

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**TOWN AND COUNTRY PLANNING  
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

**STATEMENT OF CASE**

**CHRISTCHURCH LAND & ESTATES (ELMSWELL SOUTH) LIMITED  
("THE APPELLANT")**

**APPEAL AGAINST REFUSAL OF OUTLINE PLANNING APPLICATION (ACCESS  
TO BE CONSIDERED, ALL OTHER MATTERS RESERVED) - ERECTION OF  
CARE VILLAGE COMPRISING 66 BEDROOM CARE HOME (C2 USE),  
37 NO. EXTRA CARE BUNGALOWS (C2 USE),  
3 NO. ALMSHOUSES (C3), MANAGEMENT OFFICE (E(G)(I) USE),  
CLUB HOUSE, COMMUNITY GROWING AREA, ORCHARD,  
COMMUNITY BEE HIVES AND OPEN SPACE PROVISION**

**LAND TO THE NORTH AND WEST OF, SCHOOL ROAD, ELMSWELL, SUFFOLK**

**RICHARD BROWN PLANNING LIMITED**

**11<sup>th</sup> APRIL 2025**

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## 1. INTRODUCTION

- 1.1 This Statement of Case (SoC) has been prepared by Richard Brown Planning Limited on behalf of Christchurch Land & Estates (Elmswell South) Limited (“the Appellant”) to confirm the main points of case in support of the proposed care village development at Land To The North And West Of School Road, Elmswell, Suffolk (the appeal site).
- 1.2 The SoC should be read in conjunction with the submitted application forms, plans, and suite of supporting documents. In particular, the SoC should be read alongside the Planning Design and Access Statement (CAM Architects and Richard Brown Planning Limited) and Pegasus Group’s Landscape and Visual Impact Assessment, which describe the application site, its surroundings and the development proposals in detail.
- 1.3 This Appeal is against Mid Suffolk District Council’s (Council) decision to refuse outline planning permission for the following development
- Erection of Care Village comprising 66 bedroom care home (C2 Use), 37 No. Extra Care Bungalows (C2 Use), 3 No. Almshouses (C3), Management Office (E(g)(I) Use), Club House, Community Growing Area, Orchard, Community Bee hives and Open Space Provision*
- 1.4 The application (reference DC/23/05651) was refused on 29<sup>th</sup> October 2024 for six reasons of refusal which are considered at Section 3 of this Statement. The evidence to be submitted at the Inquiry will explain how the proposals are considered compliant or in conflict with the Development Plan as it applies to the proposals and whether there are other material considerations, such as having regard to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and then to apply the planning balance.

- 1.5 Planning law requires that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise” (Section 38(6) of the Planning and Compulsory Purchase Act 2004). applications for planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.6 The Babergh and Mid Suffolk Joint Local Plan Part 1 (Development Plan) was adopted relatively recently (November 2023). The NPPF makes clear that the planning system should be genuinely plan-led. Nevertheless, in this case, there are a number of material considerations to be taken into account. The provision of specialist elderly housing accommodation and care home bed spaces to meet a considerable level of unmet need is of particular importance, but there are also various other benefits. Overall the Appellant concludes that the package of benefits delivered by the proposals is a matter of very substantial weight in the planning balance.
- 1.7 Drawing all of these matters together the Appellant contends that the proposals would result in substantial benefits of such importance that they would far outweigh the alleged conflict with the Development Plan, in particular, Policy SP03 – The sustainable location of new development and Policy ELM1 – Planning Strategy (Elmswell Neighbourhood Plan 2023). Whilst the appeal site is located within what is designated as open countryside it is immediately adjacent to the settlement boundary of Elmswell and adjoining a recently permitted residential scheme. The Appellant considers that, in such circumstances, material considerations indicate that planning permission should be granted.
- 1.8 The appellant reserves the right to add to any of the matters contained in this SoC and also the list of draft Core Documents in light of any issues raised by the Council.
- 1.9 In accordance with the Procedural Guide a draft Statement of Common Ground (“SoCG”) has been prepared by the Appellant and is submitted to the Council together with this Appeal for their comments.

Discussions with regard to the content of that document will be ongoing with a view to finalising the document in accordance with the appeal timetable. Any matters that are included within the draft SoCG but are omitted from the final version of the SoCG because they are not agreed between the parties, will still form part of the Appellant's case.

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## **2 PROCEDURAL MATTERS**

### **2.1 Continued Working with the Local Planning Authority**

At the time the application was determined there were no areas in dispute that could be resolved, or potentially resolved with Mid Suffolk. However, discussions will continue with them to reduce areas of dispute wherever possible through the Statement of Common Ground (SoCG).

### **2.2 Statement of Common Ground (SoCG) & Section 106**

In accordance with the Planning Procedural Guide, August 2019 the appeal submission is accompanied by a draft SoCG. This provides full details of the site, planning history and the application submission. These matters are not repeated here for concision.

In accordance with the procedural guidance, a signed SoCG with the Council will be provided within 5 weeks of the start date. If we think there are matters that could be resolved/agreed after this date, then we will seek to ensure into a further SoCG where possible.

### **2.3 Core Document List**

A draft Core Document List is attached at Appendix A and an electronic copy of these documents is provided with the appeal submission.

The Appellant reserves the right to refer to other documents not listed at Appendix A which are relevant to the Appellant's case. The Core Document List will be confirmed after the exchange of the relevant parties' submission of evidence.

### **2.4 Relevant Planning Policies**

The policies identified at Section 4 – Planning Balance are those considered relevant to the consideration of this appeal.

### **3 THE CASE FOR THE APPELLANT**

3.1 This section sets out the case for the appellant and addresses each of the reasons for refusal (RfR) in turn.

3.2 The Appellant contests the Council's reasons for refusal, and will demonstrate that on a correct assessment of planning policy and all relevant material considerations planning permission should have been granted for the appeal scheme. The Appellant's case is summarised below.

3.3 The Appellant will evidence the following matters.

- The acknowledged and increasing need for specialist residential accommodation for the elderly in the absence of a realistic, deliverable supply in the District;
- That the Development Plan is seriously deficient in terms of addressing the need for extra care and other specialist accommodation through the absence of allocations and policies that will facilitate delivery of such schemes;
- The appeal site is located in a sustainable location for the proposals to provide specialist accommodation for the elderly and will make a significant contribution towards addressing the need;
- The absence of sustainable, practicable and deliverable alternative solutions to deliver the accommodation proposed to meet the clear need
- The development is sustainable in all respects and will not materially or , unacceptably harm the wider local landscape character or the character and appearance of the settlement;
- That the development will not give rise to harm to nature conservation or heritage assets;
- That there are no significant physical/infrastructure constraints on the development of the land;

- That the appeal proposal would give rise to significant benefits in terms of providing for an established, recognised need, additional services for the community in addition to savings in public spending (health care and adult services) will free up family housing as a consequence of elderly people relocating into the retirement community;
- Will provide additional local employment and contributions to improving natural and physical infrastructure; and
- That on applying the planning balance (38(6)) the proposals would result in benefits of such importance that they outweigh any alleged conflict with the Development Plan attributable only to the site being beyond but adjoining the settlement boundary.

