

**Target Decision Date: 27/06/2023**

**Expiry Date: 11/07/2023**

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## **OFFICER'S REPORT AND RECOMMENDATION**

**CASE OFFICER:** Alex Scott

**CASE REFERENCE:** DC/23/02257

### **The Openness of Local Government Bodies Regulations 2014**

The national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

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**PROPOSAL:** Planning Application - Retention of siting of Static Caravan for residential use to provide an on-site warden and presence. Access is via the existing access associated with Honeysuckle Farm & Holidays.

**LOCATION:** Honeysuckle Farm, School Road, Monk Soham, IP13 7EN

**PARISH:** Monk Soham.

**WARD:** Hoxne & Worlingworth.

**APPLICANT:** Honeysuckle Holidays

### **ENVIRONMENTAL IMPACT ASSESSMENT:**

**SITE NOTICE DATE:** 24/05/2023

**PRESS DATE:** 24/05/2023

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## **BACKGROUND DOCUMENTS**

This decision refers to drawing number PP-12158521v1 - Scale: 1:1250@A4 received 14/05/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan PP-12158521v1 - Scale: 1:1250@A4 - Received 14/05/2023

Block Plan - Proposed 255REE 001 Rev C - Received 14/05/2023

Application Form - Received 14/05/2023

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

## **SUMMARY OF CONSULTATIONS AND REPRESENTATIONS**

### **Monk Soham Parish Council - Comments Received - 23/05/2023**

This application was discussed at length during a meeting of Monk Soham Parish Council on Thursday the 18th of May 2023. As can be seen from the Parish Council's responses to the previous applications appertaining to this site, whilst the current shepherd's hut development was supported, There remains a fear that the site will be enlarged without the due process being considered. The appearance of the latest static caravan without initial permission is therefore of concern. However, the Parish Council acknowledges the logic of having the owner on site to service the animals and shepherd's huts and offers no objection to the application, provided, if granted, the authority includes a clause that it is only used strictly within the terms of the application and not in any way sub-let either on a residential basis or as for holiday accommodation.

### **SCC - Highways - Comments Received - 19/05/2023**

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

### **Environmental Health - Noise/Odour/Light/Smoke - Comments Received - 23/05/2023**

We understand that this is a retrospective application to retain a static caravan on land at Honeysuckle Farm for occupation and use by the site warden.

Having reviewed the application documentation, should planning services be minded to approve this application, we would wish to see a condition attached to any permission granted which restricts the occupation and use of the caravan to that of the site warden.

### **Heritage Team - Consulted: 17/05/2023**

Triage - No comments will be provided by the heritage team.

### **Third Party Representations**

None received.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework  
NPPG - National Planning Policy Guidance  
FC1 - Presumption In Favour Of Sustainable Development  
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development  
CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside & Countryside Villages  
CS5 - Mid Suffolk's Environment  
GP1 - Design and layout of development  
HB1 - Protection of historic buildings  
H7 - Restricting housing development  
H10 - Dwellings for key agricultural worker  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL8 - Protecting wildlife habitats  
T0 - Parking Standards  
T10 - Highway Considerations in Development

## RT12 - Footpaths and Bridleways

### Emerging Joint Local Plan Policies - Attributed added weight only, currently:

SP01 - Housing Needs  
SP03 - The sustainable location of new development  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP05 - Rural workers dwellings  
LP08 - Self-Build and Custom-Build  
LP09 - Supporting a Prosperous Economy  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP27 - Flood risk and vulnerability  
LP29 - Safe, Sustainable and Active Transport  
LP32 - Developer Contributions and Planning Obligations

## **PLANNING HISTORY**

**REF:** 4675/16      Change of use from grazing land to campsite, **DECISION:** GTD  
including: alterations to existing access;  
construction of internal access driveway and  
12 no. hardstanding parking spaces;  
construction of 2 no. screened bin stores;  
siting of 9 no. shepherds huts; and  
associated landscaping works.

