD has been subject to a Strategic Environmental Assessment Screening Opinion in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (Appendix D). It has also been subject to a Habitats Regulation Assessment Screening Statement, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (Appendix E).

## **6 Risk implications**

- 6.1 There are no risks envisaged in relation to the implementation of the recommendations.

## **7 Options**

- 7.1 Adopt the Rural Development SPD meaning the Council has an up-to-date SPD to guide the implementation of the sustainable construction planning policies.
- 7.2 An alternative option would be to not adopt the SPD and continue to implement the planning policies without the additional guidance. However, this would be a missed opportunity to provide further clarification on the requirements of the policies, and address some of the frequently raised matters that come about through the development management process, and so ultimately support effective implementation of the relevant Local Plan policies.

## **8 Recommendations**

1. Cabinet adopts the Rural Development Supplementary Planning Document.
2. That the Head of Planning and Coastal Management, in consultation with the Cabinet Member for Planning and Coastal Management, is authorised to make any presentational or typographical amendments to the Rural Development Supplementary Planning Document prior to it being published.

## **9 Reason for Recommendations**

- 9.1 Adoption of the Rural Development SPD will provide up to date guidance to assist with the implementation of the Council's Local Plan policies which relate to rural development.

## **10 Conclusions/Next Steps**

- 10.1 If Cabinet accepts the recommendations, the Rural Development Supplementary Planning Document will be published in accordance with Regulations and the Statement of Community Involvement and become a material consideration when determining planning applications.

## Areas of consideration comments

### Section 151 Officer comments:

No further comments.

### Monitoring Officer comments:

No further comments

### Equality, Diversity and Inclusion/EQIA:

An Equality Impact Assessment was undertaken as part of the preparation of the SPD (Appendix C). The EQIA (Appendix C) screening exercise shows that the SPD will not negatively impact upon any protected group or those experiencing socio-economic deprivation. Therefore, a full EQIA assessment is not considered necessary.

For the purpose of preparing this report, an Equality Impact Assessment has been undertaken the outcome of which is that the decision will not have equalities impacts. The assessment reference is EQIA592343640.

### Safeguarding:

Not applicable.

### Crime and Disorder:

Not applicable.

### Corporate Services implications:

Legal Services' officers have been consulted during the preparation of the SPD assessment and the report, but there are no identified impacts on the service arising from agreement to the recommendations in this report.

### Residents and Businesses consultation/consideration:

The SPD was subject to two rounds of public consultation during its preparation. The first consultation was carried out between 1<sup>st</sup> February to 16<sup>th</sup> March 2023 and the second ran from 15<sup>th</sup> November 2023 and 10<sup>th</sup> January 2024. A Town and Parish Council session was held over Microsoft Teams on 8<sup>th</sup> December 2023 in which the draft SPD was presented, and attendees had the opportunity to ask questions.

In total 26 individuals and organisations responded to the first consultation and 14 to the second consultation.

Details of the consultations carried out are contained in the Consultation Statement (Appendix B of this report).

## Appendices:

<b>Appendix A</b>	Rural Development Supplementary Planning Document
<b>Appendix B</b>	Consultation Statement
<b>Appendix C</b>	Equality Impact Assessment Screening Opinion (November 2023) (produced to accompany consultation on Draft SPD).
<b>Appendix D</b>	Strategic Environmental Assessment Screening Opinion (November 2023) (produced to accompany consultation on Draft SPD).
<b>Appendix E</b>	Habitat Regulations Assessment Screening Statement (November 2023) (produce to accompany consultation on Draft SPD).

## Background reference papers:

<b>Date</b>	<b>Type</b>	<b>Available From</b>
2019	East Suffolk Council – Waveney Local Plan	<a href="#">Adopted-Waveney-Local-Plan-including-Erratum.pdf (eastsuffolk.gov.uk)</a>
2020	East Suffolk Council – Suffolk Coastal Local Plan	<a href="#">eastsuffolk.gov.uk/assets/Planning/Planning-Policy-and-Local-Plans/Suffolk-Coastal-Local-Plan/Adopted-Suffolk-Coastal-Local-Plan/East-Suffolk-Council-Suffolk-Coastal-Local-Plan.pdf</a>
2023	National Planning Policy Framework	<a href="#">National Planning Policy Framework (publishing.service.gov.uk)</a>
2021	Statement of Community Involvement	<a href="#">Statement-of-Community-Involvement.pdf (eastsuffolk.gov.uk)</a>
2024	DASH EqIA EQIA592343640	Available on request from <a href="mailto:Ruth.Bishop@eastsuffolk.gov.uk">Ruth.Bishop@eastsuffolk.gov.uk</a>