#### 3.4 The evidence to be submitted to the Inquiry

##### Reason for refusal no. 1

*The proposed development conflicts with the aims of the Elmswell Neighbourhood Plan policy ELM1 and the Babergh and Mid Suffolk Joint Local Plan policies SP03 and LP06. It is located outside of the settlement boundary for Elmswell and as such falls within the countryside. The development is unallocated and does not accord with the exceptional circumstances test set out within SP03 or LP06 and is not considered to be countryside compatible development. The development would extend Elmswell into a sensitive countryside location which would represent incongruous and discordant growth on the western edge of the village.*

#### 3.5 The site lies outside the settlement boundary and, therefore, within “countryside”. Policy SP03 acknowledge at bullet point 2

*Settlement boundaries are defined on the Policies Map. These boundaries were established in earlier Local Plans and Core Strategies and have not been reviewed as part of the Plan but are carried forward without change at the present time.*



*The principle of development is established within settlement boundaries in accordance with the relevant policies of this Plan. Outside of the settlement boundaries, development will normally only be permitted where .....*

The Council confirm that the settlement boundaries are technically out of date, and provide a number of forms of development that could be permitted outside of the settlement boundaries at Table 5 of the Local Plan. The use of the word ‘*normally*’ also confirms flexibility within the policy.

The Council acknowledge the *Growing & Ageing Population* as a *Key Social Issue* on Page 6 of the Local Plan and the Government confirms *the need to provide housing for older people is critical* (PPG-Paragraph: 001 Reference ID: 63-001-20190626).

The supporting text Local Plan Policy LP06 – Supported and Special Needs Housing sets out the need and requirement for specialist housing based on the Strategic Housing Market Assessment (2017) and the policy seeks to address the acute need which is identified. However, the Local Plan’s approach to meeting specialist elderly housing needs is wholly inadequate for the following reasons:

- Policy LP06 states that “*Proposals for supported and special needs housing will be supported where they:*
  - a) *Are located within a settlement boundary and where there is good access to services and facilities, especially health services and public transport;*

The Local Plan does not allocate sites for retirement villages or indeed specialist elderly housing schemes either within or abutting settlement boundaries. There are no sites and certainly no sites within the settlement boundaries which are large enough to provide the range of uses proposed, the environment needed to be created nor the economies of scale needed in order to support a managed specialist elderly accommodation scheme. Finding suitable sites within settlement boundaries is never going to happen and therefore the restrictions within this policy effectively prevent the very development that it is meant to facilitate.

- Policy LP06 requires development to meet M4(2) standards, this in itself is not a form of specialist elderly housing and therefore does not address the identified need.
- The delivery of supported and special needs housing should be included in the exceptions listed in Table 5 of Policy SP03, which for example includes tourism development. This was also confirmed in the Babergh and Mid Suffolk Local Plan – Inspectors Report (19 September 2023) at paragraph 52 where the Inspectors states “*there may be situations where development outside settlement boundaries other than as specifically allowed by the plan’s policies would be appropriate*”
- Due to the typologies viability constraints, which do not allow competition on C3 residential sites, this type of development, for which there is an identified acute need, will simply not come forward within settlement boundaries and therefore should be allowed outside settlement boundaries.
- It is widely accepted that retirement villages require a minimum number of accommodation units and a minimum site area to be able to viably support on site shared facilities for its residents.

In a location such as this, where the district is highly constrained by tightly drawn settlement boundaries (which in many cases have already been built beyond), this will inevitably reduce the choice, if any, for sites that are suitable to meet this need

## **Development in the countryside and sustainability**

### **The Site and Surrounding Area**

- 3.6 The Site consists of 11.5 hectares (Ha) of land situated on the western edge of Elmswell, a village in mid-Suffolk to the north of the A14 corridor between Bury St Edmunds to the west and Stowmarket to the south-east. Elmswell contains a number of services and facilities commensurate with its classification as a sustainable village including a railway station, Co-Op food store, pharmacy, library, community centre, pre-school and primary school.

3.7 The site occupies a single agricultural field currently under arable cultivation. To the east and south, the Site is defined by the existing settlement edge of Elmswell and to the north by the embankment to the Bury St Edmunds to Ipswich railway line, with a local train station at Elmswell approximately 600m to the east of the Site. Land to the west is in arable cultivation.

3.8 A residential scheme (DC/18/02146) comprising up to 86 dwellings including car parking, early years provision, open space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link, has now been built out by Bloor Homes which granted planning permission beyond the settlement boundary of Elmswell at the time because of the [then] 5 year land supply deficiency where the presumption in favour of development was engaged.

3.9 Reason for refusal no. 2

*The site is shown to experience surface water flooding issues moving east to west through the site from Parnell Lane and School Road. Insufficient information has been provided to demonstrate that the development would be safe for its lifetime and that it would not increase flood risk elsewhere. The proposal fails to pass the sequential test and is therefore contrary to policy LP27 of the Babergh and Mid Suffolk Joint Local Plan as well as paragraphs 165, 167, 168 and 173 of the NPPF.*

3.10 Since the planning application and subsequent planning responses, there has been a number of changes to the NPPF and its guidance as well as updates to the EA flood mapping and Flood Maps for Planning. These have an impact on the statements in the refusal. Notwithstanding these, other key factors should be considered.

3.11 The Reason for Refusal 2 is in two parts:

- Part 1: Insufficient information has been provided to demonstrate that the development would be safe for its lifetime and that it would not increase flood risk elsewhere; and

- Part 2: The proposal fails to pass the sequential test.

We will respond to these below.

**Part 1: Insufficient information has been provided to demonstrate that the development would be safe for its lifetime and that it would not increase flood risk elsewhere**

3.12 The Flood Risk Assessment + Drainage Strategy (Received by the Council on 05/12/2023) and Drainage Details BM12457-001-D (Received by the Council on 04/03/2024) included details of the site drainage and layout as well as flow routing and attenuation. It is noted that the Council's response and Suffolk County Council (as LLFA) do not see the fluvial (Flood Zones 2 and 3) to be a main impact on the site and it is primarily surface water risk that is being considered.

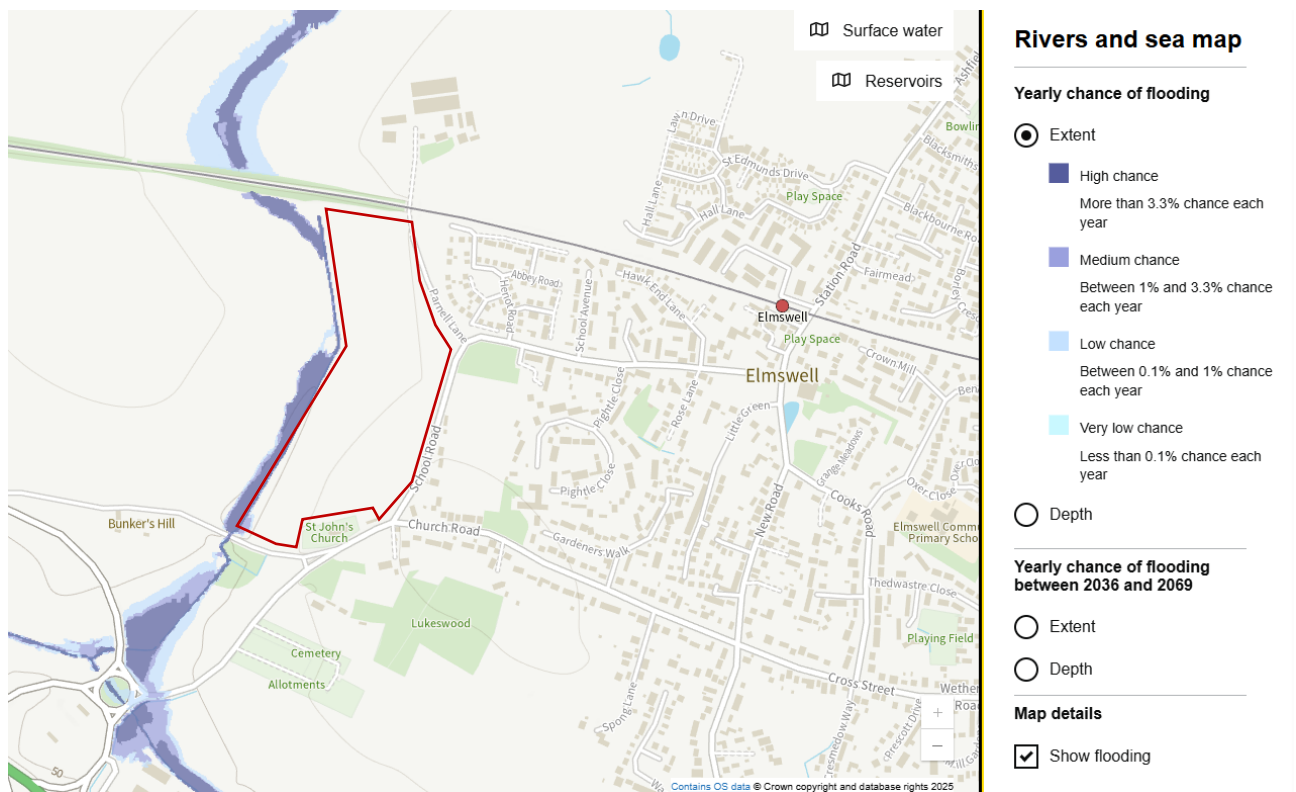
**"The development would be safe for its lifetime"**

