

# Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**4 NOVEMBER 2015**

**DEV/FH/15/046**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1651/FUL – LAND NORTH EAST OF NORTH  
END ROAD, NORTH END ROAD, EXNING**

## **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

## **Recommendation:**

**It is recommended that the Committee determine the attached application and associated matters.**

## **CONTACT OFFICER**

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# Committee Report

**Date** 13<sup>th</sup> August      **Expiry Date:** 6<sup>th</sup> November 2015  
**Registered:** 2015

**Case Officer:** Sharon Smith      **Recommendation:** Refusal

**Parish:** Exning      **Ward:** Exning

**Proposal:** Planning Application DC/15/1651/FUL - Change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access

**Site:** Land North East of North End Road, North End Road, Exning

**Applicant:** Ms Leanne Simmons

## Background

**This application is referred to the Development Control Committee by the Head of Planning and Growth due to the controversial and contentious nature of the proposal. The application is recommended for REFUSAL.**

1. Planning permission is sought for the change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access.

## Application Supporting Material

2. Information submitted with this application is as follows:
  - Signed application forms (including ownership certification).
  - Drawings (including location plan, plan showing the proposed site layout, elevations of proposed amenity buildings, and a larger scale plan showing the area of the pitches).
  - Levels/topographical survey.
  - Extended Phase 1 Habitat Survey.
  - Phase 1 Contaminated Land Desk Study.
  - Arboricultural Impact Assessment.
  - Email from the applicant's agent regarding alternative sites.

## **Site Details**

3. The site is located off North End Road, which is a quiet rural lane located north of Exning, outside the built up area (in the countryside for planning policy purposes) and immediately adjacent to North End House.
4. The site is located on sloping ground just below the brow of the hill. The site has been worked in the past, such that it is terraced with the highest part of the site to the north east, identified as proposed as a natural garden, and the lowest of the 4 terraces is at the south easterly end. The site is enclosed to the south east and north east by a concrete wall, and to the west and north west by a mature hedge. The upper terrace that occupies an elevated position has a number of mature trees located within the terraced area and is proposed to be a 'natural garden'.
5. Access to the site is proposed via the existing access, which is located on the second terrace (from the north east), where an amenity building is proposed to the rear boundary with a caravan pitch located adjacent to this. A further caravan pitch is proposed to be located between the amenity building and the upper most terrace. The application proposes some alterations to the existing vehicular access.
6. An internal access drive is then proposed towards the centre front of the site down to the lower south eastern terrace. The lower terrace has an electricity pole and transformer located within the front section of the terrace. The application proposes an amenity building in the corner closest to the outbuilding of North End House, a horse breeding facility/stud; a caravan pitch is proposed adjacent to the rear boundary; and a further caravan pitch towards the site frontage and the electricity pole.
7. The upper terrace, as already stated, is proposed to be a 'natural garden', with the remaining terraces containing tarmac on the access splay, concrete hardstanding for the caravan pitches, and crushed stone around the pitch/amenity building areas, with grass either side of the internal access drive and a small area around the outer edge of the lower terrace.

## **Planning History**

8. No relevant planning history, although there appears to be anecdotal evidence of the site comprising former landfill.

## **Consultations**

9. Highway Authority – Recommends that planning permission be refused for the following reasons:

Inadequate visibility onto the highway and access gradient.

Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take into account "safe and suitable access to the site can be achieved for all.

The proposal includes the improvement of the current access onto North End Road. North End Road is an unclassified road with a speed limit of 60 mph. Due to the intensification of use that this application will lead to, SCC Highways require visibility splays as taken from the Design Manual for Roads and Bridges (DMRB). For this class of road DMRB require visibility of 215 metres to be demonstrated in both directions taken a point 2.4 metres from the edge of the metalled carriageway and within the ownership and/or control of applicant.

From the submitted plans and photographs (attached) taken on a site visit dated 15th September 2015, these visibility splays cannot be demonstrated. The application indicates that a minimum of 2no cars and 2no light good vehicles are to use the access. Further development served by this access will result in an increase in hazards to both vehicles leaving the driveway and road users (including horses) on North End Road. Failure to achieve a satisfactory standard of visibility will be prejudicial to highway safety.

