

## **Development Control Committee 4 January 2023**

### **Planning Application DC/21/2148/FUL – Agricultural Building, Maids Cross Hill, Lakenheath**

<b>Date registered:</b>	17 November 2021	<b>Expiry date:</b>	12 January 2022 EOT 06 January 2023
<b>Case officer:</b>	Amey Yuill	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Lakenheath	<b>Ward:</b>	Lakenheath
<b>Proposal:</b>	Planning application - agricultural storage building		
<b>Site:</b>	Agricultural Building, Maids Cross Hill, Lakenheath		
<b>Applicant:</b>	Mr Joe Bussey		

#### **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.

#### CONTACT CASE OFFICER:

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## **Background:**

**This application was referred to the Delegation Panel as the comments received from Lakenheath Parish Council were one of objection, contrary to the officer recommendation of approval of the application.**

**Following the Delegation Panel meeting on 6 September 2022 it was concluded that the application should be determined by the Development Control Committee.**

**During the course of the application three consultations have taken place with statutory consultees and neighbouring properties due to a number of amendments being received, including the revision of the red outline of the site, an alteration to the orientation of the proposed building, as well as a change to the proposed external colour of the building.**

**A site visit is scheduled to take place on Tuesday 3 January 2023.**

## **Proposal:**

1. Planning permission is sought for an agricultural storage building on land off Maids Cross Hill to the south and Sandy Drove to the east. The building would measure 6 metres in height (4.89 metres to the eaves), 28.20 metres in length and 16 metres in width.
2. The proposed purpose of the agricultural building is to store machinery which is used for the applicant's agricultural business.
3. The permission being sought follows an enforcement case which raised concerns about the untidy nature of the site due to the materials and machinery being stored in the open. It was suggested an agricultural building be constructed to tidy up the site.

## **Application support material**

- Application form
- Location plan
- Proposed block plan
- Proposed floor plans and elevations
- Flood map
- Flood risk map
- Land contamination questionnaire
- Land contamination report
- Brief from Suffolk County Council Archaeology
- Archaeological trial trench evaluation
- Design and access statement

## **Site details:**

4. The application site sits on the corner of Maids Cross Hill to the south, Sandy Land to the east and a track road to the north. It is located within land designated as countryside for the purpose of planning and has a history of use as agricultural land.

5. A formal access currently exists to the south-western corner of the site via Maids Cross Hill, however, there is also an access gate on the eastern side of the site off Sandy Drove, which is known to be used also.
6. The site is currently used to store material, hay and machinery which is said by the applicant to be used in connection with the applicant's agricultural business.
7. To the east of the site, sitting on the other side of Sandy Lane is Roughts poultry farm which contains a mix of agricultural buildings, as well as two residential properties (Home Farm and Flat 1 Home Farm). To the west and north are open fields, and to the south is Maids Cross Hill which sits between the village of Lakenheath and RAF Lakenheath.
8. The site is located within the 1500m buffer around components parts of Breckland Special Protection Area (SPA) designated for Stone Curlew.
9. Sandy Lane, to the east of the application site, is a Public Right of Way (PROW) and is classified as a Byway Open to All Traffic (BOAT) – Lakenheath Byway 17.

#### **Planning history:**

10. No relevant planning history.

#### **Consultations:**

11. **County Archaeologist** – Advised that due to the high potential for encountering archaeological features of high significance in the immediate area, the proposed agricultural building would need to be investigated for archaeology prior to the determination of the planning application.
12. Following the submission of an archaeological evaluation and report, which showed that there was no significant archaeology present within the proposed footprint of the agricultural building to prevent development, it was advised that there would be no requirement for conditions for archaeological investigation and reporting on this application.
13. **RSPB Eastern England Regional Office** – No comments received.
14. **Suffolk Wildlife Trust** – No comments received.
15. **Environment and Transport – Highways** – No objections raised during any of the three consultations. Stated that the proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a Highway Authority does not wish to restrict the grant of permission.
16. **Natural England** – No comments to make regarding proposal.
17. **Public Health and Housing** – No objections raised.
18. **Place Services – Ecology** – No comments received.