3.13 With reference to the published flood zone mapping, Flood Zones 2 and 3 do not extend into the site save for a minor encroachment within an area of open space –confirmed in the indicative drainage strategy (Wardell Armstrong drawing BM12457-001 Rev E) that accompanied the planning application

3.14 This layout shows that the existing flood risk areas are outside the development areas and that any overland flood flow pathways are either maintained or are integrated into the layout. These details also show that built development is located outside all the identified flood areas (fluvial and surface water) as stated in Section 6 of the FRA with appropriate freeboard to protect against any form of flooding. It should be noted that this plan includes the pre-January 2025 EA surface water mapping which is now reduced as described below

3.15 The updated EA flood mapping (28 January 2025) again shows the site to be predominantly outside any areas impacted by fluvial flood risk (see Figure 1 below).

**FIGURE 1: EA published River and Sea flood map (accessed Feb 2025)**



This is repeated in the new Flood Maps for planning as updated on 25 March 2025. Figure 2 shows the new mapping.

- 3.16 This is repeated in the new Flood Maps for planning as updated on 25 March 2025. Figure 2 shows the new mapping

**FIGURE 2: EA published “Flood Map for Planning” – Flood Zones (accessed Mar 2025)**



3.17 Reference to the new published surface water mapping (Figure 3) shows that the predicted impact is less from surface water than previously indicated. In particular, one of the small overland flood flow routes is not shown at all until climate change is factored in and then only remains as a shallow low risk route (Figure 4). These are accommodated within the drainage and masterplan.

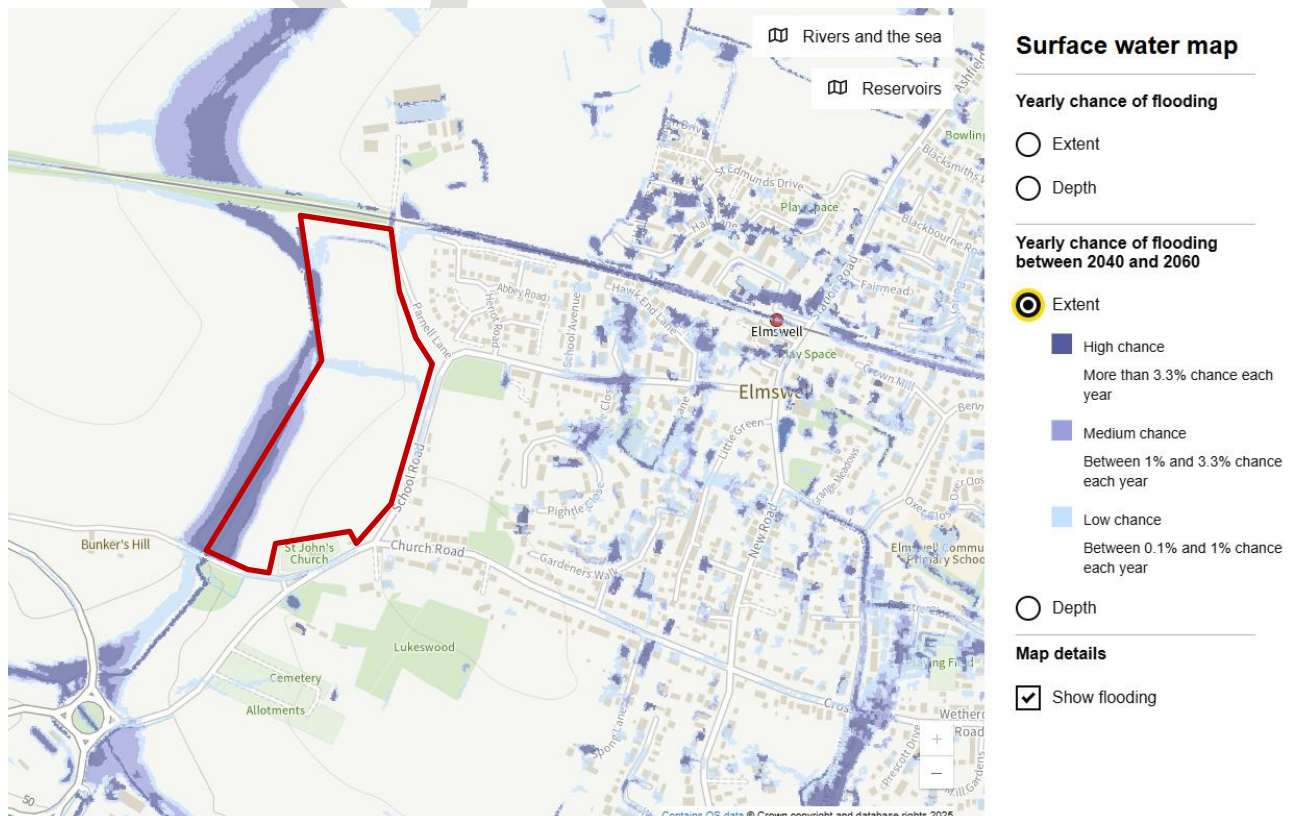
3.18 It should also be noted that the Babergh and Mid Suffolk SFRA Level 1 (2020) and Level 2 (2020), Suffolk County Council PFRA (2016) and Suffolk County Council PRFA (2011) has been reviewed and that there are no records of historical surface water flooding affecting the site.



**FIGURE 3: EA published Surface Water flood map (accessed Feb 2025)**



**FIGURE 4: EA published Surface Water flood map (accessed Feb 2025) – with climate change**



- 3.19 Also, with reference to the updated Flood Map for Planning, this also shows surface water flood risk and if considering even the low risk extreme event (1 in 1000 year) the mapping is not indicating surface water risk through the proposed built development.