If it can be demonstrated on a plan, that the above visibility standards can be achieved, as well as, (due to the gradient of the access) measures to prevent discharge of water from the site onto to the highway, then SCC highways could recommend approval of this application subject to conditions.

10. Environment Agency – No comments received. Any comments received will be the subject of an update.
11. West Suffolk – Environmental Health – Initial comments were received, as follows, but in light of the anecdotal evidence regarding landfill, further consideration and comments were provided, also detailed below:

The information submitted with the application does not indicate the likelihood of the presence of any contamination. Therefore, by adopting a precautionary approach, the following informative is recommended:

- If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

Environmental Health subsequently provided additional comments, which are summarised as follows:

- In conclusion, I have not seen any conclusive evidence to suggest the site was 'landfilled'. It is, however, clear that localised disturbed ground exists and that there is material at the surface that could potentially be hazardous. The possibility of shallow made or disturbed ground existing within the site is considered likely.

- Given the potential Asbestos Containing Material (ACM) observed on site, the anecdotal evidence of landfilling and the likely possibility of shallow Made Ground, imposing a condition relating to land contamination on any planning permission granted at the site could, in my opinion, be considered a reasonable, conservative approach.

These points are discussed in more detail below within the planning considerations – ‘Environmental Conditions (Flood Risk, Drainage and Contamination)’ section of this report.

12. West Suffolk – Public Health and Housing – No objection, subject to the following conditions:
  - Restriction on hours of demolition, preparation and construction works.
  - Any waste material arising from the site preparation and construction works shall not be burnt on site, but shall be kept securely in containers for removal to prevent escape into the environment.
  - Details of the sewage package treatment plant shall be submitted to the Local Planning Authority for approval.
13. Suffolk County Council - Rights Of Way – No comments received. Any comments received will be the subject of an update.
14. Suffolk County Council – Minerals and Waste – No comments received. Any comments received will be the subject of an update.
15. Suffolk County Council – Development Contributions Manager – No comments received. Any comments received will be the subject of an update.
16. Natural England – No comment.
17. CLH Pipeline System Ltd – We can confirm that the property is not within the vicinity of our client’s apparatus.
18. Planning Policy – No comments received. Any comments received will be the subject of an update.

## **Representations**

19. Exning Parish Council (summarised) – Objects for the following reasons:
  - The area is of such significant natural landscape value that no development should take place unless under very special circumstances.
  - The site is surrounded by land used by the horse racing industry, which the District Council has already taken steps to protect locally.
  - The site is within close proximity to Northmore Stud.
  - Concern expressed about the effect of the application proposal on the adjoining and neighbouring stud farms (horse racing industry) caused by the pollution of

light, noise and smoke normally associated with the commercial aspect of such a site.

- The proposed site is located outside the village development boundary.
- There has been no local traveller demand for such a site within the village of Exning.
- The site is not a response to local needs.
- The application contains a number of discrepancies, including insufficient detail on the areas of drainage and waste management.
- The land was previously a landfill pit, and has recently been levelled and graded, with trees felled. The contamination report provided with the application is only a desk report.
- Concern expressed about the access to and from the site onto North End Road, which is frequently used by walkers and horse riders from the village.
- If planning permission is granted, the Parish Council requests that the site is restricted to a residential use only, as per the application, and that no commercial use of the site should be made at any time in the future.

20. 20 letters have been received from local residents, including at the following addresses, raising **objections** to the proposed development:

- Northmore Stud,
- Cairns, North End Road
- 1 Mill Lane, Exning
- 2 Northmore Cottages, North End Road
- 34 King George Avenue, Exning
- Orchard Farm Cottage, North End Road
- 1 Coronation Cottages, North End
- Woodbury, North End Road
- 2 Coronation Cottages, North End Road
- 1 Northmore Cottages, North End Road
- 16 Hillside Meadow, Fordham
- 27 Park Road, Cheveley
- Northend House, North End Road
- Strutt and Parker (on behalf of 1 and 2 Coronation Cottages, 2 Northmore and Nattymoor)
- Northmead, North End Road
- Northmore Farm Lodge, North End
- Wadebridge Farm, Landwade Road

21. The issues and objections raised are summarised as follows:

- The area is not good for any kind of living accommodation, because there is no water, sewage or other supplies at all. Concern therefore expressed about how amenity buildings will work.
- If planning permission is granted, will there be a restriction on the number of caravans?
- Only 2 of the 4 caravans will be static, which would indicate that the other 2 are capable of being taken off the site, which is going to seriously impact on the access.
- The road is very narrow and rises to the right to a brow, and concern is

therefore expressed about access to the site. The visibility from the access is poor.