19. **Place Services – Landscape** – No comments received.
20. **British Horse Society** – No comments received.
21. **Ramblers Association** – No comments received.
22. **Ecology and Landscape Officer** – In terms of the proposal's impact on the SPA for Stone Curlew, the Ecology Officer stated that evidence suggests that agricultural buildings have less of a displacement effect than other types of building. Furthermore, with the proposed development failing to trigger the Natural England SSSI Impact Risk Zones because of the scale of the building which is below the threshold of 1000m<sup>2</sup> and Natural England not objecting to the proposals, it has been advised that the likely significant effects can be screened out.
23. In relation to landscape effects, it was suggested that tree and shrub planting is required to integrate this structure into the landscape and any planting should be reflective of the existing hedge and tree lines.
24. Furthermore, it was advised that ecological enhancements should be secured (as required by NPPF 174 and DM12), which could be delivered through new tree and hedge planting.
25. **Public Rights of Way and Access Team** – No objections raised but provided general advice including that the PROW must remain open, unobstructed, and safe for the public to use at all times, as well as that any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW.

## **Representations:**

26. **Lakenheath Parish Council** – Following the first round of consultations, the Lakenheath Parish Council objected to the application, stating:

“The view from Maids Cross Hill and the Warren northwards was identified by Parishioners in the Neighbourhood Plan Survey as reflecting the most distinct and important in the area; it encompasses features of the area's history and the way its landscape has been shaped by those who have lived and worked in it, and by nature. It is currently spoiled by an unsightly collection of vehicles and equipment on what should be agricultural land and has been the source of considerable complaint involving the Council's Enforcement team. On the face of it, a discreet building which could contain all the trade stock and equipment currently spread over the area would be welcomed.

However, there are number of issues. The proposed building is described as an agricultural building; agriculture is the practice of cultivating plants and livestock, and the business currently occupying the site is not agricultural – although hay is one of its products, it is brought in. Activity on the site is fundamentally that of a contracting and trading business and should be acknowledged as such when considering the application. This application runs counter to DM13, which states that all proposals for development should be informed by, and be sympathetic to, the character of the landscape.

The applicant is looking to provide a very large warehouse with a new access. The Design and Access statement states "The site already has an entrance in place from Sandy Lane it is not proposed to amend this or change the entrance as it serves the existing use." However, Sandy Drove is a narrow (3 metre) Right of Way enclosed by hedges, with only limited traffic to the neighbouring farm. The splay required by large vehicles using the entrance – including 12metre trailers - is simply not available without destruction of existing hedgerow. The ground on this track is unstable sand which is incapable of taking heavy manoeuvring traffic. As currently, vehicles accessing the site should only be from Station Road and along the North end of the field. A new entrance was opened onto Maids Cross Hill resulting in heavy vehicles using residential streets at speed. The Sandy Drove entrance would legitimise and presumably exacerbate this issue.

Consideration must also be given to the safety, working and enjoyment of the larger adjacent farm business and the families who live there.

The field the other side of Sandy Drove is known locally as the Roman field, with many Roman artifacts having been found there and recorded by the archaeology section of Suffolk County Council. On the field in question, a complete and untouched Roman kiln was found some 18" below the plough level as well as various pots and parts of pots and coins. In considering the case, an archaeological dig should be arranged to ensure that historical content is not lost.

The proposal is not proportionate and cannot be balanced against the potential harm to the landscape as the area is fully visible from many vantage points. It is noted that the size of the warehouse has been reduced, but even at its original size there was doubt that it would not be big enough to accommodate the equipment currently on the site. There is therefore a concern that the warehouse would simply be an additional loss of visual amenity – as well as, rather than instead of!

The proposal should be rejected as it would probably not resolve the current issues and represents an inappropriate development where the landscape impacts cannot be effectively mitigated."