**FIGURE 5: EA published “Flood Map for Planning” – Surface Water (accessed Mar 2025)**



**“It would not increase flood risk elsewhere”**

- 3.20 The drainage strategy is based on 2 No. attenuation Basins to reduce runoff to the greenfield runoff rate of 6.2l/s for all events up to and including the 1 in 100 yr + climate change event. This will result in a reduction in offsite flows from within the development area compared to existing situation for all events up to and including the 1 in 100 yr + 40% climate change event. As the event storm increases there is increasing betterment over the existing situation as described in the FRA Section 4 and summarised below:



**TABLE1: - Pre and post development runoff rates**

Storm Event	Greenfield Runoff Rate (l/s)	Design Runoff Rate (l/s)
QMED	5.70	6.20
QBAR	6.24	6.20
Q1	5.50	6.20
Q2	5.63	6.20
Q30	16.13	6.20
Q100	22.53	6.20

3.21 By locating development areas outside the flood zones and flood flow pathways, this meets the underlying purpose of the final paragraph of the Standing Advice (as described below). Moreover, if we consider the impact of flood zones and flood flow pathways on the built development the following calculated impacted areas are:

**TABLE 2: Areas of Site within Identified Fluvial Flood Zones**

SITE AREA	PERCENTAGE OF SITE IN EA FLOOD ZONES			PERCENTAGE OF SITE IN EA SURFACE WATER ZONES		
	Flood Zone 1	Flood Zone 2	Flood Zone 3	Low	Medium	High
11.9 ha (Total Site)	84.93%	8.18%	6.90%	12.35%	6.44%	3.73%
2.2 ha (Development area)	0.00%	0.00%	0.00%	>1.00%	>1.00%	>1.00%

3.22 This shows that the built development is sequentially located within the site outside any of these flood areas. There is a minor element of the access road that crosses a flow path that has been identified as “low” and with no perceptible flood depth or calculated velocity shown on the published data.

3.23 This shows that the site is safe for its lifetime and does not increase flood risk elsewhere.

## **Part 2: The proposal fails to pass the sequential test.**

3.24 The drainage strategy and the masterplan layout are in accordance with best practice, national policy as well as meeting the methodology stated in a recently update to the NPPF technical guidance (**National flood risk standing advice for local planning authorities - GOV.UK (www.gov.uk)**) dated 23/08/2024 which relates to the sequential test and states:

*“When development is exempt from the sequential test*

*A development is exempt from the sequential test if it is a:*

- *householder development like residential extensions, conservatories or loft conversions*
- *small non-domestic extensions with a footprint of less than 250 square metres*
- *change of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)*

*A development is also exempt from the sequential test if it is a development on a site allocated in the development plan through the sequential test and:*

- *the proposal is consistent with site’s allocated use*
- *there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test*

**You may not need a sequential test if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding.”**

3.25 A more recent update of the NPPF has introduced the following:

*“175. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”*

3.26 This is supplemented by the statement within Paragraph 172, that states:

*“172. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk...”* [although this paragraph is more applicable to the preparation of local plans]

3.27 As described above, there is no *“residual risk”* once the measures within the FRA and drainage strategy are implemented.

3.28 The overall risk of flooding to this site is minimal and outside the development platforms. The type of development is also bespoke and not a typical residential development.

3.29 There appears to be a blanket statement within the Council’s Committee Report (undated – Ref item 7C: DC/23/05651) that *“evidence presented to the Planning Inspectorate during the examination of the JLP which noted that sufficient permissions had been granted to allow the Council time to bring forward Part 2 of the JLP. It is considered that these permissions represent more suitable sites than the application site which indicates that the sequential test would be failed in this instance.”*

3.30 This would only be the case should the development be similar to those presented at the inquiry and if the housing needs numbers have been met in the districts. As stated

in the application, this development is for ***“a 66 bed Care Home plus 40 assisted living bungalows, Admin/Management building, a club house, communal areas, carparking and green spaces application”*** on a site where the residual risk has been addressed and the actual quantum of flood risk is minimal.

3.31 It seems that running a sequential test on this development without consideration of the mitigation and development layout approach is contrary to the new NPPF and the recently issued Standing Advice. We submit that the development considers the potential flood risk and incorporates this in a well-structured, efficient and easy to maintain way.

3.32 We therefore conclude that running a sequential test would not be required in this case.

3.33 Reason for refusal no 3

*Development of the site would result in the loss of an area of open countryside and the change in character of the land from agriculture this is considered to erode the historic setting of the Church of St. John which is listed at Grade II\* as well as the associated Grade II listed almshouses and Grade II listed Elmswell Hall. This harm extends to both the built form proposed within the site as well as the open space. Harm would also accrue as a result of the coalescence of the historic buildings with the built-up core of the village of Elmswell.*

*A level of less than substantial harm to the heritage assets has been identified and the required balancing exercise has not been successful. As a result, the development is contrary to policy LP19 of the Babergh and Mid Suffolk Joint Local Plan together with paragraphs 205, 206 and 208 of the National Planning Policy Framework.*

3.34 The reason for refusal identifies harm to three designated heritage assets, comprising:

- Church of St John; Grade II\* listed building, NHLE 1032468. Located south-west of the Site
- The Almshouses; Grade II listed building, NHLE 1181926. Located south of the Site
- Elmswell Hall; Grade II listed building, NHLE 1032472. Located north of the Site

3.35 In all cases the harm identified is “less than substantial”. The precise extent of harm is discussed in further detail at paragraph 6.7 of the Committee Report, with the Council concluding that there is a “medium” level of harm to the significance of the Church of St John, and a “low to medium” level of harm both to Elmswell Hall and to the Almshouses.

3.36 Paragraph 6.10 of the Committee Report confirms that the proposed development would deliver “significant benefits”, but that the benefits of the application do not outweigh the identified harm to the heritage assets. This is confirmed within the reason for refusal.

3.37 In response to reason for refusal 3, the Appellant will present evidence to demonstrate that the harm to the identified heritage assets remains limited and will be clearly outweighed by the benefits delivered by the proposed development.

3.38 This will build on the work provided within the submitted Heritage Statement (RPS; 2023) and will demonstrate that the development has been designed to respond to the significance of the heritage assets and the way in which their settings contribute to that significance. Key features of the heritage assets’ settings were identified early in the design process, with the proposals designed to retain these key elements.

3.39 With regards to the Church of St John, the following key attributes were identified:

- Prominence: the building is prominent within the landscape (in both near views from the north/north-east and longer distance views from the north/north-west and south). This prominence is aided by the local topography

- Separation: the church originally developed in a separate and isolated location away from the core of Elmswell, before the development of some neighbouring buildings
- Group value: the association between the buildings and the neighbouring Almshouses and monuments makes an important contribution to its significance

3.40 The masterplan has been developed to respond to these key features, with the development set on lower ground within the site, a large area of informal open space provided to the south-west, and the development sited to retain key views from School Road and between Elmswell Hall and the church.

3.41 The open space is a key element of the proposals, which retains a “buffer” around the church, ensuring its separation and prominence are both retained, while also providing publicly accessible open space. An informal land-use, which removes the current modern, intensive agricultural use was also considered to be an appropriate response to the listed building and its setting.

This will provide additional public views of the listed building, allowing for greater appreciation of its significance. In accordance with Step 4 of the Historic England guidance related to setting (*GPA3: The Setting of Heritage Assets*) the proposals have therefore been designed to minimise harmful impacts to the significance of the church and the other listed buildings in the local area.