- North End Road eventually becomes a single track access, and the proposed development, by virtue of the additional traffic, would only exacerbate current congestion and speeding problems. At present, as you travel further down North End Road, cars have to pull tight onto the verge to enable safe passage.
- There is no verge (despite the statement in the planning application) and few passing places.
- Any additional traffic, such as vehicles towing caravans, would be dangerous as there is no room for manoeuvring. It would also be dangerous for other road users, including tractors from the stud farm and Exning Estate.
- Concern about parking on road/neighbouring land.
- The Highway Authority's comments about the visibility splays are noted.
- No visibility splays have been provided from the site's access or vehicle tracking provided to highlight vehicular manoeuvrability within the site.
- North End Road is a dead end and has broodmares and foals on it, and serves as the main walking road for families and children.
- North End Road has a 60mph speed limit. Using the road as a pedestrian access to facilities in Exning would be hazardous due to the speed limit, width and visibility of the road. There are no public footpath links to Exning.
- If planning permission is granted and the site becomes an official site, will it have the benefit of refuse collection or will rubbish accumulate freely?
- Who will ensure that the upkeep of the site is maintained?
- The development will cause noise, extra traffic and mess along the quiet lane.
- No site notice/lack of notification about planning application.
- The description of development is misleading.
- The submitted documentation does not correspond with the description of development.
- The submitted plans are ambiguous, insofar as they are not clearly annotated.
- The local area comprises dwellings and outbuildings of considerable architectural character, therefore the 4 caravans and 2 amenity buildings proposed would appear totally incongruous within the locality.
- The development would appear alien and would be an intrusion in this rural location. The development would therefore result in a detrimental impact on the character and appearance of the countryside, by virtue of the domestic and urban appearance of the site in the wider landscape.
- Concern about caravans and hardstanding.
- The development does not fit into the character of the area.
- The site is located in the countryside, as defined by the District Council's Local Plan Policies Map.
- The site is situated within an unsustainable location in the open countryside, a considerable distance from shops and services, and therefore comprises an unacceptable form of development, contrary to policy CS8 of the Council's Core Strategy, policies C and H of the DCLG publication 'Planning Policy for Traveller Sites', policies DM5 and DM27 of the Council's Joint Development Management Policies Document, and paragraphs 17 and 55 of the NPPF.
- Added pressure on local amenities and schools, which are already oversubscribed.
- The development comprises poor design, contrary to the provisions set out within section 7 of the NPPF, policy CS5 of the Council's Core Strategy, and policies DM7 and DM22 of the Council's Joint Development Management Policies Document.

