

Development Control Committee 7 April 2021

Planning Application DC/21/0016/FUL – Liberty House, Hepworth Road, Market Weston

Date registered: 21 January 2021 **Expiry date:** 18 March 2021
EOT 23 April 2021

Case officer: Connor Vince **Recommendation:** Approve application

Parish: Market Weston **Ward:** Barningham

Proposal: Planning application - change of use from single dwelling house (C3) to a holiday let property (sui generis)

Site: Liberty House, Hepworth Road, Market Weston

Applicant: Ms J Hargrave

Synopsis:

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

Recommendation:

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

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Background:

Due to the recent planning history and the level of local interest in the site the application has been referred directly to the Development Control Committee at the request of the Assistant Director, Planning and Regulatory.

Proposal:

1. Following the lapse of a 12-month conditional restriction applied to planning application DC/19/0344/FUL which granted permission for Liberty House to function as a holiday-let (Sui Generis), this planning application seeks planning permission to continue to use the property as a holiday-let, therefore changing from a single C3 dwellinghouse to a Sui Generis holiday let.
2. Liberty House is an eight bedroomed property spread across the ground floor, first floor and the attic, which can be booked throughout the year and, save for sporadic periods when the applicant may wish to use the property for personal holiday purposes, there are no periods in which the property is 'off-line'. No other external operational development or alterations to the property are proposed as part of this application
3. Liberty House is a large dwelling set within a spacious plot of approximately 3 acres. Vehicular access is achieved via an unmade lane onto Hepworth Road to the north east.
4. As a holiday let, the property is only available as a whole unit and the application does not seek a mixed use. Therefore, in the event that planning permission is granted, a position in which residential use takes place alongside holiday lets is not envisaged, and in fact would be a breach of planning control, noting the conclusions reached below that this proposed use falls within a sui generis use class rather than within a C3 use class.

Application supporting material:

5. In support of the applicant, the following have been provided:
 - Application Form
 - Location Plan
 - Floor Plan
 - Planning Statement
 - Noise Management Plan
 - DC/18/2137/HH – Committee Report
 - DC/19/0344/FUL – Committee Report
 - DC/19/0344/FUL – Decision Notice
6. A record of bookings has also been provided by the applicant. These record date from August 2019 to 22 February 2021. The bookings sheet contains sensitive information, including names, from customers using Liberty House and is therefore not available for public viewing, albeit data extracted from the records is provided below, and a redacted version of the booking sheet is available for public viewing.

7. The documents, other than those stated, are available for public viewing on the Council's website.

Site details:

8. Liberty House has a lawful use as an existing eight bedrooomed residential dwelling, set within approximately 3 acres of associated amenity grounds and gardens.

9. Due to its location outside of the Market Weston settlement boundaries, the property lies within what is defined as open countryside from a land use perspective. The closest residential dwellings to the site, Three Waters, Stone Cottage and Wellfied, are also situated within designated countryside. These neighbouring dwellings are generously separated from the application site and are located to the south east, north east and north respectively.

10. Undeveloped, open countryside lies to the north, west and south of the application property with fields and open space also located to the east.

Planning history:

Reference	Proposal	Status	Decision date
DC/16/1930/HH	Householder Planning Application - Single storey extension to south east elevation (following demolition of existing conservatory)	Application Granted	4 November 2016
DC/18/2137/FUL	Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)	Application Granted	9 August 2019
DC/19/0344/FUL	Retrospective Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).	Application Granted	22 August 2019
DCON(A)/19/0344	Application to Discharge Condition 3 (noise management plan) and 5 (bin area) of application DC/19/0344/FUL	Application Refused	11 December 2019
DC/20/2097/FUL	Planning application - installation of attenuation wall	Application Granted	22 February 2021

Consultations:

SCC Highway Authority

- The Highway Authority notes the grant of DC/19/0344/FUL for a 12 month period. During that consultation we recommended that there were no highway reasons to object to the application. Our recommendation included a B2 bin storage and presentation condition. We are unsure if a bin presentation area has been constructed during the intervening period of time, so we maintain that recommendation for the current application.

Public Health & Housing

- Public Health and Housing have received a total of six complaints (from two separate neighbours) of noise from the residents of Liberty House, of which were a mixture of amplified music and loud speech/shouting, and two other complaints (from the two same complainants) of smoke from bonfires during the periods from August 2018 up until November 2020. None of the noise complaints were substantiated. Comments relating to the original application were submitted to the LPA in April and June 2019 and these still remain the opinion of the Public Health and Housing Section. With that in mind we do not object to the application.