27. Following the second and third consultations, which have included the archaeological report, a revision to which access is proposed to be used for the agricultural building, and the alteration of the building's orientation and external colour, no further comments have been received from the Parish Council.
28. **Ward Member** – No comments received from either of the Lakenheath Ward Members.
29. **Neighbour Representation** – 14 neighbour representations were received during the three consultation periods of the application (three during the first round, four during the second round and seven from the third round).
30. For the first consultation representations were received from Flat 1 Home Farm and Home Farm, all stating their objection to the proposal for the following summarised reasons:

- Highway issues regarding access, safe manoeuvring and pedestrian safety
- Questions of existing use of field where proposal sits and use of storage building – commercial use not agricultural
- Concerns in terms of impact on SSSI and protected species
- Adverse impact on character of area
- Impact on neighbouring amenity due to loss of light, light pollution and noise
- Queries regarding inaccuracies with the submitted plans

31. Following the second round of consultation, whereby the proposal has been amended and clarification had been provided in terms of the access to be used being via Maids Cross Hill, not Sandy Drove, representations were received from Home Farm x 2, Flat 1 Home Farm and 6 Delph Road. All representations objected to the proposal for the same reasons as listed above, as well as concerns regarding the increased risk of a fire hazard as a result of the proposal.

32. During the third and final round of consultation, which was carried out due to an amended red outline of the site, extending to the access via Maids Cross Hill to the southwestern corner of the site, seven representations were received from 41 High Street, 6 Delph Road, 23 Windmill Close, 29 Meadow Drive, Flat 1 Home Farm, Rumbles and Home Farm, all of which objected to the proposal for the reasons listed above, as well as the following additional summarised reasons:

- Adverse impact on landscape and rural nature of the area
- Concerns the building will not be used for agricultural purposes
- Queries raised regarding existing access gates which do not have planning permission
- Proposal may impact Public Right of Way use
- Building will be imposing to those using Public Right of Way
- Suggestion to move building away from neighbouring farm
- Current contents of field (machinery etc) will not fit into the proposed building
- Sandy Drove access is being used without owner's permission
- Design of building is not suitable for agricultural use

**Policy:**

33. 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 Forest Heath District Council.

34. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

- 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 DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM44 Rights of Way
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS10 - Sustainable rural communities

**Other planning policy:**

35.National Planning Policy Framework (NPPF)

36.The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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. 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

37.The main considerations in the determination of these applications are:

- o Principle of development
- o Design and impact on character
- o Impact on neighbouring amenity
- o Highway impact
- o Public Right of Way impact
- o Archaeological impact
- o Impact on biodiversity

### **Principle of development**

38. Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Policy DM5 also provides support for buildings in the countryside which are directly related to agriculture subject to the proposal having, amongst other things, an acceptable impact upon the character and beauty of the countryside.
39. Policy CS10 also supports the diversification of existing rural enterprises and the development of new enterprises where a rural location is either environmentally or operationally justified, provided there are no significant detrimental environmental, landscape, conservation or highway impacts.
40. In this case, the proposed building is to be used to store machinery which is used for the applicant's agricultural business. However, the use of the proposed building has been highlighted as an area of concern by neighbours and the Lakenheath Parish Council, as it has been suggested that the application site is currently used for additional purposes, such as storing and selling general machinery and for light industrial use.
41. Following these concerns being raised, officers have sought evidence from the applicant regarding the agricultural business to ensure that an agricultural use is taking place on the site which would warrant the need for the proposed agricultural building. Invoices have been provided which evidence the applicant's agricultural business which operates from the application site. Those include baling of straw, cutting of shelter belts and ditches, the provision of a tractor, trailer, and driver for the harvesting of crops and irrigation of fields.
42. Whilst the concerns from neighbours and the Parish Council are acknowledged, officers are content that the proposed use of the building for agricultural purposes is warranted, on a site that the documentary evidence provided indicates is used, to a sufficiently material degree, for agricultural purposes. To ensure the use of the building remains agricultural in nature, officers consider it appropriate to control the use of the building via condition.
43. The principle of the development is therefore considered generally acceptable, in accordance with DM5 and CS10, subject to further material considerations as discussed below.

### **Design and impact on character and landscape**

44. Development such as the provision of an agricultural building will need to be in accordance with policy DM2 and requires proposals to respect the character and appearance of the immediate and surrounding area, and

that there is not an adverse impact upon residential amenity, highway safety or important trees within the street scene.