- The application provides no detailed information to specify the size, materials, or height of the proposed 4 caravans, and in the absence of this information, it is considered that this application does not constitute sustainable development, the proposal cannot demonstrate how it has regard to local context, and the Local Planning Authority cannot ensure that the scale of such sites does not dominate the nearest settled community or neighbouring development.
- It is noted that a package treatment plant is to be used for foul draining; however, no information has been provided with regards to the safe disposal of the waste. Similarly, there is no provision for waste storage on site and no reference to its disposal. The application is therefore deficient.
- The installation of a waste treatment plant causes concern as these require regular servicing with the use of a very large vehicle, which could obstruct the lane.
- The development will not improve or add to the residential amenities of the village.
- The site has not previously been identified for gypsy and traveller pitches, despite the fact that the Council has an unmet need for such provision.
- There is a similar site in Burwell that has permission for 8 caravans and is currently unused, suggesting that there is no need for another site.
- Concern about the increase in crime, theft and anti-social behaviour in the area. The police have previously, on at least one occasion, linked local thefts to travellers.
- Concern about fly tipping and perhaps even grazing of animals along the lane.
- Intimidation to members of the public walking on public byways.
- Safety concerns for road users.
- The development will damage the public access to the area, which is used by dog walkers and families i.e. horse riders.
- There are not any footpaths for walkers/horse riders to use. These people therefore need to be on the carriageway, but would not be visible from the access point. Horse riders are forced to ride on the roads as more and more land becomes unavailable to them. Children also play in the road.
- There is no street lighting past the road speed sign, so walkers/horse riders are not noticed during winter evenings.
- Concern about noise, rubbish and disturbance from the proposed site, including disturbance to horses from dogs.
- Concern that the development will have a detrimental impact on nearby equestrian businesses.
- Concern about the biosecurity of neighbouring properties and the livestock contained thereon.
- The site is contained by a concrete wall and concern is expressed about what will happen if the site expands and the occupiers of the site are contained within the wall like 'prisoners'. Concern expressed that this wall will then be removed and the site will expand into the surrounding countryside.
- The provision of caravans and hardstanding under the canopy spread of mature trees, which border the site, will significantly compromise the health of these trees. In addition, the removal of the existing planting within the main site will result in a biodiversity issue. It is considered that an ecological assessment should be provided.
- It is understood that the site was previously a rubbish tip/landfill site.



## **Planning Policy**

22. The application has to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. At present, the Development Plan comprises:
- Forest Heath Core Strategy (May 2010)
  - Remaining saved policies in the Forest Heath Local Plan (1995)
  - The Joint Development Management Policies Local Plan Documents (February 2015)
23. The following policies within these documents are of particular note in the consideration of this application:

### Core Strategy

- CS 3: Landscape Character and the Historic Environment
- CS 5: Design Quality and Local Distinctiveness
- CS 8: Provision for Gypsies and Travellers
- CS 10: Sustainable Rural Communities

### Joint Development Management Policies Document

- DM1: Presumption in Favour of Sustainable Development
- DM2: Creating Places – Development Principles and Local Distinctiveness
- DM5: Development in the Countryside
- DM11: Protected Species
- DM12: Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM13: Landscape Features
- DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- DM48: Development affecting the horse racing industry

### National Policy

24. The following Central Government planning guidance are material considerations in the making of planning decisions:
- The National Planning Policy Framework (2012)
  - The Planning Practice Guidance (2014)
  - Planning Policy for Traveller Sites (2015)
25. The National Planning Policy Framework (the Framework) sets out the government's planning policies for England and how these are expected to be applied.

26. Paragraph 14 of the Framework identifies the principle objective:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
  - or specific policies in this framework indicate development should be restricted."

27. This presumption in favour of sustainable development is further reinforced by advice relating to decision taking. Paragraph 186 of the Framework requires local planning authorities to "*... approach decision taking in a positive way to foster the delivery of sustainable development*". Furthermore, paragraph 187 states that local planning authorities "*... should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible*". It is considered that the Local Planning Authority has acted positively, in the public interest, when considering this application.

28. The Government has also published its Planning Practice Guidance (PPG) (March 2014) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

29. Planning Policy for Travellers Sites was revised following public consultation and re-published, by the Government, in August 2015. The revised PPTS requires that applications for a permanent site (including caravan sites) by persons who do not travel will be considered in the same way as an application from the settled population, as opposed to being considered under policies relating to travellers. The guidance places greater focus on consideration of the applicants nomadic habit of life, in terms of whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life and whether there is an intention of living a nomadic habit of life in the future.

#### **Officer Comment**

30. The issues to be considered in the determination of the application are:

- Principle of Development
- Planning Policy Considerations

- Need and Supply
- Ecology and Landscape (Natural Heritage)
- Environmental Conditions (Flood Risk, Drainage and Contamination)
- Design, Layout and Residential Amenity
- Highway Issues
- Sustainability

### Principle of Development

31. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain that there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy);
  - ii) social (supporting strong, vibrant and healthy communities); and
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment).
32. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
33. The provision of gypsy and traveller sites in rural areas is not, in principle, unacceptable. Provision is made within the Planning Policy for Traveller Sites publication (PPTS) for the consideration of traveller sites in rural areas and the open countryside, but indicates that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
34. The site is outside the development boundary and is within open countryside. The extent to which planning policy provides for the proposed development, and the manner in which this application should be considered, is set out within the later sections of this part of the report.