Environment Team

- Thank you for consulting the Environment Team on the above application. We do not have any comments in relation to contaminated land or air quality.

Suffolk Fire & Rescue Service

- Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.
- Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.
- Water Supplies - Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 180m from the proposed build site and we therefore recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Representations:

Parish Council

- Market Weston Parish Council object to the above application on the basis of the number of complaints that have been received from residents, regarding noise nuisance and antisocial behaviour. We also consider that the last year has not been truly reflective of a normal trading year.

Public Comments

11. In response to this application, 12 public comments have been submitted to the Local Planning Authority, all of which object to the application. Whilst all 12 representations can be seen on the website they can be broadly summarised as follows:

12.

- The noise generated from the holiday-let is too much and detrimental to the residential amenity of neighbouring dwellings.
- The application is retrospective
- Non-compliance with conditions attached to previous planning permission DC/19/0344/FUL.
- Use of holiday-let during national lockdown will not accurately reflect the impacts associated with the use of the building.
- Noise and disturbance generated is at unsociable hours
- Proposed use is inappropriate for locality
- The application is disingenuous as the intended use is for parties
- Proposed use creates additional traffic and poses a risk to highway safety
- Guests unfamiliar with the area trespass on land they are not familiar with
- Previous refusals for planning permission should be upheld
- The proposal fails to meet relevant planning policy requirements

Planning Policy:

13. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

14. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

National Planning Policy

National Planning Policy Framework (NPPF) 2019

15. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication.

16. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior

to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given.

17. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

SEBC Core Strategy 2010

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS9 - Employment and the Local Economy

Core Strategy Policy CS13 - Rural Areas

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Joint Development Management Policies Document 2015

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places – Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM14 Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM33 Re-Use or Replacement of Buildings in the Countryside

Policy DM34 Tourism Development

Policy DM46 Parking Standards

Officer comment:

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

- Legal Background
- Principle of Development
- Impact on Residential Amenity
- Highway and Traffic Implications
- Other Matters

Legal Background

18. Planning permission is sought to change the use of the property from a dwelling (C3) to a sui generis holiday let. In many cases, the use of a residential dwelling for holiday let purposes would not trigger a material change of use and would not, therefore, require planning permission. However, where the nature of a use changes so as take it outside of the scope of the use class it was in, then it amounts to a 'material' change of use. The view of the Authority in this regard, on the basis of a 'fact and degree' judgement, is that the size of the property, the nature of its accommodation, and the impacts arising from its use in terms of activity and vehicular movements etc, take it outside the scope of the C3 residential dwelling use class. It is for this reason that planning permission is required.

Principle of Development

19. The application site is located outside any of the Local Planning Authority's (LPA) defined settlements and as such, the proposal comprises of development within designated countryside.

20. From a national policy perspective, the revised NPPF is clear, at paragraph 83 that LPAs should seek to support, subject to material planning considerations, applications which propose sustainable rural tourism. The proposal seeks planning permission for the conversion of the existing residential dwelling (C3) to a holiday-let (Sui Generis) outside of a designated settlement.

21. Proposals for new development and changes of use outside of the LPA's defined settlement boundaries must however be considered carefully as it is incumbent upon the LPA to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development.

22. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, they should be resisted. National and local policies therefore broadly aim to direct development to locations which are both sustainable and will not result in the loss of unspoiled rural landscapes.

23. With all of the aforementioned points considered, whilst the countryside location of the site is duly noted, policy CS9 of the SEBC Core Strategy Document supports rural tourism facilities. Furthermore, policy DM5 of the Joint Development Management Policies Document provides that proposals for new buildings (and changes of use) related to new tourism facilities, and which preserve the openness of the countryside, will also generally be supported.

24. The proposal does not seek to add to the built environment and it therefore does not prejudice the openness of the rural locality. It should

also be noted that, whilst the site is located outside of any defined settlement boundary and within designated countryside, the site is not within the open countryside as intended by DM5. The property is an existing residential dwelling, having most recently been lawfully used as a holiday-let for a temporary period, and is set within landscaped gardens. It does not therefore represent the open countryside that DM5 fundamentally endeavours to preserve.