## **ASSESSMENT**

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

## **Site and Surroundings**

The wider application site extends to 1.02 hectares and comprises approximately one half of a former agricultural/grazing field, granted planning permission in April 2017 (Ref: 4675/16) for change of use to holiday/tourism use and the siting of 9 no. shepherds huts for that purpose.

The site is located to the north side of School Lane, within the parish of Monk Soham.

The site is located within open countryside, approximately 1 kilometre to the south of the village of Bedfield. The site is located in close proximity to the main A1120 Tourist Route which lies approximately 2 kilometres to the south of the site.

A public right of way runs adjacent to the western boundary of the site, beyond this to the west lies the remainder of the field not included in the application proposal, and beyond this, at a distance of approximately 135 metres, lies Primrose Farm, a grade II listed building.

To the East of the site lies an area of Woodland with a builders yard beyond this.

Agricultural fields lie adjacent to the north of the site and to the south of the site, beyond the School Lane Highway. Landscape site levels rise across the site from south to north.

The site is enclosed by existing high tree and hedgerows to all four sides. A drainage ditch runs adjacent to the south boundary of the site, between the site and the School Lane Highway.

The site benefits from an existing vehicular access to School Lane, improved by way of planning permission ref: 4675/16.

## **Proposal**

The current application seeks planning permission for the siting of 1 no. Caravan on a portion of the wider site, adjacent to the highway frontage for full time occupation by the Tourism/Holiday Site operator.

Justification given by the applicant claims there is a justifiable need for full time occupancy on the site in order to manage the associated Tourism/Holiday Use, as well as the adjacent small holding, on the other portion of the wider field.

The proposed development has already been carried out and the current application proposal is, therefore, retrospective.

## **Principle of Development (Land Use - Essential need for a dwelling to accommodate a rural)**

National planning policy strictly controls residential development in the countryside. The National Planning Policy Framework (The Framework) states at paragraph 79 that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a set of listed circumstances applies. One of the listed circumstances is '...an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside...'.

This position is broadly reflected in current, adopted development plan policy H10. This policy specifically refers to dwellings for 'key agricultural workers'. In particular that for permission to be granted that there needs to be a proven essential and immediate agricultural need for a dwelling on the holding and that where that need is proven its location should minimise impact on the landscape. There is no dispute that the site is located in the countryside and outside of any designated settlement boundary.

The applicant has set out their case in the application and consider there is an 'essential need' for a residential unit on site, in support of the existing adjacent Holiday/Tourism Business, comprising 9 no. Shepherd's Huts, and Small Holding, comprising a small number of farm animals. The main dispute between the parties is centred on this evidence and whether it proves that there is an 'essential need'.

Whilst there may be a need for the applicant to be available to manage the needs of holiday makers and to care for the animals on the adjacent sites, however, from the evidence provided it is not clear whether this level of supervision would justify the mobile home and it is questionable whether this would, in fact, be an on going year round requirement (animal birthing is usually in the spring and peak holiday season is in the summer).

Whilst it is accepted that there may be some security benefits in having a day and night presence on site, this issue alone is not considered to justify the provision of a mobile home.

The policy test to exceptionally allow a dwelling in the countryside is one of 'essential need'. In this case it is not disputed that the applicant is working hard to establish the two businesses (Holiday/Tourism and Small Holding), nonetheless, the evidence that has been presented, does not provide sufficient justification to meet the test of essential need in this case. It is, therefore, concluded that, in this regard, the principle of the proposed development would be in conflict with current, adopted development plan policy H10, having had regard to emerging Joint Local Plan Policy LP05 and paragraph 79 of the Framework, as material considerations.

### **Principle of Development (Operational Development)**

The evidence available suggests the proposed caravan/mobile home would measure no larger than 15 x 5 metres, with a floor to ceiling height would be no more than 3 metres.

The evidence available also suggests that the mobile home is capable of being moved to and from the site, on a lorry as one unit.