### Planning Policy Considerations

35. National guidance in the form of PPTS seeks to, inter alia, ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.
36. Within the guidance, 'gypsies and travellers' means "... *persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members*

*of an organised group of travelling show people or circus people travelling together as such”.*

37. In relation to plan making, the guidance is clear in Policy B of the PPTS that “... *where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward*”. Policy CS8 of the adopted Core Strategy is a criteria based policy that conforms to this guidance and will be discussed later in this section of the report.
38. In relation to sites in rural areas and the countryside, the PPTS states in Policy C that “... *when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community*”.
39. Policy H of the PPTS sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered:

a) **the existing level of local provision and need for sites** – The GTNA shows an unmet need for 9 additional pitches within the District for the period 2011-2016.

The applicant’s agent has submitted limited information in respect of need. Following discussion on this point, the agent has laterally advised that the applicant has relatives living on Willow Park and that there are no pitches available, although one pitch is empty, which may be due to an altercation on site. The agent further advises that Sandy Park does have some vacancies, in part due to the condition of the site, but that this would not be suitable to the applicant, who has some ill health issues and cannot cope with living on a large site containing unfamiliar families.

The agent states that currently, the applicant is travelling from site to site, and is having difficulty arranging schooling for her children. It is further stated that the applicant needs a settled base where she can access healthcare and regular schooling for her children. The extent to which this need can be met by the proposed site or alternative sites is considered later in this report.

b) **the availability (or lack) of alternative accommodation for the applicants** – The application does not properly and fully address why the need cannot be met from other sites. This includes The Sandy Park site, which appears to have availability of alternative accommodation, but where it is claimed it is unsuitable for the applicant, due to health reasons. No supporting information has been provided to substantiate this (ill health).

c) **other personal circumstances of the applicant** – The application contains some information about the need for a settled site to provide access to healthcare and education services. However, this is not considered to be specific to the application site.

**d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites** - Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.

**e) that they should determine applications for sites from any travellers and not just those with local connections** - This guidance is being followed in the determination of this application.

40. The site is not considered to be a Brownfield site, nor is it untidy or derelict. In its naturalised state, it offers some amenity value within this rural location. The proposed landscaping is very limited and does not, it is considered, positively enhance the environment. One of the pitches will be particularly visible when viewed from the street scene. The other pitch (to the south east) will be visible during the winter months. The proposal would have an impact on the rural environment, by virtue of this use occurring, and would result in a suburbanising affect in this rural location.
41. The application proposes hard landscaping and some small areas of lawn, but no additional planting is illustrated on the submitted plan.
42. Policies CS8 and CS10 do not preclude development in the countryside, providing the proposal meets the stated criteria and would not result in unacceptable harm. This is considered within the following paragraphs.
43. Policy CS8 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople, as advised in PPTS. The policy provides criteria by which to consider sites and proposals for gypsies and travellers. These criteria will be considered within the relevant sections of this report, as follows:

#### Need and Supply

44. It is accepted that the Council cannot demonstrate sufficient pitches within the area. However, the applicant and her agent have not offered any argument of need, including why the current accommodation is no longer suitable, nor have they properly addressed why the sites with vacancies are unsuitable, or indeed why other sites within the area are unsuitable. Comments are made, but these do not properly justify and support the position. The revised PPTS is quite clear when considering rural sites, such as the application site. Paragraph 25 states that Local Planning Authorities should very strictly limit new traveller sites in the open countryside that are away from existing settlements or outside areas allocated in the Development Plan. This site is a countryside location.
45. Policy CS8 requires proposals to meet identified needs, including the mixture of types of accommodation and tenures. However, this needs to be considered in light of the other material planning considerations.

46. There is an unmet need for 9 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.
47. The applicant has not properly demonstrated that their need cannot be met by other sites located close by. It is understood that pitches are available nearby.