25. In addition, and notwithstanding the above, DM5 further provides that proposals for economic growth and expansion of all types of business (such as Liberty House) which recognise the intrinsic character and beauty of the countryside will be permitted if the proposal:

- does not result in a loss of best and most versatile agricultural land
- there will be no significant detrimental impact on the historic environment, landscape, ecology or highway network

26. The proposal is able to demonstrate compliance with the above points owing to the lack of built development arising and the lack of identified adverse impacts on the local landscape or the highway network.

27. Overall, given the national and local policy position, there is a general degree of support for rural enterprises which deliver sustainable tourism-based development and do not unjustifiably or irrevocably erode existing amenity or character. By its very nature, the use for a holiday let is an end use which preserves the openness of the semi-rural landscape as required by DM5.

28. Paragraph 83 of the NPPF and policy DM5 are broad in their remit. However, in this instance, the proposal must be considered in detail against DM33 (Re-use of buildings in the countryside) and DM34 (Tourist Development) with respect to its wider impact and relationship with the existing locality. Both of these policies provide a presumption in favour of the proposed development and offer support to the intended use as a holiday let subject to certain criteria.

29. Therefore, given the site's context, subject to compliance with policies DM33 and DM34, the principle of development in this location is something that officers can support.

Compliance with Policies DM33 (Re-use of buildings in the countryside) and DM34 (Tourism Development)

Policy DM33: Re-use of buildings in the countryside

30. Having established the principle of development is acceptable, the proposal will now be considered in relation to its compliance with Policies DM33 and DM34.

31. Although the site does not sit within the designated countryside as DM5 intends, Liberty House remains outside any of the defined settlements and the proposed use therefore represents the re-use of an existing building in the countryside.

32. Policy DM33 provides that the re-use, conversion and alteration or extension of buildings in the countryside for tourist accommodation will be permitted, provided such proposals comply with other relevant planning policies which comprise the LPA's Development Plan. In this instance, the most notable and relevant policies with respect to Liberty House are DM2, DM5, DM33, DM34 and DM46.
33. Policy DM33 states that proposals for the re-use, conversion and alteration or extension of buildings must also satisfy the following criteria:
- A. the building is structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction;*
 - B. any proposed alterations to the building, its proposed use, its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance or adversely affect the setting of the building in the rural locality;*
 - C. the nature and intensity of the proposed use would be compatible with its rural location. Proposals for employment uses will be required to provide a sustainability assessment (which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);*
 - D. proposals which would be likely to create a significant number of jobs should be well located in relation to towns and villages or be reasonably accessible by public transport;*
 - E. in the case of tourist accommodation there is no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area;*
 - F. it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area*
34. In response to the above criterion, the application currently under consideration is able to clearly demonstrate compliance to enable the LPA to deem the policy as being accorded with. Given that the proposal seeks a change of use only, point A is not relevant and the proposed use for holiday lets does not result in visual harm or affect the prevailing semi-rural setting of the property or wider locality, therefore demonstrating compliance with criterion B.
35. Moving on to point C of the policy, the nature and intensity of the proposed holiday let use is considered appropriate for the locality. The setting of the dwelling is not compromised as a result of the property being used as a holiday-let and given that a large dwelling such as Liberty House would likely have multiple vehicle movements per day, the increased activity associated with the intended holiday let, whilst being sufficiently material to support the conclusion that this is a change of use requiring planning permission, does not represent a level of activity which the LPA consider unacceptable or inappropriate for the locality. Furthermore, the property is an eight bedroomed dwelling and given the scale and spacious setting of the plot and wider area, the proposal does not give rise to a use which is incompatible with the site.

36. With reference to point E, there is, as a result of this application, no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area.
37. Point F relates to the highway implications of the proposal and will be discussed in the 'Highway and Traffic Implications' section of this report. That said, it is asserted that no adverse impact with respect to the operation of the existing highway network has been identified.

Policy DM34: Tourism Development

38. Policy DM34 of the Joint Development Management Policies Document aims to ensure that proposals for tourist based development are appropriate and well considered for the locality within which it will be based. With Liberty House functioning as a Holiday Let, the provisions set out within DM34 are therefore relevant to the proposal under consideration.
39. However, in considering DM34, it should be remembered that this policy relates to "new tourism facilities" and as such, the wording of the policy is generally geared towards those proposal which seek to create new buildings or tourism complexes, and in particular those at the more intensive end of the spectrum. It remains relevant to the Liberty House application nonetheless as the underlying principles remain the same.
40. Policy DM34 states that planning applications for new tourism facilities, or improvements and extension to existing facilities, will be permitted provided that:
- A. *the proposals are connected to and associated with existing facilities or located at a site that relates well to the main urban areas and defined settlements in the area and can be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users;*
 - B. *it would not adversely affect the character, appearance or amenities of the area and the design is of a standard acceptable to the Local Planning Authority;*
 - C. *vehicle access and on-site vehicle parking would be provided to an appropriate standard.*
41. In addition to the above, proposals for tourist accommodation in rural areas must also seek to support the existing local community services and facilities, and:
- D. *have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside;*
 - E. *be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.*