- 3.42 The church will therefore continue to be experienced as a prominent and relatively isolated landmark building, with its dominance within the landscape retained.
- 3.43 The Appellant will produce heritage evidence which follows the “5-step” process set out in *GPA3: The Setting of Heritage Assets* and demonstrates that the proposals will result in the following impacts:
- Church of St John: less than substantial harm, low
  - Almshouses: less than substantial harm, very low
  - Elmswell Hall: less than substantial harm, very low
- 3.44 This will demonstrate that the key elements of the heritage assets’ significance will be unchanged by the proposed development and that the development has been designed to respond to, and retain, those elements of setting that make the greatest contribution to their significance.
- 3.45 The less than substantial harm identified, which remains low and has been minimised through the design process, will be clearly outweighed by the provision of specialist housing, delivered to respond to a specific need in the District.
- 3.46 Reason for refusal no. 4

*The proposed development would lead to a irreparable loss of the countryside landscape to the edge of Elmswell. This area creates the entrance to the village itself through the transition from a rural area to an urban area and views of the Church of St. John from the rural area and over the landscape itself are identified within policy ELM2 of the Elmswell Neighbourhood Plan and is also noted to be high quality agricultural land (Grade 2) and adequate justification for its loss is not provided. The impact on the landscape is considered to be harmful with adverse impacts noted with regards to the onsite landscape and to a limited extent on the district level landscape.*

*This is contrary to policies LP15, LP17 and LP24 of the Babergh and Mid Suffolk Joint Local Plan, policy ELM2 of the Elmswell Neighbourhood Plan and paragraph 84 of the NPPF.*

- 3.47 The Site consists of a single field of 11.5 hectares (Ha) situated on the western edge of Elmswell. To the east and south, the Site is defined by the existing settled edge of Elmswell and to the north by a railway. Land to the west is in arable cultivation.
- 3.48 On its western edge Elmswell is characterised by the gently rolling landform down across the Site and rising to Elmswell New Hall, and is influenced by the presence of St John's Church near locally high ground to the south of the Site.
- 3.49 The surrounding landscape context of the Site is influenced by the transition between the settlement edge of Elmswell and the wider landscape primarily to the west and to a degree the north-west.
- 3.50 The Site itself is not subject to any formal landscape and visual designations. St John's Church and the associated Almshouses adjoin the southern boundary, and Elmswell Hall lie just to the north of the railway line. The site is not a 'valued landscape' for the purposes of Paragraph 187 of the NPPF. The site does not lie within any formal designations of relevance to landscape and visual matters, and is not considered to be unique or remarkable for any landscape purposes.
- 3.51 The Proposed Development incorporates a robust and extensive landscape mitigation strategy included as an inherent and well-integrated part of the scheme. This has sought to minimise potential adverse effects and integrate the Site into its surrounding landscape. This includes open space in the southern half of the Site designed to deliver biodiversity enhancements, opportunities for informal public recreation, and an undeveloped and sympathetic setting to St John's Church, linking with green infrastructure along the north-western and north-eastern edges of the Site to the north.



- 3.52 In relation to the impact on the landscape character and visual amenity the LVIA acknowledges the proposed development will result in some limited impacts at a localised level. The scale and form of proposed development is likely to result in impacts which are limited to the site area and its local landscape context only.
- 3.53 The LVIA has considered the published landscape character guidance applicable to the Site from National to Local level as part of the analysis of the context of the Site and the study area. In response to this guidance and as demonstrated through the consideration of landscape character and the landscape strategy, the proposals have sought to retain the local distinctiveness and character of the area and protect and enhance the landscape as a whole by responding to the Site's features, setting and surroundings, incorporating and reinforcing features that reflect its character and pattern. The perception of change in landscape character terms would extend only a very limited distance beyond the Site due to both physical and visual containment of the Site within the local landscape.
- 3.54 The extents of visibility of the Site are notably influenced by the enclosing nature of the topography together with the settlement edge and pattern of woodland. Views from the east and immediate south are generally limited to locations along the village's fringes, and to the north there may be some sporadic partial views of the Site which are generally otherwise screened by the railway embankment and intervening vegetation. Views from the west and south-west are limited by more subtle variations in landform combined with frequent scattered vegetation and blocks of woodland and typically within the Site's local context. Consequently, views of the Site would be principally focused the small valley in which the Site sits.
- 3.55 Proposals take careful account of the three Important Views (IVs) as identified in the Elmswell Neighbourhood Plan of relevance to the Site. The LVIA presented assessment of impacts upon these views, supported by photomontages.

3.56 Reason for refusal no.5

*In the absence of a signed Section 106 agreement or similar undertaking to provide for appropriate obligations, there would be an unacceptable impact on local infrastructure, contrary to policy SP02 and LP32 of the Babergh and Mid Suffolk Joint Local Plan.*

3.57 The Appellant will provide evidence demonstrating that it will secure appropriate contributions and or infrastructure to mitigate the impacts of the development. This will be secured through either planning conditions or Section 106 obligations. Such conditions or obligations will be demonstrated to accord with the provisions of the NPPF (paragraphs 56-59), PPG (planning obligations, paragraph 002) and “The Community Infrastructure Levy Regulations 2010 (as amended)”.

3.58 It will further be demonstrated in evidence that the S106 provisions secure the delivery of a sustainable C2 development. All reasonable steps were taken at the application stages to ensure that a comprehensive suite of documents was prepared to address any issues arising. The Council did not engage with the process as regards the proposed terms of the Section 106 due to the intention to refuse permission. It is expected that the Council will engage in this process as the appeal progresses and that an agreement will be concluded and this reason will fall away.

3.59 Reason for refusal no.6

*No metric has been submitted to demonstrate how 10% biodiversity net gain will be achieved. Whilst this application was submitted prior to biodiversity net gain becoming mandatory, the application was determined under the Babergh and Mid Suffolk Joint Local Plan (JLP) (2023). Policies SP09 and LP16 of the JLP require development to provide for 10% biodiversity net gain. The development therefore conflicts with these policies.*

3.60 The Committee Report confirms at paragraph 10.2:

*10.2 The application is supported by an undated Preliminary Ecology Appraisal of the site prepared by Cotswold Wildlife Surveys. Consultation from the Council's own Ecology Officer notes that the report gives sufficient information to support a determination of the application and notes that the recommendations of the report should be conditioned in order to secure conservation and enhancement of the site.*

and at paragraph 10.5:

*10.5 BNG can be secured within the development. BNG biodiversity calculations submitted in support of the scheme note over a 300% gain with a 100% gain for hedgerow planting. It is considered that this can be secured under the conditions set out above.*

3.61 The evidence (Biodiversity Net Gain Metric Calculation) that was submitted with the application and the Council themselves accept that the development proposals far exceed the 10% biodiversity net gain required by Joint Local Plan Policies SP09 and LP16. The Biodiversity Net Gain Metric 4.0 Calculation prepared by Cotswold Wildlife Surveys confirms a Biodiversity Net Gain of 311.90% and a Hedgerow improvement of 100%. This is also set out in the 2023 Preliminary Ecological Appraisal (2295-CWS-04) prepared by Cotswold Wildlife Surveys which accompanied the application.

## **4. PLANNING BALANCE**

4.1 The Development Plan for the District consists of the Babergh and Mid Suffolk Joint Local Plan- Part 1 (November 2023) and Elmswell Neighbourhood Plan (November 2023).

4.2 The most relevant policies of the Babergh and Mid Suffolk Joint Local Plan Part 1(JLP) (2023) are

- SP01 – Housing Needs
- SP02 – Affordable Housing
- SP03 – The Sustainable Location of New Development
- SP08 – Strategic Infrastructure Provision
- SP09 – Enhancement and Management of the Environment
- SP10 – Climate Change
- LP06 – Supported and Special Needs Housing
- LP09 – Supporting a Prosperous Economy
- LP15 – Environmental Protect and Conservation
- LP16 – Biodiversity and Geodiversity
- LP17 – Landscape
- LP19 – The Historic Environment
- LP23 – Sustainable Construction and Design
- LP24 – Design and Residential Amenity
- LP26 - Water resources and infrastructure
- LP27 – Flood Risk and Vulnerability
- LP28 – Services and Facilities within the Community
- LP29 – Safe, Sustainable and Active Transport
- LP30 - Managing Infrastructure Provision
- LP31 – Health and Education Provision
- LP32 – Developer Contributions and Planning Obligations

Elmswell Neighbourhood Plan (2023) policies:

- ELM1 – Planning Strategy
- ELM2 – Protection of Important Views

- 4.3 Where it is accepted that the site lies in the countryside and therefore is in conflict with Development Plan policies SP03 – *The sustainable location of new development* and Elmswell Neighbourhood Plan 2023 policy ELM1 – *Planning Strategy*. Although it is conceded in the supporting text to policy SP03 at paragraph 08.04

*“The existing settlement boundaries have been in place for some time and are well understood by local communities, landowners, and developers. Whilst many of the extant planning permissions for new housing development are outside these boundaries, this will not prevent them coming forward. A review of settlement boundaries on a comprehensive and consistent basis is a substantial undertaking and to carry out such work at the present time would be likely to significantly delay the adoption of the Plan (Part 1).”*

It was the Local Planning Authorities intention to *review the settlement boundaries on a comprehensive and consistent basis* in a Part 2 Plan, which would follow shortly after the Part 1 Plan. However, the Part 2 Plan has now been abandoned and the LPA has recently (March 2025) published a *Babergh District Council and Mid Suffolk District Council Joint Development Scheme* which confirms that the councils are now embarking on a whole new Joint Local Plan Review. They have provided a planned adoption date for the new plan of April 2029.

- 4.4 In December 2024 the Government published the revised National Planning Policy Framework (NPPF). The NPPF is a material planning consideration when determining planning applications and appeals.

The Government clearly supports the identification and provision of extra care accommodation as a recognised form of specialist accommodation for the elderly.

- 4.5 The Planning Practice Guidance (PPG) also represents a material planning consideration. In this regard, whilst the PPG has previously been considered to provide guidance rather than policy, as held in the recent case *R (Mead and Redrow) v SoS LUHC* [2024] EWHC 279 (Admin), that the PPG has the same legal status as the NPPF. It is therefore vital to consider in regards to the Appeal Scheme.

Within the PPG on 'Housing for older and disabled people' it states that:

*"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking"*

- 4.6 Paragraph 61 of the revised NPPF establishes that:

*"To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community."* [my emphasis added]

- 4.7 The revised NPPF retains the commitment to plan for and assess the housing needs of older people. Within the context of 'delivering a sufficient supply of homes' Paragraph 63 of the revised NPPF establishes that the size, type and tenure of housing needed for different groups in the community, including older people (as defined in Annex 2) and people with disabilities, should be assessed. The update now specifically defines older people as including:

*“retirement housing, housing-with-care and care homes.”*

4.8 The new paragraph 71 also notes that:

*“Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people’s housing and student accommodation, and plots sold for custom or self-build.”*  
[my emphasis added]

#### **Older People’s Taskforce Report**

4.9 The Older People’s Taskforce Report and two research papers were published by MHLCG on 26<sup>th</sup> November 2024. The Report was commissioned by Government as an independent report to advise on how to address a widely recognised shortage of appropriate specialist housing. The Report was researched and written up, with detailed engagement with key stakeholders throughout 2023 and 2024.

4.10 The Report makes clear that there is no single model that is best placed to meet the needs of older people. A range of typologies are required to be delivered including *“purposefully designed and built homes for later living, adapted ‘mainstream’ homes that are age-friendly, and to a lesser degree community-led models”* **[Executive Summary, page 7]**

4.11 The Report builds upon the existing Planning Practice Guidance which was amended in 2019 to include the separate chapter on ‘Housing for older and disabled people’ with reference at paragraph 63-001 to the need being “critical”.

4.12 The Report should be seen as the direct continuation of that message. It is a clear communication to both government and local planning authorities of the urgent need to grant planning permission for older persons housing schemes now.

4.13 The Report notes on page 7:

*“[A]s our population ages, we need to expand these housing options – not just in variety, but in volume as well. Put simply, we need to offer senior citizens greater choice, particularly as their lifestyle and health needs evolve in later life. Ensuring suitable, accessible and affordable housing for later living is a societal obligation on which the current housing market falls significantly short.”*

4.14 In considering the various typologies for housing it further notes at page 8:

*“[W]e need to expand the market for the different models of OPH/LLH – incentivising greater investment to drive the development of new supply that is more affordable to the ‘lower to middle-affluence market’, both to buy, and importantly, to live in. We need to couple this with increased consumer awareness, confidence and demand for this housing, across all tenures.*

*But focussing on specialised OPH/LLH alone is not sufficient. We also need to ensure that mainstream housing better supports senior citizens to live well. We must focus on new build housing, but critically we must focus also on our existing housing stock.”*

4.15 The general introduction sets out the vision for older persons housing – changes that need to take place now to provide adequate specialist housing at page 17:

***“We need to “think housing”.** Most people want to live in their own homes for as long as possible and we must do all that we can to make this possible. However, as we age, our physical and mental health needs change and we all need to recognise that age-friendly and inclusive housing can prevent ill health and offer us a better quality of life. Rightsizing to more appropriate housing can not only benefit the individual, but also, release underused rooms that will help ease the general housing crisis.*



*This requires strategic planning and action to build homes that appeal to people in later life. We need to construct more new age-friendly and inclusive homes, rejuvenate homes no longer fit for purpose and adapt homes to meet changing needs.*

***We need to “address ageing”.** We are all likely to grow old and yet we do not want to see ourselves in this way...We tend to see senior citizens as a homogeneous group, despite today’s wide age span, and we need to recognise that growing diversity demands a range of housing options. A one-size-fits-all approach just will not work.*

***We need to “promote wellbeing”.** Prevention is better than cure. Helping senior citizens to live fulfilling lives in safe environments will help them live well longer and keep them out of hospital. ...*

***We need to “create inclusive communities”.** We need to recognise that housing, health and social care are inextricably linked and need to be thought through together. However, there is more that the public can do. Creating inclusive communities would help avoid senior citizens feeling isolated, enable people to look out for one another, stay active, participate in their local community and potentially be less reliant on more formal care and support...”*

- 4.16 Alternative definitions for the range of older persons housing are set out to those in the PPG, which include the following key category at pages 19-20:

<b>Later Living Homes/housing typology</b>
<b>Mainstream homes/housing</b>
e.g., existing, new build and adapted homes, rightsizing homes, bungalows, stacked bungalows with lift.
Age-friendly, dementia-inclusive, self-contained homes for sale or rent.
Offers no extra services
No shared facilities
Single homes

4.17 The Report notes at page 27:

*“To meet the diverse needs and cultural preferences of our ageing population, local and national policy makers should strive to provide a range of choices. In addition to expanding the supply of purpose-built, service-led housing (supported living and assisted living) at affordable price points, we also need age-friendly and inclusive mainstream and community-led housing. Without action, housing developers will continue to build stock that is unsuitable for our ageing population, especially for people of lower to middle-affluence.”*

4.18 It also notes the role of community-led housing to deliver more affordable housing options. It notes on page 30:

*“**Collaborative housing** involves a group of residents living together with significant control over their home and associated services. The best-known model for senior citizens is co-housing: an ‘intentional’ community that encourages social connections. Typically, residents live in self-contained homes but share common facilities and often eat together, with members committing to supporting each other informally as they grow older.”*

4.19 The opening paragraph to chapter 3 notes at page 35:

*“Well-designed, suitable housing can help improve the quality of life, health and wellbeing of senior citizens, including by reducing loneliness and helping people live with dementia. This can help senior citizens live longer, happier and healthier lives, not only continuing to support local business and community activities, but also bringing associated cost savings to the NHS and adult social care.”*

4.20 A series of design criteria are listed on pages 36 and 37 which are directly relevant to the appeal proposals.

4.21 The appeal proposals will be built in a way that is directly tailored to meet the needs of older people and delivering against the design aims as set out in the taskforce report.

- 4.22 Chapter 5 primarily focusses on what the Report defines as service led homes/ housing which is what the PPG defines as “extra care housing” or “Integrated Retirement Communities”.

However, the recommendations on boosting the supply of specialist homes are applicable to all forms of older persons housing with the report noting on page 49:

*“It is estimated that the number of households aged 65+ will grow by 37.3% by 2040, so the supply of later living housing will need to be boosted by over a third just to maintain its current coverage. Indeed, the Mayhew Review found that to ease the pressure on the NHS and social services the Government needs to construct OPH/LLH at the rate of 50,000 new units a year compared with the “meagre” 5-7,000 currently being built. This is particularly worrying given that there has been a reduction in the numbers of private developers of OPH/LLH in the UK in the last 40 years. Current delivery rates are at a fraction of late 1980’s peak and falling. Overall, the UK is significantly far behind other developed countries in delivering the volume of stock required.”*

- 4.23 The message is clear that we are already seeing a major increase in the need for specialist forms of older persons housing.

- 4.24 Chapter 6 recommends urgent change to national policy to meet the challenge of an ageing population and what the PPG recognizes as the critical need. The Report notes at page 61:

*“There is currently no consensus on the best way of evidencing need for OPH/LLH and there was frustration at this expressed from all quarters. LPAs who responded to the Taskforce’s housing survey reported using multiple methodologies, including external consultants, census and survey data and the Housing LIN model (currently being updated). The inconsistent approaches and subsequent lengthy and costly appeal decisions have endorsed appellants’ views that the standard toolkits underestimate need, are over complicated, are based on past data rather than aspiring to meet future needs, and are not always transparent or consistent.*

*LPAs frequently underestimate need by extrapolating from past delivery, which means ignoring both previously unmet demand and the increased demand arising from the ageing population.*

*Evidence taken from industry experts also made clear that housing needs assessments do not recognise the benefits for senior citizens of moving into supportive communities ahead of reaching a personal crisis and undervalue the benefits of more age-appropriate housing.”*

4.25 It goes on to state at page 62:

*“A standard approach to housing needs assessment should reconcile simplicity with enough flexibility to reflect local variations. One way forward would be for the Government to publish proposed prevalence rates for OPH/LLH for age cohorts starting from the age of 55 years. LPAs can then model their future population age profile and apply the prevalence rates to their estimates to assess their future OPH/LLH needs.”*

4.26 Relevant ambitions set out in this chapter include at page 64-65:

***“Introducing a planning policy presumption in favour of OPH/LLH to scale up appropriate housing for an ageing population. The recent revision to paragraph 63 of NPPF should be used as the platform and OPH/LLH should be given an increased profile in the NPPG. The language needs to give significant weight to the urgency of provision and to ensure that planning for OPH/LLH is aligned with local objectives, supports wellbeing and community integration and delivers viable high-quality design and the provision of social infrastructure.”***

...

***“Revising the NPPG and developing a new National Development Management Policy (NDMP) to positively profile OPH/LLH and include specific agreed requirements for LPAs to make provision, allocate sufficient land in varied locations (town centre to greenfield) and recognise the nuances of the form and function of the various types of OPH/LLH to ensure the viable delivery of sufficient OPH/LLH.”***

...

*“Establishing a common standardised methodology for local assessment of minimum need for the various forms of OPH/LLH (as a subset of overall housing) which is simple, universally recognised, transparent and available for LPAs to use free of any costs. Also, to establish national prevalence rates for each type of OPH/LLH which are not based on past delivery but is instead aspirational and outcome driven in line with the Chief Medical Officer’s annual report from 2023 to help guide practice.”*

- 4.27 The report importantly recognises a need for a standardised methodology to positively plan for the increased delivery of older persons housing, and importantly that this needs to start from the age cohort of 55 and over.

**What older people want: A rapid evidence assessment on what older people want, and can afford, when it comes to their housing choices when looking to move**

- 4.28 The accompanying research paper was released alongside the main taskforce report with the purpose of exploring “*what older people want, and what they can afford, when it comes to their housing choices when looking to move.*” [Executive summary, page iii)
- 4.29 Chapter 3 notes that whilst the “*most older people want to live independently in their own home for as long as possible*” [page 11, paragraph 3.3] there is “*an even stronger attachment to the concept of independence, with 90% of respondents expressing a desire to ‘live independently as long as possible.’*” [page 12, paragraph 3.4]
- 4.30 This supports the concept of providing new purpose built accommodation to provide appropriate homes to maintain independence whilst still adhering to the concept of living in their own home.
- 4.31 The report further notes at page 12, [3.6] that:

*“Older people prioritise aspects, or dimensions, of housing that support aspirations to age in place. This includes aspirations to live independently, maintain wellbeing, exercise choice and control, be an active member of society, contribute to family life, not feel like a ‘burden’, and have good relationships with neighbours”*

4.32 Locational considerations are also addressed, with the report noting at page 12, [3.8]:

*“When considering the location of their housing preferences, older people frequently cite the social benefits that arise from a sense of community and belonging, access to social networks and being close to family and friends (Aitken et al., 2019; Bevan, 2010; Gopinath et al., 2021; Mayhew, 2022; McCall et al., 2020; Park and Ziegler, 2016). Proximity to amenities, especially local shops and health services, and accessible transport routes, are also an important priority to fulfil cultural, religious and practical needs (Aitkens et al., 2019; Gopinath et al., 2021; McCall et al., 2020). There is case study evidence suggesting people moving to retirement villages value the balance provided by being proximate to a peaceful countryside setting, whilst being able to access the amenities of the wider village or town.”*

4.33 It goes on to note at page 13, [3.9]

*“Older people recognise the value of living in housing that can accommodate changes in physical and cognitive functioning as they age. For example, single-floor dwellings (such as bungalows) and properties with stair free access are recognised as making a property more accessible and safer for older people.”*

4.34 The appeal proposals provide this single floor living option that delivers accessible and safer living for residents.

4.35 Chapter 4 of the report looks to provide a definition of specialist housing at page 18, [4.8]:

*“purpose-build developments providing individual dwellings with their own front door that can be available to rent and own; restrict access to older people; are purposefully designed to promote independence, minimise risk and support healthy ageing; often provide communal areas and onsite amenities; typically have some form of housing management and support service; and varying levels of care and support.”*

- 4.36 Chapter 6 notes that at page 31, [6.7]: *“the majority of existing homes lack basic accessibility features for people with reduced mobility. Older people’s specialist accommodation is more accessible by design, but there is a notable shortfall in supply”*

- 4.37 The reasons for moving were also considered with the report noting at pages 33-34, [6.16]

*“Health status, with health crises or the anticipation of future care needs associated with moves into retirement accommodation and extra care;*

*Age, with moving reported to be more common among younger old people (for example pre-retirement) and the very old”* (reference:

- 4.38 The report focusses on moving destination as well, noting at page 36, [6.28])

*“most moves made by older people are local, but there is some variation between different sections of the older person population”*

- 4.39 The report goes on to note at page 36, [6.29]:

*“Moving destination may also be shaped by local housing markets and moves away from densely populated urban areas in later life...while downsizers were more likely to move locally, movers who either purchase a similar sized property or upsize were more likely to move to a different region with lower house prices.”*

## **Part 2 – Older Person’s need**

- 4.40 It is noted in the committee report that the Strategic Housing team provided commentary in respect of the matter of need, drawing reference to the 2017 SHMA. In that assessment it identified the need for the following:

Type of specialist accommodation	Additional units required in Mid Suffolk, 2014 – 2036
Sheltered Housing	755
Enhanced Sheltered Housing	73
Extra care housing	176
Residential care (nursing & residential)	1,004

- 4.41 The planning policy team also noted:

*“Paragraph 63 of the National Planning Policy Framework (NPPF) December 2023 has been updated to incorporate “older people (including those who require retirement housing, housing-with-care and care homes)”. Policy LP06 includes older persons’ housing and as such can be applied as intended for this type of proposal following the December 2023 update to the NPPF, specifically paragraph 63. Therefore, Policy LP06 (1a) identifies that proposals of this type will be supported where they are within settlement boundaries. This proposal would not be supported through this policy given it is located outside of the settlement boundary”*

- 4.42 The committee report itself further notes at paragraph 3.5:

*“Part 2 of the Joint Local Plan looks to assess settlement boundaries and make site allocations. The Strategic Housing Market Assessment (SHMA) submitted in support of Part 1 of the Joint Local Plan notes an increased need for specialist forms of housing particularly for older people. Within the Examiner’s report on Part 1 it was concluded that, based on further evidence prepared by the Council on the amount of such housing which had come forward and been granted permission since the start of the plan period, it was appropriate that existing settlements would be the most sustainable location for this type of development.”*



4.43 The report then notes at paragraph 6.9 in relation to heritage balance that:

*“With regards to the public benefits of the scheme, the delivery of specialist housing for the ageing population is noted and likely attracts a degree of weight.”*

4.44 Given that the application related to a 66 bed care home and 37 extra care units the requirements outlined in the 2017 SHMA therefore clearly demonstrates the need for this development. Even assuming no other schemes have come forward between 2014 (the baseline year for the SHMA) and 2024 (the year of the decision) there would still be a need for 938 care beds and 139 extra care units.

4.45 In respect of care home beds even when taking into account the consents granted since January 2014 this would add up to 260 beds with a further 91 beds outstanding over two further schemes. Combined that would only amount to 351 additional beds against what was a need for 1,004 beds in total.

4.46 In respect of extra care there appears to have only been one other application as available on the online register, that being DC/21/04549 which was a scheme for 54 affordable extra care units approved in December 2022. That would still leave a need for 122 extra care units.

4.47 The appeal scheme in combination with the approvals would still fail to meet the overall identified need in the 2017 SHMA.

4.48 It is of course relevant to consider whether the level of need identified in the SHMA itself is accurate when looking to demonstrate future requirements. Most recently the Older People’s Housing Taskforce noted that LPAs typically under-represent the picture as noted in paragraph 1.22 above.

- 4.49 Using data from POPPI<sup>1</sup> between 2023 and 2035 we can see that the population of those aged 75 and over will grow by 4,100 residents.

	2023	2025	2030	2035	2040
People aged 65-69	7,100	7,300	8,600	9,000	8,300
People aged 70-74	6,800	6,700	7,200	8,400	8,800
People aged 75-79	6,500	6,800	6,200	6,700	7,900
People aged 80-84	3,800	4,300	5,600	5,200	5,700
People aged 85-89	2,300	2,400	3,100	4,100	3,800
People aged 90 +	1,300	1,400	1,600	2,000	2,700
Total population 75 +	13,900	14,900	16,500	18,000	20,100
<b>Growth</b>	<b>0</b>	<b>1,000</b>	<b>2,600</b>	<b>4,100</b>	<b>6,200</b>

Source: Data from <https://www.poppi.org.uk/>

- 4.50 In respect of care bed provision this is calculated on the basis of 65 beds per 1,000 over 75s for residential and 45 beds per 1,000 over 75s for nursing, making a combined requirement of 110 beds per 1,000. The growth between 2023 and 2035 would generate a further need of 451 beds.
- 4.51 That would however assume that the need as of 2023, that being a total of 1,529 beds, had been met.
- 4.52 According to the EAC (<https://housingcare.org/>) there are 17 operational care homes that combined provide a total of 759 beds, thus indicating a current shortfall of 770 beds. When combined with the future need of 451 beds that would be a total of **1,221 beds by 2035**. Even accounting for the approved 351 beds (paragraph 143) that would still leave a need for **870 beds over the next 10 years**.

<sup>1</sup> Projecting Older People Population Information System – provided by Oxford Brookes University and Institute of Public Care

- 4.53 When calculating the level of need for extra care the typical ratio as set out in “*Housing in Later Life*” is 30 units for sale and 15 units for rent, making the ratio 45 units per 1,000 over 75. Given the growth of 4,100 residents this would identify a need for a further 184.5 units over the period 2023 to 2035 as opposed to the stated position in the SHMA of 176 units between 2014 and 2035.

This of course also assumes that as of 2023 all of the identified demand has already been met such that future need is only based on population growth. However, as of 2023 that would assume that the need of 625.5 units had been met.

- 4.54 According to the EAC (<https://housingcare.org/>) there are only 5 operational extra care or close care schemes in Mid Suffolk providing a total of 170 units. It should be noted that this includes the Thurston site referenced at paragraph 1.44 due to open this year. This would therefore indicate that as of 2023 there was an unmet need for 455.5 units plus the future need for 184.5, making a total need of **640 units of extra care by 2035**.
- 4.55 Clearly where there is a demonstrable need identified, and a present failure to meet that, then the provision of new facilities should be afforded significant weight in the planning balance, recognising the critical need (see reference (Paragraph: 001 Reference ID: 63-001-20190626 of the NPPG) for delivery of specialist housing for older people.
- 4.56 The 2017 SHMA identifies a need, however this is considered to be a significant underestimate of the true level of need for those aged 75 and over, whilst also failing to account for the need from those aged 65 to 74. The alternative figures for need through to 2035 as shown above would be 870 care beds (that assumes all recent consented schemes being built out as per paragraph 1.50) and 640 units of extra care.

## 5. CONCLUSION

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations determine otherwise. The Local Plan was adopted relatively recently (2023) and the Framework makes clear that the planning system should be genuinely plan-led. Nevertheless, in this case, there are a large number of material considerations to be taken into account which weigh heavily in favour of the grant of planning permission. The provision of specialist elderly housing accommodation and care home bed spaces to meet a considerable level of unmet need is of particular importance, but there are also various other benefits. Overall the Appellant concludes that the package of benefits delivered by the proposals is a matter of very substantial weight in the planning balance and far outweigh any objection to the scheme on the basis of its location beyond the outdated settlement boundary limits.
- 5.2 The Council's Development Plan does not expressly allocate any land for the provision of specialist older people's accommodation. Neither does the Council's Development Plan contain any prescriptive policies that expressly require new housing or other developments to provide a minimum proportion of units as specialist accommodation for older people. It is the case that the needs of older people are not reflected within the planning policies of the Development Plan. This is a clear and significant failure of the Development Plan
- 5.3 Evidence will demonstrate that the proposals provide for a significant number of economic, social and environmental benefits which, in the planning balance, weigh heavily in favour of allowing the appeal and, as the Appellant will show, outweigh the conflict with the Development Plan.
- 5.4 Whilst the Council consider that elderly care needs are addressed in the Local Plan, for the reasons previously expressed, it is considered that the Local Plan policies do not address the need for specialist elderly housing. Evidence of lack of delivery and absence of any proposals save for the appeal scheme demonstrate this point.

Even if an application were to be received, the time it takes to deal with the application, discharge planning conditions and start to even deliver units means that no units would be delivered for at least the next 4 years (i.e. to 2029). The Development Plan would have had to have been reviewed in any event within this period so will have failed to deliver this much needed type of housing. Remember also that the plan period runs from 2018 to 2038 so there will have been an absence of delivery for the first 11 years of the 20 year plan period

- 5.5 The location is considered sustainable, and that where the development does not align with Local Plan policies that any conflict is clearly and demonstrably out-weighted by the benefits.
- 5.6 Drawing all of these matters together the Appellant is of the conclusion that the proposals would result in benefits of such importance that they would outweigh the conflict with the Development Plan. The Appellant considers that, in such circumstances, material considerations indicate that planning permission should be granted, otherwise than in accordance with the Development Plan.
- 5.7 In summary, the Appellant's evidence will demonstrate that the proposed development would have considerable benefits in helping address a significant shortfall in the delivery of extra care accommodation and would have additional economic, social and environmental benefits.