#### Ecology and Landscape (Natural Heritage)

48. The proposal is to change the use of the land to a residential caravan site with a total of 4 caravans and 2 amenity buildings, which would be incongruous with the rural character. The sloping nature of the site means that these introductions will be partially visible from the immediate surrounding landscape. The site's landscape character type is described as 'Rolling Estate Chalklands' in the Suffolk Landscape Character Assessment. The guidance for this landscape character type suggests that this landscape does have potential capacity, in respect of visual impact, to accept developments, but effective design and mitigation measures will be vital. The proposals show a boundary hedge to the site; however, this does not appear to be present on site as is suggested. Additional planting will be required to create what will be an important feature and should consist predominantly of native species.
49. The siting of the day rooms, which will be permanent built structures, is insensitive. The lower dayroom is in very close proximity to neighbouring buildings, with limited space for vegetation that could provide effective visual screening. The dayroom on the higher tier is immediately opposite the site entrance. Lighting would increase visual impacts, particularly the external lighting required for a pitch to be functional for a residential use in a largely unlit rural landscape; as would introducing sundry domestic items associated with a residential dwelling to the countryside.
50. The proposal will require improvements to the access, including the removal of a section of the hedge to provide adequate sight lines. The extent of hedge removal has not been indicated on the plans, but this along with the improvements required to make the access acceptable to the Highway Authority, will have a detrimental impact on the character of the lane. The loss of the section of hedgerow will also represent an impact on biodiversity.
51. The upper terrace is to be used as a natural garden with the trees shown as retained and this is welcomed. This feature provides visual screening from the north and given the location of the site, just shy of the brow of the hill, this is an essential feature.

#### Biodiversity

52. The application is accompanied by a biodiversity report, which recommends a survey to update the status of badgers using the area. A survey is also recommended to establish any roosting potential. It is considered that these additional pre-commencement surveys are essential, should the application be considered acceptable.

53. Any loss of hedgerow, including to overcome the Highway Authority's recommendation of refusal would have a negative impact on biodiversity.

#### Environmental Conditions (Flood Risk, Drainage and Contamination)

##### *Flood Risk*

54. The application does not provide any detail, in respect of surface water runoff, except for identifying soakaways on the application form, as a means of drainage. As already stated, the topography of the application site illustrates the levels change of 5 metres from the top to the bottom of the site. The provision of tarmac, concrete pads and areas of crushed stone will result in the potential for increased surface water issues and the potential for flooding. Rain water run off may be discharged into soakaways. This can be controlled by a condition, if the development is considered to be acceptable and subject to the consideration of contamination issues.

##### *Drainage*

55. The proposed method of foul drainage is a private treatment plant that will need to discharge effluent, which would ordinarily be into a ditch. There are no known ditches within the application site or its boundaries, so it may therefore be an unsuitable form of drainage. No details are provided as to how and where the private treatment plant would discharge.

##### *Contamination*

56. The application is accompanied by a desk study contamination report. The Council's Contamination Officer has considered this and the anecdotal evidence, in respect of the site possibly being used for landfill.
57. This has been investigated by the Council's Environmental Health Officer (EHO), where the site is not listed on the Environment Agency's website, nor the Council's database. This is consistent with the information detailed in the desk study.
58. The EHO, following a further site visit after clearance had taken place on the site, and to investigate the suggestions of landfill, advises the following:

*"... the exposed vertical surfaces which accommodate the change in levels between the plateaus indicate material consistent with what would be expected of the natural superficial deposits in the area, indicating that the site has not been filled. Material within the root balls of mature felled trees on the lowest of the plateaus also appeared natural and consistent with what would be expected for the area.*

*There was clearly surface disturbance and surface detritus throughout parts of the site and some potential asbestos containing material (ACM) in the form of broken pieces of corrugated cement sheeting was observed.*

*There were stock piles on site, which were overgrown, and it was not possible to establish the nature or origin of the material making up those stock piles.*

*The proposed plan does not indicate the existing level changes and does indicate large grass areas.*

*In 'conclusion' the EHO has not seen any conclusive evidence to suggest the site was 'landfilled'. It is, however, clear that localised disturbed ground exist and that there is material at the surface that could potentially be hazardous. The possibility of shallow made or disturbed ground within the site is considered likely.*