42. Liberty House is an existing dwelling which sits outside any of the defined settlement boundaries and the locality does not benefit from a large range of facilities, as those in a key service centre would, which the property could benefit from. However, it relates to the area's fragmented settlement boundaries well by not proposing additional intrusive development which would be discordant and out of keeping with the wider character of the area. In addition, although the locality benefits from few amenities and services, it is possible to walk the approximately 800 metres / 0.5 mile route from the property to the local public house (the Mill Inn) on footpaths and wide verges, as well as along public rights of way to the south and north of the site, providing access to the Hepworth and Market Weston Church Road settlement boundary respectively.
43. Point D of policy DM34 refers to the need to preserve local biodiversity. This point was considered in relation to the previous planning application DC/19/0344/FUL, where ecological enhancement measures were conditions as part of the temporary approval. The proposal relates to an existing dwelling and proposes no additional building or operational development. As such, given the lawful use of the site for purposes which are directly incidental to the enjoyment of the dwelling, a materially adverse impact on the local biodiversity credentials, above and beyond that which might naturally occur as a result of a large dwelling being occupied at full capacity in the countryside, has not been identified. A substantial conflict with this element of the policy is not therefore likely to arise.

Impact on Residential Amenity

44. The preceding sections of this report have exhibited the extent to which the LPA are able to support the principle of development with respect to the proposed holiday let use.
45. However, despite this degree of support and the subsequent weight to be attached by the LPA in the overall planning balance, policies DM5, DM14, DM33 and DM34 (in conjunction with DM2) state that amenity should not be materially and adversely impacted by any such proposal.
46. Policy DM2 of the Joint Development Management Policies Document is clear in that proposals for all development should not, taking mitigation measures into account, adversely impact the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, volume or type of vehicular activity generated. This extends to residential amenity.
47. As this application seeks only to change the use of Liberty House, there are limited opportunities for a materially adverse impact (upon residential amenity) to arise. However, it is duly noted by the LPA that a large number of public objections have been submitted which suggest that the use of the property for holiday lettings has resulted in noise disturbances to nearby dwellings.
48. Whilst these concerns with respect to noise are acknowledged, given the site's context and the degree of separation between Liberty House and the off-site dwellings, the proposal is not judged to give rise to such severe amenity impacts that it should be refused. In order for the LPA to

recommend refusal of the application, the use itself would need to give rise to activities and noise which generate unrelenting, irrevocable harm to the area's amenity.

49. In reaching this conclusion, formal comments from the LPA's Public Health and Housing Officers have been sought and these are reproduced within the consultations section of this report. As can be seen, Public Health & Housing have responded to this application stating they wish to raise no objections to the proposal. Public Health & Housing received a total of six complaints from two separate neighbours of noise from the residents of Liberty House, of which were a mixture of amplified music and loud speech/shouting, and two other complaints from the same complainants, of smoke from bonfires during the periods from August 2018 up until November 2020. Public Health & Housing have confirmed that none of the noise complaints were substantiated, such that any formal action could be taken. Comments relating to the original application were submitted to the LPA in April and June 2019 and these still remain the opinion of the Public Health and Housing Section.
50. The LPA note that there may, on occasion, be times when noise is audible from Liberty House and its grounds; but this is true of most development proposals and it is not sufficient to recommend an application be refused based on the hypothetical eventuality that noise may be created to the detriment of the locality.
51. The noise concerns as raised by those objecting to the proposal remain relevant however, although when the separation distances between Liberty House and the off-site dwellings are considered, the LPA are unable to substantiate a claim that the proposed use would have such an adverse impact on residential amenity that it should be refused.
52. For example, the closest residential dwelling to Liberty House is Stone Cottage, which is situated approximately 113 metres north east of the dwelling itself, which now has a sound attenuation wall constructed, as granted planning permission under planning application DC/20/2097/FUL.
53. Significant separation distances are also observed from Liberty House to Rose Cottage, Hartmoor, Three Waters for example. In light of the above, whilst all objections from residents to the application have been carefully considered Officers are unable to conclude that the application be refused on this basis. Liberty House does not share intimate boundaries with off-site dwellings and ample screening and vegetation exists between the host property and off-site dwellings to ensure residential amenity is not so unduly threatened that the LPA can justify recommending the application be refused.
54. Notwithstanding points made in paragraphs 69 and 70, as detailed within the committee report for the previous planning application DC/19/0344/FUL, (included as Working Paper 1) it is understood by the LPA that the owner has already made significant amendments to the way in which bookings are made and managed so as to ensure unacceptable noise impacts do not arise. A noise monitoring system, which displays real time noise levels being generated by guests has been installed. If the noise level generated exceeds a pre-defined set level of 85 decibels – which Public Health and Housing confirm is a reasonable and appropriate

level in this instance - the applicant / owner is notified and is then able to make contact with the guests directly. Failure to then reduce the noise as may have triggered the alert system, is then subject to the potential loss of a £1000 deposit that shall have been made prior to booking. Whilst the LPA cannot impose such controls through the use of a planning condition, this approach could act as a useful measure between the owner and their guests that the LPA would welcome but do not deem essential to the granting of the permission.

55. In this instance, the control of potential and sporadic noise emanating from the property, given the human element of the proposal is something which is more appropriately addressed, should it be necessary, under the Environmental Protection Act 1990.
56. The Environmental Protection Act 1990 places a duty on the local authority to investigate complaints of noise nuisance made by a person living within its area. Where the local authority is satisfied that a statutory nuisance exists or is likely to occur or recur it must serve an abatement notice requiring abatement of the nuisance. The Act does not define nuisance. The law only requires the investigating officer to be of the opinion that the effect of the noise on the average reasonable person would cause a nuisance or be prejudicial to health, e.g. preventing restful sleep. There is no set level above which an intrusive noise may be considered a statutory nuisance and each case must be considered on its merits. Matters to be considered include the level of the noise, its character, frequency of occurrence, time of occurrence and duration.
57. A record of bookings from August 2019 to February 2021 has been submitted to the LPA for consideration. During this time, 47 bookings have been made with a stay duration ranging from two to 16 nights, and over a total of 191 nights occupation between 16 August 2019 and 20 December 2020 out of a total of 492 days (and noting that during March, April, May, June and November no holiday bookings were possible). The premises were also occupied on a short term rental basis between 18 March 2020 and 8 June 2020, a period of almost four months when holiday lettings were not possible due to the national lockdown in force at that time. The records indicate therefore that the only period without any form of regular occupation appears to be November 2020, during the second national lockdown period, with bookings commencing briefly again in December 2020.
58. These records show a very clear picture, of regular bookings right through the relevant period, affected only for a modest period of time during the first and second national lockdowns.
59. The use of the holiday-let during the previously granted temporary permission for 12-months is therefore considered to illustrate a regular turnover of guests. This, combined with the relatively low number of unsubstantiated noise complaints received, as confirmed by Public Health and Housing, therefore provides sufficient justification as to the suitability of the property for use as a holiday-let. These figures are considered helpful and sufficiently material in number, nature and extent, notwithstanding any periods of closure owing to the Covid-19 pandemic, so as to amply demonstrate that the noise effects arising from this use are not sufficiently material to justify a refusal, and that on this basis officers

do not therefore consider that a further temporary approval would be justified.

60. The previous approval included a condition limiting it for a 12 month period. An appeal was lodged against this condition. The Inspector concluded that it was a reasonable condition, stating '...it was prudent for the Council to issue permission on a temporary basis to allow noise levels from the use of the property as a holiday let to be monitored and to provide an information source should a further application be submitted. Monitoring the situation would have provided an indication as to whether the intended noise management measures were effective'.
61. It is important to note that the Inspector's conclusions here did not make a judgement on whether or not the noise and amenity effects were or would be acceptable (see Inspector's Decision Letter at Working Paper 2). Rather, the judgement of the Inspector turned simply on whether or not it was reasonable of the Authority to impose a temporary permission, in order to monitor the noise effects. The Inspector concluded that it was. Having monitored those effects during the temporary period (periods of 'lockdown' notwithstanding), and noting the comments from Public Health and Housing, Officers can be satisfied that not only is a further temporary period not necessary, but neither is it necessary to include any further requirement for noise monitoring. The objective evidence available points to the effects arising from this sui generis use as being otherwise acceptable.
62. To conclude therefore, given the degree of policy support afforded to this proposal, the change of use is judged not to give rise to such an adverse impact on amenity that Officers can recommend the application for refusal. The site is considered to be sufficiently large and spacious with very generous distances and extensive screening between it and off-site dwellings. The proposed change of use to a holiday let, is not therefore deemed to be something which adversely impacts residential amenity to such an extent that the proposal should be refused.
63. It is also the case that the previous 12 month temporary consent that was granted in such a manner so as to allow a 'trial period' where the noise implications arising from the use could be assessed has demonstrated no statutory nuisances arising from the use. The records provided by the applicant of the number and nature of stays booked during the time when the temporary permission was being operated also indicate a sufficient extent of bookings, notwithstanding any Covid-19 enforced closures, in order to render the conclusion of limited noise and amenity impact a robust one.

Highway and Traffic Implications

64. This application represents a change in the use of an existing property and as such, formal comments from Suffolk County Council Highway Authority have been sought.
65. In addition to the noise concerns raised by multiple objectors, a second source of concern is the perceived adverse impact on the safety of the highway network. A number of the submitted objections refer to road

users not being familiar with the road network and driving at inappropriate speeds.

The National Planning Policy Framework outlines, at paragraph 109 that development should **only** be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given that the Highway Authority have raised no such concerns, Officers do not consider the proposal to represent a material conflict with National Policy in this regard.

Other Matters

Electric Vehicle Charging Points

66. Section 3.4.2 of the Suffolk Guidance for Parking advises that for sui generis uses an individual assessment will be made of the need for electric vehicle charging points. Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.
67. The 2019 NPPF at paragraph 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and paragraph 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.
68. The requirement for a C3 dwelling is one EV charging point. Noting the nature of this use, and its scale, and the present lawful use of the premises as a dwelling, it is considered reasonable to require a single EV charging point, and this can be required by condition.
69. Such a condition was attached to the previous granting of permission (DC/19/0344/FUL) but such was never provided. On this basis a condition will be attached to the permission to ensure an operational electric vehicle charge point is provided for the holiday let property.

Ecological Enhancements

70. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, CS3, DM10, DM11 and DM12. Policies DM5, DM33 and DM34 also seek to ensure proposals for conversion and/or tourism schemes do not unduly harm local ecological credentials.
71. The National Planning Policy Framework (2019) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph

175). This is underpinned by Paragraph 8 of the NPPF, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.

72. In this instance, the proposal is not judged to be one which has the potential to inflict harm upon local biodiversity or require further supporting information. No valuable habitats are at risk and the site is not subject to any special protection from an ecological perspective.

73. It is not anticipated that the proposal would have a harmful impact on biodiversity interests in this case. Nonetheless, noting the need to secure biodiversity enhancements in any scheme, a condition which requires the submission of basic ecological enhancement measures is recommended.

Conclusion:

74. Having considered the above matters, a material change in the use of Liberty House is judged to have taken place; from a C3 residential property to a sui generis holiday let property.

Despite being outside of the LPA's defined settlement boundaries, the principle of a holiday-let property, in this location is deemed to be acceptable and is supported by the provisions of policy CS9 of the St Edmundsbury Core Strategy and policies DM5, DM33 and DM34 of the Joint Development Management Policies Document (2015).

75. Residential amenity is judged not to be unduly or adversely impacted by the proposal and no other material factors which would require the LPA to consider the refusal of this application have been presented; no objection has been submitted by the LPA's Public Health and Housing service and as such, the proposal is judged not to conflict with policy DM2 of the Joint Development Management Policies Document (2015). Records indicate a sufficient extent of occupations during the period since the temporary consent was granted, notwithstanding any period of Covid-19 enforced closure, to robustly conclude that a further temporary consent is not justified in the circumstances of this case. In addition, the proposal has been considered against paragraph 109 of the National Planning Policy Framework (2019) and policy DM2 / DM46 of Joint Development Management Policies Document (2015) with no material conflict or severe implications with respect to highway safety identified.

76. In conclusion, the principle and detail of the development are considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

77. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

- | Reference number | Plan type | Date received |
|------------------|---|---------------|
| 2 | Details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose. | |
| | Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users. | |
| 3. | Within 6 months from the date of this planning permission, the holiday let property hereby approved shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge. | |
| | Reason: to promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards. | |
| 4. | Within 3 months from the date of this permission, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. | |
| | Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. | |

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0016/FUL](https://www.suffolk.gov.uk/DC/21/0016/FUL)