45. Along with DM2, CS2 of the Forest Heath Core Strategy requires development to conserve and where possible enhance the character and local distinctiveness of the area. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable.
46. Policy DM13 and policy CS3 state that development should be informed by, and be sympathetic to, the character of the landscape and proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.
47. The application site is located in a rural countryside location. The site and wider area are overtly agricultural in character and appearance, with open fields to the north and west, Roughts poultry farm to the east which comprises multiple agricultural structures and dwellings, and Maids Cross Hill to the south. The site is bordered to the east by hedgerows and vegetation, apart from an element where the hedgerow breaks for an access onto Sandy Drove. The other boundaries are relatively open, with the site being visible from a track to the north and Maids Cross Hill. It should also be noted that the site is located within an area of local landscape value.
48. The proposed structure is positioned on the north eastern corner of the site, in an area which enables the building to sit near the agricultural buildings which belong to Roughts poultry farm to the east, and which will minimise the proposal's impact on the landscape, preventing the building from otherwise being a stark object in an open field. Concerns were raised by both neighbours and the Parish Council in terms of the proposal's positioning and how it may negatively impact the character of the area and landscape. However, officers consider the positioning on the site would ensure the least impact is caused, with it being situated near and viewed within the context of other elements of built form.
49. In addition, the proposed structure is agricultural in character and appearance. The proposed building is lengthy, measuring 28.20 metres, but is not otherwise considered disproportionately large, and with a height of 6 metres is considered to be of a respectful scale. The external appearance of the building has been amended throughout the course of the application, with the previously proposed colour for the external elevations being Goosewing Grey coated profiled steel and the proposed elevations now being Moss Green coated profiled steel, which is considered to be more in keeping with the surrounding area's character. This can be controlled through a condition.
50. In relation to landscape effects, whilst the addition of an agricultural building would introduce a large structure into the existing field, this kind of development is not unexpected in such a location and is considered to respect the wider landscape character. It was, however, suggested by the Ecology and Landscape Officer that tree and shrub planting should be required to integrate this structure into the landscape, which is considered

appropriate to be controlled through a pre-commencement condition for the submission of a soft landscaping scheme prior to the commencement of any development – this has been agreed with the applicant. It was advised by the Ecology and Landscaping Officer that any planting should be reflective of the existing hedge and tree lines.

51. In summary, the proposed addition of the agricultural building is deemed to be appropriate in terms of its design and impact on the surrounding character and landscape, in accordance with policy DM2, DM13 and CS5.

### **Impact on neighbouring amenity**

52. Policies DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.

53. DM14 states that proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. The policy goes on to say that all applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Planning Authority to make a full assessment of potential hazards.

54. Concerns have been raised by the residents of the farm which sits to the east of the application site and proposed agricultural building, on the opposite side of Sandy Lane, Home Farm and Flat 1 Home Farm. The residents are concerned that the proposed building will adversely impact their amenity due to:

- The proximity of the building to their properties and how this may result in loss of light into their lounge in afternoons and evenings in winter
- Disturbance due to light pollution if lighting is proposed inside or outside the building
- Noise as a result of the buildings proximity to their dwellings paired with the applicant's nature of business which involves power tools, grinders, diggers and other machinery which could generate noise

55. Since the first plans were submitted for the proposal, some minor amendments have been made which has altered the orientation of the building slightly so that the main access doors face west, away from Home Farm and Flat 1 Home Farm to reduce impacts on neighbouring amenity in terms of an overbearing sense, as well as noise and light impacts.

56. The proposed building being positioned approximately 45 metres from the dwellings to the northeast, the soft landscaping on the application site boundary as well as at Home Farm and an access track separating the buildings and creating a buffer, as well as the surrounding area being agricultural in nature, officers do not consider the proposed development would have such an adverse impact on the neighbouring properties to warrant its refusal.

57. The proposed development would be set off to an angle on the opposite side of Sandy Drove, therefore, even with its 6-metre height, it is not considered to have an adverse impact on the light into Home Farm and Flat 1 Home Farm.
58. Furthermore, it is considered reasonable by officers that a condition should be placed upon the permission which states that no external lighting shall be installed on the application site without prior written consent from the Local Planning Authority, in the interest of residential amenity.
59. Therefore, in summary, the proposal is deemed to be acceptable in terms of its impact on residential amenity and would comply with policy DM2 and policy DM14 in that regard.

### **Highway Impact**

60. Policy DM2 of the Joint Development Management Policies Document seeks to ensure that proposals maintain or enhance the safety of the highway network and paragraph 111 of the NPPF states 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.
61. Initially, the submitted plans and details showed that the proposed agricultural building would be accessed via Sandy Drove, to the east of the application site where an entrance currently exists. However, following neighbour representations being received from the owner of Sandy Drove, highlighting concerns that permission for access via Sandy Drove has not been given, and with no notice being served on the owner for the use of the Sandy Drove for the proposed development, as well as the suitability of Sandy Drove for agricultural vehicles, which was also brought up by neighbours and the Parish Council, it was concluded by the agent for the application that an existing access to the southwest of the application site via Maids Cross Hill would be used to gain access to the proposed agricultural building instead. A revised location plan and Design and Access Statement were received to formalise this change and a re-consultation was carried out with both neighbours and statutory consultees.
62. During the course of the application, the Suffolk County Council Highway Authority provided comments twice in response to consultations, both of which stated they did not wish to restrict the granting of permission for the proposed development as the proposal is not considered to have a detrimental effect on the public highway. Therefore, with the change of access location as to avoid Sandy Drove, therefore avoiding the narrow track road, it has been concluded that the proposal would comply with both policy DM2 and paragraph 111 of the NPPF.

### **Public Right of Way impact**

63. Policy DM44 states that a development which would adversely affect the character of, or result in the loss of, existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be

arranged which are at least as attractive, safe and convenient for public use.

64. Sandy Drove, which is adjacent to the application site to the east, is a Public Right of Way which falls under the Byway Open to All Traffic (BOAT) classification (Lakenheath Byway 17), meaning it can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle.
65. Concerns have been raised by both the Lakenheath Parish Council and several neighbours in terms of the proposal's potential impact on the Public Right of Way in terms of functionality and safety, as well as the impact on character. Concern has been raised that vehicles accessing the application site via Sandy Drove would force those walking along the Public Right of Way to have to move up onto the banks of the track which could cause a hazard. In addition, the owner of Sandy Drove has raised concerns, stating the applicant currently uses Sandy Drove as the main access to the site, despite not having permission and accesses have been created onto Sandy Drove from the application site which do not have permission.
66. Firstly, with the Public Right of Way being a Byway Open to All Traffic, vehicles are permitted to drive up and down Sandy Drove. However, following the concerns raised by the Parish and neighbours being passed to the agent for the application regarding the access via Sandy Drove, it was agreed that the access for the building would be via the Maids Cross Hill access to the southwestern corner of the site instead. Following this agreement, a revised location plan was submitted to show the Maids Cross Hill access would be used for the proposed agricultural building, therefore resolving concerns in terms of vehicles in relation to the agricultural building driving up and down Sandy Drove.
67. In terms of the impact on the character of the Public Right of Way, as advised previously, the site and the surrounding land is agricultural in nature, with the existing Rought poultry farm sitting to the east of the application site, which benefits from a number of agricultural buildings on site. In addition, the design, positioning and scale of the building is deemed to be appropriately agricultural in character.
68. Therefore, the addition of the agricultural building being considered under this application is considered to be acceptable both in terms of its impact on the character and accessibility of the Public Right of Way, in accordance with DM44.

### **Archaeological Impact**

69. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.
70. In addition, paragraph 194 of the NPPF states 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should

require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.

71. The application site is located within an area of high archaeological potential, adjacent to a significant multiperiod site (HER ref no. LKH 072) consisting of Roman buildings and kilns, Saxon cemetery and medieval remains. This area is extremely rich in archaeological remains, with numerous Prehistoric, Roman and later sites and finds spots in the immediate vicinity (e.g., LKH 073, LKH 128, LKH 188 & LKH 195).
72. With the site having never been the subject of systematic archaeological investigation and due to the high potential for significant archaeological remains to be present, as well as the possibility that the proposed agricultural storage barn could cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist, the Suffolk County Council Archaeological Service advised that in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant would be required to provide an archaeological evaluation of the site prior to the determination of any planning application, to allow for preservation in situ of any sites of national importance that might be defined, in accordance with paragraphs 194 and 195 of the National Planning Policy Framework.
73. Following the advice received from the Archaeological Service, an archaeological evaluation was undertaken, and the report has been reviewed by the Archaeological Service. The Archaeological Service advised that the results from the report show that there is no significant archaeology present within the proposed footprint of the agricultural building to prevent development. Therefore, based on the results of the archaeological evaluation the Archaeological Service advised that they would not be asking for any further archaeological work and there would be no requirement for conditions for archaeological investigation and reporting on this application. Therefore, the proposal is considered to be acceptable in terms of the impact on archaeology.

### **Impact on biodiversity**

74. Policy DM10 states that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the Local Planning Authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources.
75. Policy DM11 states that development which would have an adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992), and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to: a. reduce disturbance to a minimum; and b. i. maintain the population identified on site; or ii. provide adequate alternative habitats to sustain at least the current levels of population.

76. Policy DM12 states as part of the requirements of other policies in this DPD, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
77. Policy CS2 requires new built development to be restricted within 1,500m of components of the Breckland SPA designated for Stone Curlew. Proposals for development in these areas will require a project level Habitat Regulations Assessment (HRA). Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
78. The application site is located within the 1500m buffer around any 1km grid squares that have a functional link to the SPA because they support Stone Curlew outside, but in close proximity to the SPA. However, as advised by the Ecology and Landscaping Officer in their comments, evidence suggests that agricultural buildings have less of a displacement effect than other types of building. Whilst the reasoning for this is not conclusive it is assumed to be as a result of fewer movements to the site, no disturbance as a result of recreational usage of the immediate surrounds, reduced lighting and no disturbance or predation by pets.
79. Furthermore, the proposed application site is associated with and separated from functionally linked land by other existing agricultural buildings reducing the likelihood of construction disturbance. The proposed development does not trigger the Natural England SSSI Impact Risk Zones because of the scale of the building which is below the threshold of 1000m<sup>2</sup>. Natural England has not objected to the proposals. Therefore, the likely significant effects on the SPA can be screened out.
80. The Ecology and Landscaping Officer did, however, advise that ecological enhancements should be secured (as required by NPPF para 174 and DM12), which could be delivered through new tree and hedge planting. It is therefore considered reasonable and necessary to condition the requirement for a soft landscaping plan to be submitted prior to the commencement of the development, as well as the submission of an ecological enhancement strategy prior to the building first being brought into use.

### **Conclusion:**

81. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies such as DM2, DM5, DM13 and DM44 of the Joint Development Management Policies Documents and the National Planning Policy Framework, noting the use of the building is to be in connection with the applicant's current agricultural business and the building would sit in an area which is close to other buildings of an agricultural nature as to not adversely impact the character of the area in way which would be deemed unacceptable.

**Recommendation:**

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

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	140/PP/300 B	11 October 2022
Proposed Block Plan	140/PP/003 B	12 October 2022
Proposed Floor Plans and Elevations	140/PP/007 D	01 November 2022
Design and Access Statement		12 October 2022
Land Contamination Report		18 November 2021
Land Contamination Questionnaire		18 November 2021
Archaeological Trial Trench Evaluation		12 July 2022

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

- 3 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods

of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The agricultural building hereby approved shall be solely used in connection with the carrying out of agricultural operations and for the purpose of any agricultural uses/operations, carried out on the holding. It shall not be used for or otherwise in connection with any other machinery/plant hire use.

Reason: To ensure that areas designated as countryside will be protected from unsustainable development, as required by Policy DM5 of the Joint Development Management Document (2015).

- 5 No external lighting shall be installed on the application site without prior written consent from the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, the provisions of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to occupation 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. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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/21/2148/FUL](https://www.westsuffolk.gov.uk/DC/21/2148/FUL)