*Given the potential ACM observed on site, the anecdotal evidence of landfilling and the likely possibility of shallow Made Ground, imposing the condition relating to land contamination should permission be granted is considered to be a reasonable, conservative approach".*

### Design, Layout and Residential Amenity

59. The proposal would utilise the existing terraces within the site. The topography of the land would result in the development being set at a higher level than the road. The site is currently well screened along the road frontage. However, in winter months, views of the proposal would be glimpsed through the trees, with part of the development being apparent all of the time, in views from the street scene, through the access point.
60. The rear concrete wall would go some way towards shielding the proposal from the countryside, which along with the existing ground level, would mean that this plot would not be visible from the paddocks to the rear. In terms of the north eastern end of the site, the existing trees and boundary hedge are considered essential to mitigate the proposal. However, views of the proposal would be evident, particularly in winter months. The access and the upper levels of the site would be visible throughout the year.
61. The design of the amenity buildings comprises a typical design and construction of brick under a tiled roof. The proposed plots are of similar size.
62. The pitch sizes themselves are of sufficient size to ensure that the living accommodation has sufficient space around it and that the development is not overcrowded on the plot. Policy CS8 requires that the pitch size facilitates good quality living accommodation without overcrowding or unnecessary sprawl, and it is considered that the proposed layout would comply with this element of the policy.
63. However, the lower site is set close to the existing buildings and would be read in any views against these buildings. The proximity of a day room so close to the animal buildings is considered unacceptable, both for the occupiers of the proposed site and for the neighbouring horse stud. The layout, in this respect, is considered unacceptable and detrimental to both parties. Policy DM48 provides protection for the Horse Racing Industry (HRI) from inappropriate development. This is considered later in this report.



## Highway Issues

64. The Highway Authority has recommended refusal on the grounds of highway safety, due to inadequate visibility and gradient. Any attempt to overcome this reason for refusal would result in intrusive works, both in terms of the removal of important vegetation and the creation of a suburban type access within this rural location, to the detriment of the street scene in this rural countryside location and likely impact on biodiversity in the area.

## Sustainability

65. The statement of justification submitted with the application states that the application site is "*... situated within walking and cycling distance of Exning, which contains local community services and facilities*".
66. There are no footpath or highway verges close to the application site, and the lane is narrow and single track in places, such that there is the potential for highway conflict (pedestrians, vehicles and horses).
67. Access to Exning by cycle or foot would necessitate travelling along the unlit public highway, where in part, as already stated, there is no footway or verge. The site is approximately 1.12 km (0.7 miles) to the local primary school and a small shop, which sells a limited range of convenience products; not a full range of goods. Accessing the site by foot could result in issues of highway conflict. Furthermore, the convenience shop sells limited goods and where occupiers of the site would need to travel by car to facilitate living on site. The extent of the sustainability of the site is therefore limited.
68. It would likely be inconvenient for occupiers of the site to make use of alternative methods of transport to carry out their day to day activities. This would be even more likely during the winter months, when weather conditions are poor, thereby placing greater reliance on the car.
69. The issue of sustainability also requires consideration of the social issues. The applicant has expressed a need to be settled on site, with access to healthcare and education. However, these points do not appear to be specific to the application site. A case has not been made that the applicant is locally employed, or indeed has local connections, nor has it been demonstrated that healthcare and education must be provided at this site and cannot be provided elsewhere. It is not known where the children are currently schooled, nor the availability of places in the local school.
70. Whilst the benefits of a settled base are acknowledged and understood, these are not site specific and will therefore be given due consideration in the making of the decision for this application.
71. Furthermore, no full justification has been given to demonstrate why other sites cannot provide the accommodation. Whilst health issues have been cited as to why one site cannot be considered, those health issues are unsubstantiated.