In assessing whether the proposed structure would represent operational (or "built") development reference is made to the definition of a temporary structure as provided in section 29 (1) of the Caravan Sites and Control of Development Act 1960 which states this would include:

"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

- (A) Any railway rolling stock which is for the time being on rails forming part of a system, or
- (B) Any tent"

Further to this section 13 (1) of the Caravan Sites Act 1968 elaborates that this would also include a structure designed or adapted for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices.

Paragraph 3 of article 3 of the Social Landlords (Permissible Additional Purposes) (England) Order 2006 provides the maximum dimensions of a structure which could be considered to be temporary being:

- (a) Length 20m (65.6FT)
- (b) Width: 6.8m (22.3ft)
- (c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)

For planning purposes, therefore, the proposed unit would likely be considered to be a temporary structure, and would not likely be considered to represent operational development, for the above reasons.

The proposed caravan/mobile home is not, therefore, considered to require planning permission in an operational sense and as such no objection can be made with regards its scale and appearance.

### **Design and Layout and Heritage and Landscape Impact**

The proposal site and caravan/mobile home is considered to be in a secluded corner of the site and field, adequately screened by the significant hedgerow to the south-west, by the adjacent woodland to the south-east, and by existing structures on the holiday/tourist site to the north, north-east and north-west.

The proposal is not, therefore, considered to result in a significant visual impact or harm to the existing landscape character and quality of the locality, or the setting of the nearby grade II listed building at Primrose Farm

### **Highway Safety (Parking, Access, Layout)**

The proposal would utilise the existing vehicular access and visitor parking approved by way of planning permission ref: 4675/16.

The Local Highway Authority, at Suffolk County Council, have been consulted on the current proposal and advise that they do not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

As such, the proposal is not considered to result in a significant impact on existing highway safety or result in a significant additional parking need.

### **Flood Risk and Drainage**

This site and wider field lie completely within Environment Agency Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The site does also not lie within any other area shown to be at significant risk of flooding from other sources. As such, the current development proposal is not considered to be at significant risk of flooding.

The application also specifies that surface water would be disposed of via SUDs within the site, or controlled discharge to the adjacent field drainage ditch.

As such, the proposal would also not result in significant increased flood risk on the site or elsewhere.

### **Ecology**

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30<sup>th</sup> November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species or their habitats within the site or likely to be significantly affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

## **Land Contamination**

Paragraph 183 of the NPPF provides that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 185 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

The former uses of the site (part of the adjacent tourist/holiday use and grazing field before that) are not considered to relate to significantly contaminating former land uses and the current proposal has and will not require significant operational development or ground disturbance.

The current proposal, therefore, is not considered to result in significant risk to future occupants in land contamination terms.

Should the development otherwise be considered acceptable, in all other respects, the occupier is, however, advised to contact the Council's environmental protection team should any unexpected ground conditions, at any time, be encountered. The developer is also made aware that the responsibility for the safe development and secure occupancy of the site rests with them.

## **Residential Amenity**

The nearest residential properties to the site are located a significant distance to the north-west of the site.

As the proposal would not result in significant increased operational development, there are considered to be no significant neighbouring impacts with regards dominance, loss of daylight or loss of privacy.

Whilst the proposal would result in an increase in intensity with regards the existing C3 land use, this is not considered to be to the extent that neighbouring amenity would be significantly affected with regards increased noise and disturbance from residential activity.

As such, the proposal is considered acceptable in residential amenity terms, in accordance with development plan policy H16 and NPPF Paragraph 130.

## **Parish Council**

The matters raised by Monk Soham Parish Council have been addressed in the above report.

## **CONCLUSION**

The evidence that has been presented, does not provide sufficient justification to meet the test of 'essential need' for permanent occupation on the site, by a rural worker, in this case. It is, therefore, concluded that, in this regard, the principle of the proposed development would be in conflict with current, adopted development plan policy H10, having had regard to emerging Joint Local Plan Policy LP05 and paragraph 79 of the Framework, as material considerations.

## **RECOMMENDATION**

*I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.*

<b>RECOMMENDED DECISION:</b>
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Refused
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Case Officer Signature: Alex Scott	Date: 10/07/2023
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