## Horse Racing Industry

72. Policy DM48 protects the HRI from inappropriate development, where it would have a material adverse impact on the HRI, including consideration of noise; including volume of traffic.
73. The application proposal is located adjacent to North End House, where horse breeding occurs. The paddocks to the rear of the application site are utilised for mothers and foals.
74. The location of the proposal, particularly the lower terrace so close to the existing horse stud facilities (broodmares and foals), would result in additional noise and light pollution that would be associated with the application proposal. It is considered that this could threaten the long term viability of this unit, contrary to policy DM48.
75. Furthermore, the increased traffic resulting from the proposal could have a detrimental impact on the HRI interests in North End Road, where there are a number of stud and other equine facilities located.
76. The comments received, in respect of the application, express concern in relation to the potential for economic impact on the HRI, due to horse owners/breeders pulling out of facilities in the area if this application is approved. The concern expressed primarily relates to the potential for noise disturbance, light pollution and volume of traffic on North End Road.
77. Overall, it is considered that the proposal, as submitted, is likely to adversely affect the economic, social and environmental role of the HRI and where there are considered to be no benefits to outweigh the harm. The proposal is considered to be contrary to policy DM48.

## **Other Matters**

### Access to Education

78. The applicant's agent has not provided any details of the numbers and ages of children, and how and where they are currently educated; nor has any detail been provided as to where the applicant previously resided. It may therefore be possible that the local school cannot accommodate additional pupils.
79. The applicant identifies a desire to provide a settled base for the family, giving improved access to education, employment and healthcare.
80. Whilst the benefits of a settled base for the applicant are appreciated, the justification made is not specific to this site.
81. Furthermore, the site lies in a position where facilities and services will most likely be accessed predominantly by car, due to the lack of footpaths and verges, thereby providing a reliance on motorised transport to service the day-to-day needs of the site occupiers.

## Conclusion

82. On balance, the proposal is considered to be unacceptable due to the resultant unacceptable detriment to the character of the landscape, contrary to the provisions of policies CS3, CS8 and CS10 of the Forest Heath Core Strategy and policies DM1, DM2 and DM13 of the Joint Development Management Policies Local Plan Document.
83. The Highway Authority has recommended refusal. The existing frontage trees/hedge are highly important within the street scene and any consideration to removing these to facilitate access or an improved access, in seeking to overcome highway objections, would be unacceptable. The existing hedgerow is currently protected by the Hedgerow Regulations.
84. It is considered that the highway recommendation of refusal cannot be overcome for the reasons stated and the recommendation is therefore for refusal on highway safety grounds.
85. The proposal, due to the layout/position of the buildings and caravans on site, is considered to have an adverse impact on the HRI, by virtue of noise, light pollution and additional vehicular traffic in this location, which has limited sustainability.
86. The applicant has not demonstrated a need to be located on this site that cannot be met by alternative sites, nor have any local connections been demonstrated to support any need.

## Recommendation

87. The recommendation is one of refusal. The proposal is contrary to policies CS3, CS8 and CS10 of the Forest Heath Core Strategy, policies DM1, DM2 and DM13 of the Joint Development Management Local Plan Document, the PPTS and the National Planning Policy Framework.
88. It is recommended that planning permission be **REFUSED** for the following reasons:
  1. The proposed development would, by virtue of the inadequate visibility splays and access gradient, have an unacceptable impact on highway safety, to the detriment of both vehicles leaving the site and other road users (including horses) on North End Road. Furthermore, there are no footpath or highway verges close to the application site, where the lane is narrow, such that there is potential for further highway conflict. The proposal is therefore considered to be contrary to policy DM5 of the Council's Joint Development Management Policies Document and paragraph 32 of the National Planning Policy Framework.
  2. The proposed development would, by virtue of the layout/position of the buildings and caravans on site, have an adverse impact on the Horse Racing Industry, by virtue of increased noise, light pollution and additional vehicular traffic in a location that is not totally sustainable. The proposal is therefore considered to be contrary to policy DM48 of the Council's Joint Development Management Policies Document.

3. The applicant has not sufficiently demonstrated a need to be located on the site, including local connections to support any need, and has not demonstrated why this need cannot be met by an alternative site. By failing to provide any evidence of substance, the Local Planning Authority cannot positively determine this application, where the site is situated within the open countryside, away from the defined settlement boundary of Exning. The proposal is therefore considered to be contrary to policy CS 8 of the Council's Core Strategy and policies B, C and H of the Planning Policy for Traveller Sites (PPTS).

**Documents:**

All background documents, including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NF13JTPD03F00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY