

LANWADES WOODLAND PARK PLANNING STATEMENT

DETAILED APPLICATION – EASTERN SITE

MAY 2025

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1.0 EXECUTIVE SUMMARY

- 1.1 This Planning Statement has been prepared by Lochailort Kentford Ltd, the applicant, to support a full planning application for the redevelopment of the former Animal Health Trust Research Centre, Kentford, CB8 7UA ("the Site"), submitted to West Suffolk Council ("WSC" or "the Council").
- 1.2 The planning application seeks:
- "Demolition of existing buildings on site, and phased redevelopment to provide residential units alongside a retail/ commercial/ employment building (Use Class E), conversion of the existing listed stable block to community/ commercial/ employment use (Use Class F2/ E), provision of open space, play space, woodland walks and associated infrastructure and car parking."*
- 1.3 The proposal will deliver 302 new residential units, a policy compliant level of affordable housing, 621.2sqm of community/ commercial facility within the existing listed Stables Block, and a further 380.8sqm of commercial floorspace in the form of a new local shop on this windfall brownfield site.
- 1.4 New play spaces and public open spaces are proposed including parks, play areas and a MUGA, around 6km of woodland walks, and a new bridlepath amounting to 7.3ha, 44% of the site's area.
- 1.5 The site currently comprises vacant buildings on a brownfield site in Class E use. The built form on this site extends to a floor area of 10,996sqm alongside 28,264sqm of hardstanding, roads and pathways.
- 1.6 The proposals are in accordance with the policies in the development plan and the national planning policy in the National Planning Policy Framework and the National Design Guidance.
- 1.7 The scheme will result in a significant number of economic, environmental, and social planning benefits as follows:

Economic benefits

- The provision of additional homes in this location will deliver economic gains for the local and wider community. New residents will help to support local businesses, community facilities and services including the local shop and post office and the local school. This will help ensure the long-term sustainability of the local services and facilities.
- The construction of the proposed development will support skilled and semi- skilled jobs and associated support for the construction industry supply chain. The proposal will deliver 300 construction related jobs and a total investment value of circa £100m.
- Induced jobs will also be created once the development is occupied (gardeners, building and site maintenance, cleaners etc.).
- Additional patrons for existing local businesses including The Bell Pub and Lanwades Hall.
- The operational Gross Value Added of the site is £21m per annum.
- The Council is expected to receive a substantial New Homes Bonus payment of circa £0.4m, and considerable S106 contributions. It will also deliver an additional £0.5m in new Council Tax receipts, and £19,000 in business rates.

- Additional homes will enhance workforce flexibility and assist in employers attracting additional staff locally and in the wider West Suffolk area.
- The site is owned by the Applicant and there is no constraint in respect of delivery, should planning permission be granted.

Social benefits

- Delivery of a diverse range of accommodation, including social rented housing, affordable routes to home ownership homes, private rented accommodation, market housing in a range of sizes including a large proportion of family sized units.
- The scheme proposes a policy compliant level of affordable housing on site with a commitment to provide affordable housing for local people in the first instance.
- The delivery of 302 new homes, including affordable homes, and will contribute towards the housing required by the NPPF Standard Methodology. This will help give local people the opportunity to remain in the local area as well as for people to relocate to the area. This is particularly important given the lack of housing supply.
- Creation of a new mixed-use community bringing 640 new people to the locality and supported by a community hub, local shop, and workspaces.
- Gifting of a significant Heritage Asset comprising the Grade II Listed Stables block to the local community for the benefits of the residents and the wider community as a village hall/ community hub with the potential for workspaces/ meeting rooms, alongside a substantial financial endowment.
- The delivery of a new local shop for local residents and the wider community.
- Existing public transport, the local public houses and so forth will encounter increased usage from the additional residential population in the proposed development, improving viability of these services.
- The scheme will deliver 7.3ha (18 acres) of public open space as well as over 6km of woodland walk, and new horse friendly bridlepaths through the site enhancing Kentford's recreational facilities and providing public accessibility to spaces which are currently private and not open to the public.
- Improvements infrastructure supporting St Mary's Church to accommodate additional church goers arising from the development.
- Commitment to providing inclusive play opportunities and equipment throughout the site.
- Financial contributions towards community benefits in Kentford and Moulton Parish Council areas as well as towards local services and education including pre-school facilities.

Environmental benefits

- The effective and optimal use of a brownfield site in Class E use, in a sustainable location.
- Good access to existing services and facilities in the local area including the existing Kennett train station that regularly runs between Cambridge and Ipswich, existing bus services, employment areas, public houses and shop/ post office in Kentford. Also, the proposals will be within walking and cycling distance of the Kennett Garden Village site to the north of Kennett train station and the facilities which are currently under construction and comprise a new primary school, commercial floorspace, new village centre with shops, café and healthcare facilities.

- Bespoke housing of exceptional vernacular design.
- A scheme of the highest quality in terms of urban design and architecture, with particular reference paid to the surrounding architectural vernacular, situated within a beautiful woodland setting with unusually high levels of public open space.
- The proposed development heavily screened by the existing tree belts and woodlands meaning that it will not be particularly visible from public viewpoints.
- Management and maintenance of the existing trees and tree belts across the site, opening up footpaths and bridleways within these areas and improving local accessibility through the site meaning that users (pedestrians, cyclists and horse riders) can avoid walking along the B1506 (in part) to The Gallops and School Road, and travel through the site instead.
- Public open space of 7.30ha (18 acres) incorporating open space, MUGA, play space, SUDS ponds, woodland walks, bridlepaths and new landscaped areas.
- Opening up the site which is currently completely private and providing extensive and valuable alternatives open space for the local community, reducing pressure on other local areas under pressure from amenity users such as dog walkers, including the Brecks, in turn reducing impact on the Stone Curlew population in these areas, and the SAC.
- Improvements to the local road network including:
 - Widening of footway to provide shared cycleway along southern edge of B1506 to The Bell junction;
 - Speed Limit Change;
 - Signalised pedestrian crossing west of Sir Graham Kirkham Avenue to permit access to eastbound bus stop;
 - Lower kerb outside St Mary's Church to assist with vehicular access and mitigate accommodate additional church goers arising from the development.
- 10% net biodiversity gain through the provision of targeted habitat enhancements including substantial contributions
- New and retained tree and landscape planting would enhance the immediate and wider landscape, mitigating the visual effect of the development and making a modest ongoing contribution to CO2 reduction targets.
- Landscaped infiltration basin forming part of a sustainable drainage system.
- A sustainable energy package is proposed for the new homes including air source heat pumps and solar panels.
- Drainage improvements to the B1506 (see Options set out in the FRA) and addressing sewerage issues in Kentford.

2.0 INTRODUCTION

2.1 This Planning Statement has been prepared by Lochailort Kentford Ltd, the applicant, to support the proposals for the redevelopment of the former Animal Health Trust Research Centre, Kentford, CB8 7UA ("the Site"), submitted to West Suffolk Council ("WSC" or "the Council").

2.2 The planning application seeks:

"Demolition of existing buildings on site, and phased redevelopment to provide residential units alongside a retail/ commercial building (Use Class E), conversion of the existing listed stable block to community/ commercial use (Use Class F2/ E), provision of open space, play space, and associated infrastructure and car parking."

2.3 The proposal will deliver 302 new homes and approximately 1002 sqm of Use Class E/ F2 floorspace alongside significant new areas of public realm, and open spaces.

2.4 This planning statement demonstrates how the proposal is consistent with local and national planning policy.

2.5 The redevelopment of the site will result in significant economic, environmental and social benefits to Kentford, existing and new businesses and residents and the wider community.

Need for Environmental Impact Assessment

2.6 Whilst it is considered that the nature of the development is not one which is likely to give rise to significant effects and the location is not one which is considered to be a sensitive location, given the scale of the development there is potential for significant effects to arise. It is therefore concluded that the development should constitute "EIA Development" under the EIA Regulations and there is an Environmental Statement (ES) required to accompany the application.

Scope of the EIA

2.7 The principle of Scoping is to determine the likely significant effects associated with the Project and the scope of the technical assessments that should be included as part of the EIA.

2.8 The potential for likely significant effects can arise during both the demolition/construction and the operational stages of the Project. This is considered in further detail within the below environmental technical topics. It should be noted that for this Project no demolition is required.

2.9 A formal Scoping Opinion has not been sought.

Topics to be 'Scoped In'

2.10 The technical topics that have Scoped into the EIA are set out below. Each topic is a technical chapter of this ES. These are:

- Air Quality
- Drainage and Flood Risk
- Ecology
- Heritage

- Landscape and Visual Impact
- Noise
- Socio Economics
- Transportation
- Climate Change

2.11 An Environmental Statement (ES) has been submitted to accompany the planning application along with a Non-Technical Summary (NTS).

Application Documents

2.12 This planning application is supported by the following documents:

- Air Quality Assessment;
- Archaeological Desk-Based Assessment.
- BREEAM Pre-Assessment;
- Design and Access Statement;
- Economic Impact Statement;
- Energy and Sustainability Report;
- Loss of Commercial Floorspace;
- Flood Risk Assessment;
- EcIA Ecology Report;
- Biodiversity Net Gain Report;
- Draft HRA;
- Ground Investigation Report;
- Heritage Report;
- Landscape Strategy;
- Noise Assessment;
- Horse Racing Industry Report
- Arboriculture Report and AIA;
- Transport Statement;
- Travel Plan;

Structure of Statement

2.13 Structure of the planning statement:

Section 3 provides a description of the Site and Surrounding Area;

Section 4 sets out planning history and consultation and pre-application engagement for the application;

Section 5 summarises the development proposals;

Section 6 outlines the planning policy framework;

Section 7 deals with the principle of development, justify the proposed development against the relevant planning policy and material considerations;

Section 8 provides our conclusions with respect to the acceptability of the development proposal and outlines the significant economic, environmental and social planning benefits of the scheme.

The Site

- 3.2 The site has historically been used for the purposes and activities of the Animal Health Trust (AHT), for its world-renowned research and development and associated veterinary clinical purposes. The Animal Health Trust ceased operating on the site in 2020 and the site has subsequently lain vacant.
- 3.3 Existing vehicular and pedestrian access points are from B1506 with Sir Graham Kirkham Avenue and Sire Lane.
- 3.4 As per the Environment Agency's Flood Map for Planning, the site is located in Flood Risk Zone 1 (Low Risk).

- 3.5 The site is not located within a Conservation Area but contains the Visitor's Centre (a Grade II listed building) that comprise the former stables to Lanwades Hall, itself a Grade II listed house, which is located adjacent to but outside the site. Lanwades Hall is in separate ownership to the site. Lanwades Hall was also once occupied by the Animal Health Trust.
- 3.6 In terms of transport accessibility, the site is approximately a 10-minute walk (or 2 minute car ride or 4 minute cycle) from Kennett railway station. This operates services to Cambridge and Ipswich every 40 minutes. There are also bus stops to the east of the site on Moulton Road which provide services to Bury St Edmunds, Mildenhall, Bury St Edmunds, Newmarket and Exning.
- 3.7 The map below (Figure 2) shows the site and its surrounding context demonstrating the proximities to the local services and facilities. This includes the new Kennett Garden Village to the north which is currently under construction.

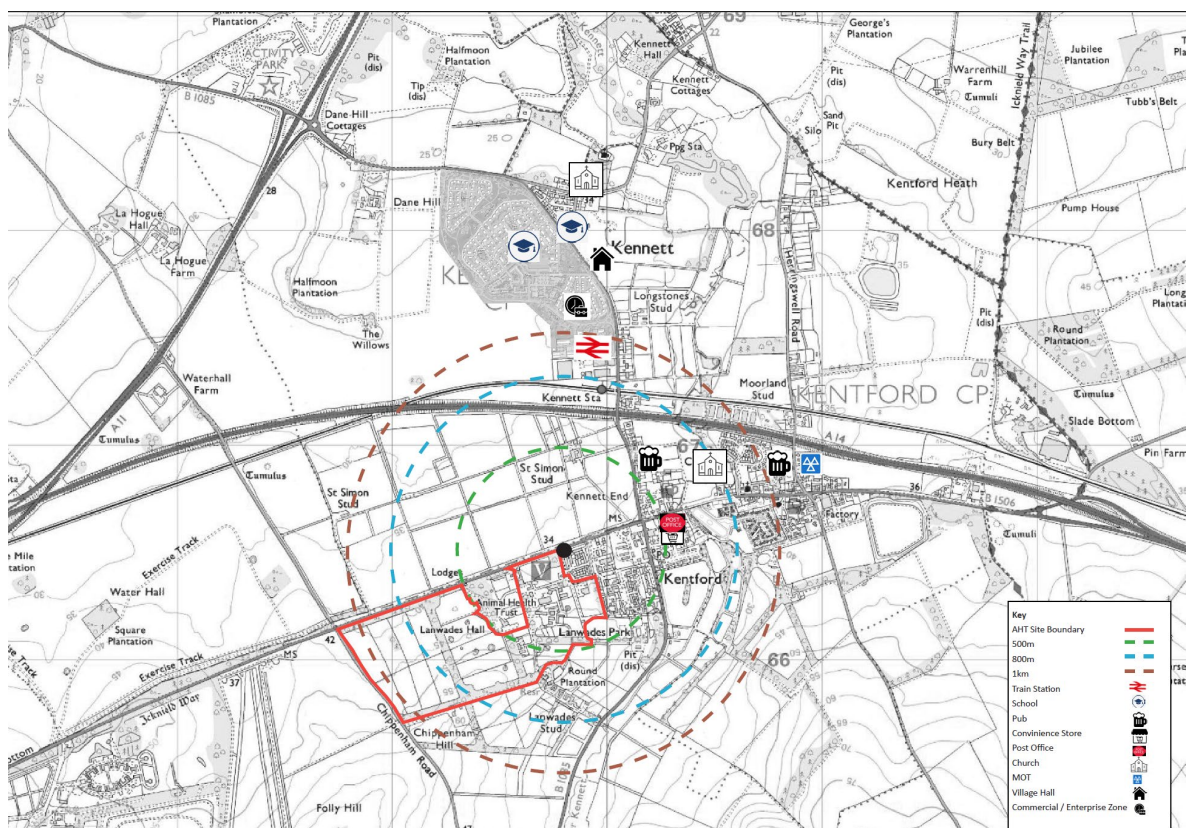


Figure 2: AHT Context Map

- 3.8 As mentioned previously the site is brownfield. There are in excess of 32 existing buildings spread across the site (plus ancillary buildings), the uses of which included extensive laboratories and research facilities, including the Centre for Small Animal Studies, and Centre for Equine Studies, as well as the Cancer Therapy Centre, MRI and x-ray buildings, a visitors' centre, staff accommodation block, offices, a hydrotherapy unit, and associated stables, kennels, paddocks and barns. In addition to this there are 478 existing car parking spaces in areas of hardstanding across the site, as well as ancillary structures such as stores and substations (see Fig 4 below). Images of some of the existing buildings in Figure 3.



Figure 3: Existing buildings on the site



Figure 4: Existing Buildings on site - plan

Surrounding Area

- 3.9 The site is bound by residential dwellings to the east, paddock land to the south, School Road to the west and paddock land and fields to the south. The site is also directly adjacent to Lanwades Hall. The residential dwellings to the west of the site typically are two storeys in height.

- 3.10 The site comprises brownfield land and is sustainability situated within close proximity (approximately 0.6km or a 10-minute walk) to the west of the village of Kentford where there are a local shop and post office (10 minute walk, 2 minute cycle, 3 minute car ride), 2 public houses (closest being a 5 minute walk, 1 minute car ride, or 1 minute cycle ride), and a wide range commercial premises. Lanwades Business Park is north- east near to the site providing employment uses. The Kentford and Kennett Village Hall is also a 15-minute walk from the site (3 minute car ride or 5 minute cycle).
- 3.11 The town of Newmarket is 10 minute car journey to the west of the site and Bury St Edmunds is a 15 minute car journey to the east. Both can be reached via train or bus from Kentford/ Kennett.
- 3.12 Beyond the Kennet train station is the Kennett Garden Village for which permission was granted on the 15 April 2023 by East Cambridgeshire District Council (ref: 18/00752/ESO) and construction has commenced and is well underway. The facilities that the Garden Village delivers include:
- Up to 500 residential units;
 - Up to 4,899 sqm of C2 floorspace;
 - Village Core;
 - Primary School (up to 2,790sqm);
 - 30% affordable housing;
 - Health Care Building;
 - Drinking establishments, restaurants/café/retail, commercial office, storage; and industrial space;
 - Self-build plots;
 - Delivery of a Perimeter Road;
 - Junction modifications to Station Road;
 - 12.5 ha of greenspace;
 - 1.5 acre village green, open space, play space, ponds;
 - Provision of a new 110 place special education school at Littleport and East; and Cambridgeshire Academy.

4.0 PLANNING HISTORY

4.1 The site has a very extensive planning history. The full planning history for the site can be found at Appendix 1.

4.1 The planning history that is of particular relevance to this application is set out below:

Certificate of Lawful Development

4.2 In August 2023, LKL submitted a series of Prior Approval applications to convert a number of the buildings on the site to residential use under Class MA. The total number of dwellings proposed through the conversions amounted to 202. A further application was also submitted, proposing minor changes to certain buildings to accommodate a change to residential under Class MA.

4.3 Alongside these applications, an Application for the Certificate of Lawful Development was submitted to confirm that the existing use on site was Use Class E on the 14th August 2023.

4.4 In October 2023 West Suffolk advised LKL that they did not consider that the site was in Class E use, and as such would be refusing the application. As a result of this, LKL withdrew all of the Prior Approval application and the full application on the 31st October. The Lawful Development Certificate was refused on the 13th of October 2023.

4.5 LKL appealed this decision, and following a 4 day Public Inquiry, the appeal was allowed on 30 May 2024 with the Inspector concluding that the entire 120 acre site was in Use Class E (ref: APP/F3545/X/23/3334323). The appeal decision can be found at Appendix 2.

4.6 Following this decision, West Suffolk Council along with the Jockey Club submitted a challenge to the High Court. The Court issued an interim decision whereby the Deputy Judge found the Council's case inarguable. The hearing date took place on 26th March 2025 and the Judge upheld the Inspector's decision in the judgement dated 10th April 2025, thus confirming the site is in Use Class E (Appendix 3).

4.7 LKL, in the interim, has re-submitted revised Prior Approval applications amounting to 89 residential units across the site, along with a full application featuring minor external alterations to certain buildings. A decision is awaiting in respect of these applications.

4.8 As the site is in Class E use, it will benefit from Class MA of the GPDO in principle, allowing the conversion of the buildings on site to residential use. It will also allow for a significant amount of permitted development in the form of single storey extensions, and additional hardstanding.

Pre-application Discussions

- 4.9 On 15th December 2023, LKL submitted a pre-application enquiry to West Suffolk Council for the redevelopment of the easternmost parcel of land, containing the Vaccine Centre identified as Building 31 and the surrounding paddock land. The enquiry related to a proposal for 70 residential units on the site.
- 4.10 A meeting with the Council was held on 31st January 2024 and a written response was received on 20th February 2024.
- 4.11 The Council's response set out, in brief, the following points:
- At the time of writing the Council could demonstrate a 5.2 year housing land supply.
 - As the proposal site is located outside the housing settlement boundary, and in the open countryside and therefore Policies CS10 and DM5 of the existing local plan, and draft policy LP18 of the emerging local plan apply. The proposals do not accord with any of the exceptions allowing development in the countryside as outlined in the these policies. The principle of residential development is therefore not supported.
 - The site comprises a commercial use and any proposals will need to consider and address the requirements of Policy DM30 (and LP36 of the emerging local plan) justifying the loss of an existing commercial use.
 - The impact on the horse racing industry needs to be considered in the context of policy DM49 (and emerging policy LP48) which state that the change of use of buildings/ land that are directly related to the horse racing industry (HRI) to uses not directly related to the HRI will only be permitted if allocated in the local plan. As such, the Council advised that should it be concluded that the land is HRI land this would have significant implications when considering the principle of development.
 - In addition, any development that may have a material impact on the operational use of an existing site within the HRI such as noise, traffic etc. would need to be addressed in any submission.
 - In terms of design, the following factors were identified as key design drivers for the site:
 - o Historic setting of Lanwades Hall;
 - o Retention of existing trees and hedges including consideration for potential adverse effects on residential amenity due to overshadowing and excessive leaf litter.

- SuDS requirements – the siting of which will need to take account of topography and root protection areas.
- Public open space and green infrastructure.
- 10% BNG requirements.
- Character and appearance including density, noting that the proposed density of 54dph is too high density in this context.
- In terms of ecology, the key constraints comprise the:
 - SPA Recreational Pressure Buffer – 7500m buffer zone around those parts of the SPA that are non-farmland.
 - SSSI Impact Risk Zones – trigger is any residential development of 100 or more units.
 - Stone curlews to the south of the site.
 - The site falls within protected and notable species buffers.
- Further policy advice on Flood Risk and Drainage, Contamination, Highways, Waste Management, Sustainable Construction, Development contributions and Affordable Housing was also provided.

4.12 In addition to this formal pre-application submission, LKL has continually engaged with the Council in respect of the proposed Prior Approval applications to convert a number of the existing buildings on site to residential use, and feedback from the following statutory consultees has informed this application:

- Conservation Officer
- Landscape and Ecology Officer
- Natural England
- Wildlife Trust
- RSPB
- Environmental Health Officer
- Environment Team
- Waste Management Officer

- Cambridge County Highways
- Suffolk County Highways
- Suffolk County Archaeology
- EIA Screening letter issued for 202 Prior Approval units.

4.13 In addition, a pre-application submission was made to Suffolk County Highways on 23rd January 2025. Natural England have also been consulted. Details of the responses are provided in the respective Transport and Ecology reports.

Public Consultation

- 4.14 In terms of public consultation, the following events have taken place:
- 4.15 LKL has met with members of the Kentford Parish Council in November 2022 to discuss high level proposals for the site.
- 4.16 LKL held a consultation event on site on 27th February 2025. It was advertised in the local press on 19th February and the advertisement can be seen in Figure 5 below.

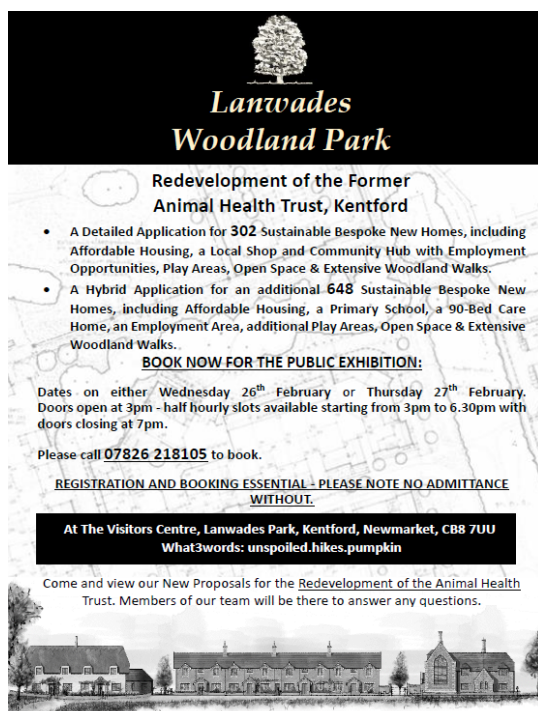


Figure 5: Advert

- 4.17 Originally, the event was scheduled for 2 days however demand was such that only 1 day was required.
- 4.18 Over the course of the event, 54 people signed up to attend the event and 51 attended. The event was broken down into half hour slots allowing for time a presentation, questions and discussion.



- 4.19 In addition, the Lanwades Woodland Park website was advertised at the event – www.lanwadeswoodland.com where feedback forms could be found. Feedback received to date has been fed into the proposals including:
- A request from a volunteer the British Horse Society (BHS) asked whether bridleways could be incorporated into the site. A meeting with the design team including architect, landscape and transport consultants, and the volunteer and the East of England Access Field Officer for the BHS to discuss routes and key opportunities and constraints for new bridleways. These were then drawn up and Pegasus crossing incorporated, and agreed with the BHS ahead of being incorporated into the proposals.
 - Residents identified flooding issues along the B1506 which have been reviewed by our drainage team and mitigation measures will be secured as part of the S106 Agreement.
 - Kentford residents specifically raised concerns in regard to sewerage capacity which is being addressed as part of the proposals.
- 4.20 On 28 April 2025 a meeting was held with Moulton Parish Council and on 29 April 2025 a further meeting was held with Kentford Parish Council. Cllr Roger Dicker, the ward councillor for Kentford and Moulton also attended both meetings. A further meeting was held with the Vicar of St Mary's Church in Kentford.
- 4.21 Feedback arising from both meetings included:
- Need for a better connection from Moulton to Kentford and particularly Kennett train station for pedestrians and cyclists;
 - Local flooding and sewerage issues in Kentford;
 - Concerns regarding effectiveness of a 'Quiet Lane' along School Road;
 - Need for junction improvements at Boys Grave Lane/ Norwich Road/ B1560;
 - Opportunities to reduce speeds on the B1506 and make it safer;
 - Need for improvements to play equipment and pre-school in Moulton;
 - Opportunities to incorporate inclusive play equipment and open spaces;
 - Visitor parking needed for walkers visiting site and surrounding area and the 3 churches walk;
 - School impact important, noting that Moulton primary school is full;
 - Need for affordable housing for local people;

- Important for the development to successfully coexist with Lanwades Hall business;
- The Kentford cemetery is full and there is an opportunity to provide a memorial garden on site.

5.0 PROPOSED DEVELOPMENT

5.1 The planning application seeks full planning permission for:

“Demolition of existing buildings on site, and phased redevelopment to provide residential units alongside a retail/ commercial building (Use Class E), conversion of the existing listed stable block to community/ commercial use (Use Class F2/ E), provision of open space, play space, and associated infrastructure and car parking.”

5.2 Key details of the scheme are listed below.

Residential Use

5.3 A total of 302 residential units are proposed in a variety of houses and flats. The proposed development will be high quality and exemplary in its design.

5.4 The proposed area schedule and unit mix are included within the Design and Access Statement and schedule of accommodation. The proposed unit mix is shown in Table 1 below.

Table 1: Proposed Unix Mix

Proposed Residential Mix and Quantum							
	Houses	Maisonettes	Cluster Maisonettes	Flats	Stable Block	Coach House	Total
1 Bed	0	4	14	7	12	0	37
2 Bed	20	8	28	1	4	5	66
3 Bed	141	4	0	0	10	0	155
4 Bed	29	0	0	0	0	0	29
5 Bed	15	0	0	0	0	0	15
Total	205	16	42	8	26	5	302

Non-residential Uses

5.5 The scheme will provide a community hub and work spaces within the Grade II Listed Stables block comprising 621.2sqm of Class E/ F2 and a retail unit/ Class E comprising 380.8sqm.

Proposed Floorspace

5.6 The overall proposed floor areas by use class are set out in the below table:

Table 2: Proposed Floorspace

Residential Floorspace	Proposed Floorspace Provided (sqm)
Residential (Class C3)	30,619.5sqm
Ancillary	190.4 sqm
Commercial Floorspace	Proposed Floorspace Provided (sqm)
Community Hub Class E/ F2	621.2 sqm
Retail Unit Class E	380.8sqm
Total Proposed	31,811.9

Landscape Strategy

5.7 The landscape proposals are set out in the Landscape Strategy. The strategy sets out a series of landscape typologies establishing the overall green infrastructure network for the Site. The landscape strategy aims to provide an alternative to those within the Breckland SPA in the form of Suitable Accessible Natural Green Space (SANG). A total of 7.3ha public open space is proposed across the site. This compares to a policy requirement of 2.43ha for 302 units.

Other Infrastructure

5.8 The scheme proposes the following:

- Re-use of an under-used brownfield site in a highly sustainable location to provide much needed new homes and commercial opportunities within a development of the highest design quality.
- Sustainable energy installations including solar panels and ground source heat pumps.
- Associated works including sustainable drainage and infiltration basin.
- A policy compliant level of parking and cycle parking.

6.0 PLANNING POLICY

- 6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan

- 6.2 The adopted development plan for WSC comprises:

Core Strategy (2010) former FHDC Area;

Site Allocations Local Plan (2019);

Joint Development Management Policies Document (2015); and

Policies Map.

Other Material Considerations

- 6.3 Other material considerations include:

National Planning Policy Framework (December 2023) ("NPPF");

National Planning Practice Guidance ("NPPG");

West Suffolk Affordable Housing SPD (November 2019);

West Suffolk Open Space Assessment;

National Design Guide (January 2021);

Nationally Described Space Standards; and

Emerging West Suffolk Local Plan.

Local Plan Review

- 6.4 The draft West Suffolk Local Plan was submitted to the Secretary of State for Independent examination on the 24th May 2024 . The Council has now commenced consultation on the main modifications.

Adopted Local Plan Policies

- 6.5 The relevant policies within the Local Plan are as follows:

Core Strategy (2010)

Spatial Objectives;

Policy CS 1 "Spatial Strategy";

Policy ECO 3 “Natural Environment”;

Policy CS 3 “Landscape Character and the Historic Environment”;

Policy CS 4 “Reduce Emissions, Mitigate and Adapt to future Climate Change”;

Policy CS 5 “Design Quality and Local Distinctiveness”;

Policy CS 7 “Overall Housing Provision”;

Policy CS 9 “Affordable Housing Provision”;

Policy CS 10 “Sustainable Rural Communities”;

Policy CS 12 “Strategic Transport Improvement and Sustainable Transport”;

Policy CS 13 “Infrastructure and Developer Contributions”;

Policy DM1 “Presumption in Favour of Sustainable Development”;

Policy DM2 “Creating Places – Development Principles and Local Distinctiveness”;

Policy DM5 “Development in the Countryside”;

Policy DM6 “Flooding and Sustainable Drainage”;

Policy DM7 “Sustainable Design and Construction”;

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 DM15 “Listed Buildings”;

Policy DM20 “Archaeology”;

Policy DM22 “Residential Design”;

Policy DM27 “Housing in the Countryside”;

Policy DM30 “Appropriate Employment Uses and Protection of Employment Land and Existing Businesses”;

Policy DM35 “Proposals for Main Town Centre Uses”;

Policy DM41 “Community Facilities and Services”;

Policy DM42 “Open Space, Sport and Recreation Facilities”;

Policy DM45 “Transport Assessments and Travel Plan”;

Policy DM46 “Parking Standards”;

Policy DM48 “Development Affecting the Horse Racing Industry”;

Emerging Local Plan Policies

SP9 The spatial strategy

SP8 Recreational effects of development

SP7 Breckland Special Protection Area and Special Area of Conservation

SP6 Biodiversity Net Gain

SP5 Locally Valued Landscape

SP4 Green Infrastructure

SP3 Design

SP2 Health and Wellbeing

SP15 Infrastructure

SP14 Historic Environment

SP10 Housing Needs

SP1 The climate and environment emergency and sustainable development

P59 Transport assessment, transport statements and travel plans

LP9 Designing for Health and wellbeing and impacts of new development

LP8 Protecting and enhancing natural resources, minimising pollution and safeguarding from hazards

LP7 Renewable and low carbon energy

LP60 Parking standards

LP58 Rights of Way

LP57 Active and Sustainable Travel

LP55 Archaeology

LP50 Listed Buildings

LP5 Flood Risk and Sustainable Drainage

LP47 Development affecting the horse racing industry

LP41 Local centres
LP40 Town centres
LP33 Open space, sport, play and recreational facilities
LP26 Safeguarding employment
LP26 Housing in the countryside
LP20 Affordable Housing
LP18 Development in the countryside
LP16 Protected species
LP15 Protected sites, habitats and features
LP14 Landscape
LP13 Trees
LP12 Design Codes
LP10 Well-designed spaces

Other Material Considerations

NPPF (December 2024)

- 6.6 Part 2 “*Achieving sustainable development*” of the NPPF seeks to achieve sustainable development through three overarching objectives: an economic objective to help build a strong, responsive and competitive economy; a social objective to support strong, vibrant and healthy communities; and an environmental objective to protect and enhance the natural, built and historic environment (para 8).
- 6.7 Paragraph 11 sets a presumption in favour of sustainable development. For decision making this means approving proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date; granting planning permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposed development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 6.8 Part 5 “*Delivering a sufficient supply of homes*” of the NPPF sets out the government’s objective to significantly boost the supply of homes, encouraging a variety of land to come forward where it is needed (para 61).
- 6.9 Part 7 of the NPPF “*Ensuring the vitality of town centres*” requires planning decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (para. 90). In this regard, it is recognised (sub para (f)) that residential development often plays an important role in ensuring the vitality of centres and that residential development should be encouraged on appropriate sites.
- 6.10 Part 8 of the NPPF “*Promoting healthy and safe communities*” requires planning decisions to aim to achieve healthy, inclusive and safe places which: a) promote social interaction through mixed-use developments, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure, local shops, and layouts that encourage walking and cycling (para. 96).
- 6.11 Part 9 of the NPPF “*Promoting sustainable transport*” advises that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places (para 109). Para 110 adds that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In respect of car parking, para 113 advises that in town centres local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
- 6.12 Paragraph 114 advises that when assessing planning applications, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. 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, following mitigation, on the road network would be severe (para.115).

- 6.13 Paragraph 116 advises that proposals should a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.14 Part 11 “*Making effective use of land*” highlights the importance of promoting the effective use of land in meeting the need for homes, whilst safeguarding and improving the environment (para. 124). Para. 125 stipulates that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
- 6.15 Para. 128 requires that local authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular they should support proposals to a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality or viability of town centres.
- 6.16 Para 129 sets out that planning decisions should support development that makes efficient use of land, taking into account several facts including a) delivering different types of housing; b) local market conditions and viability; c) the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area’s prevailing character and setting including promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
- 6.17 Part 11 “*Making effective use of land*” highlights the importance of promoting the effective use of land in meeting the need for homes, whilst safeguarding and improving the environment (para. 123). Para. 124 stipulates that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

- 6.18 Para. 128 requires planning decisions to support development that makes efficient use of land, taking into account several facts including local market conditions and viability; c) the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting including promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
- 6.19 Part 12 "Achieving well-designed places" states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design being a key aspect of sustainable development (para 131). Paragraph 135 goes on to state that planning policies and decisions should ensure that developments:
- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.20 Paragraph 137 emphasises the importance of how the design quality should be considered throughout the evolution and assessment of individual proposals, with paragraph 133 encouraging the use of tools and processes for assessing and improving the design of the development.
- 6.21 Paragraph 139 states significant weight should be given to:
- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design. Or generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.22 Part 14 of the NPPF “*Meeting the change of climate change, flooding and coastal change*” confirms that the planning system should support the transition to a low carbon future in a changing climate (para. 157).
- 6.23 In determining planning applications, local planning authorities should expect new development to:
 - a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable, b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption (para. 161).
- 6.24 When determining applications developments must ensure that risk of flooding is not increased elsewhere, as stated in paragraph 173. This paragraph sets out key points in which developments located in areas at risk of flooding must be assessed against which includes the incorporation of sustainable drainage systems.
- 6.25 Part 16 of the NPPF “*Conserving and enhancing the historic environment*” highlights the importance to conserve and enhance the historic environment and requires a description of the significance of any heritage assets affected, including any contribution made by their setting (para 200). In determining applications, the NPPF requires the LPA to take account of:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness (para 203).
- 6.26 This section goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 20).
- 6.27 Additionally, Paragraph 212 seeks for proposals within Conservation Areas to preserve those elements of the setting that make a positive contribution to the asset and should be treated favourably.
- 6.28 The Government has published further advice on the implementation of the national planning policies in the NPPF and of regulations in the online National Planning Practice Guidance (NPPG).

National Design Guide

- 6.29 The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice through outlining and illustrating the government's priorities for well-designed places in the form of ten characteristics. It forms part of the government's collection of planning practice guidance.

Planning Assessment

- 6.30 Under Section 36(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.31 The following sections of this statement provides a comprehensive assessment of the proposed development against the policies in the development plan, NPPF and other materials considerations.

7.0 PRINCIPLE OF DEVELOPMENT

Five Year Housing Land Supply

- 7.1 Policy CS1 of the Core Strategy sets out the spatial strategy for the former St Edmundsbury authority area and makes provision for at least 15,400 new homes between 2001 and 2031. This is achieved through a set of site allocations, which set out a minimum number of homes required.
- 7.2 Core Strategy Policy CS4 details the settlement hierarchy, for which all proposals for new development are expected to have regard. Kentford is identified as a “Primary Village”. Policy CS1 states that “Primary villages have been identified within the District based on the evidence contained within the parish profile; these are Exning, Kentford, West Row, Beck Row and Red Lodge.”
- 7.3 With respect to the rural areas, Policy CS13 of the Core Strategy sets out that the scale of development in Key Service Centres, Local Service Centres and Infill Villages will reflect the need to maintain the sustainability of local services for the communities they serve, the diversification of the economy and the provision of housing for local needs. It adds that development outside the settlements defined in Policy CS4 will be strictly controlled.
- 7.4 JDMPD Policy DM5 states that areas designated as countryside will be protected from unsustainable development and provides exceptions where the principle of development in the countryside is considered acceptable. The proposed development does not comply with any of these exceptions.
- 7.5 The proposal site lies directly adjacent to but outside the housing settlement boundary of Kentford and is therefore located within the countryside for the purposes of the adopted and emerging local plan.
- 7.6 As such, and as set out in the pre-application advice provided by the Council, the principle of development does not accord with the adopted Development Plan. However, there are additional relevant considerations that factor into assessment of the principle of development.
- 7.7 Firstly, in terms of housing land supply, the Council cannot currently demonstrate a five year housing land supply, with their current supply at circa 3.6 years. It is understood that the Council’s position is that upon the adoption of the emerging Local Plan, they will have a 6.1 year housing land supply. Until then and following the publication of the December 2024 NPPF standard methodology housing requirement, the Council now have an increased Local Housing Need of 1,195 home per annum, meaning that the Council can only demonstrate a 3.6 year supply of housing land for the period commencing 1 April 2024. As such, the presumption in favour of sustainable development under NPPF paragraph 11(d) is engaged, until such time as the emerging Local Plan is formally adopted.

- 7.8 Therefore, the weight that can currently be afforded to Core Strategy Policies CS1, CS4 and CS13, and JDMPD Policy DM5 is reduced in the planning balance, as the most important policies for the determination of the planning application. In accordance with paragraph 11 of the NPPF, it is considered that the adverse impacts of development would not significantly and demonstrably outweigh the considerable benefits, as demonstrated within this statement.
- 7.9 In respect of the emerging local plan the weight that can be attached increases as the plan reaches increasingly advanced stages. It is recognised that, once adopted, the Council believe that it will have a five year housing supply will be in place, in which case paragraph 11 will no longer be engaged.
- 7.10 This application will, in all likelihood, be considered once the emerging local plan has been adopted. There are however other factors that need to be taken into consideration in the interim, not least that the new local plan does not deliver the housing as required by the standard methodology in the NPPF (2024).
- 7.11 The Government's approach to the well publicised and deepening housing crisis has been the publication of the new NPPF which includes an ambitious target of delivering 1.5 million new homes over this parliamentary term. The new NPPF includes amongst other things a revised standard method, the re-introduction of buffers, and the removal of paragraphs 76 and 226 of the former NPPF.
- 7.12 The PPG (2a-004) sets out the standard method for calculating the minimum local housing need and this requires that an affordability adjustment is applied where households are required to spend in excess of 4 times the median income, indicating that the Government consider that housing becomes inaccessible when households have to spend more than 4 times the median income to access a home. This aligns with the fact that most mortgage lenders will only lend up to between 4 and 4½ times a household's income.
- 7.13 In West Suffolk however households have to spend 8.43 times the median income to access a median priced house¹, such that a household in West Suffolk would need to earn more than twice as much as the Government consider would be affordable to access a home.
- 7.14 It is therefore evident that housing in West Suffolk is particularly unaffordable and thereby inaccessible to a significant proportion of the population, even in the context of a national housing crisis.
- 7.15 The NPPF (2023) and the current local plan, have both fallen substantially short of addressing housing needs nationally and locally. The emerging local plan commits to a housing requirement of 13,702 over the plan period of 2023 – 2040, equating to 806 homes per annum. This is based on the NPPF 2023, and the Council have agreed, in the hearing sessions, to an immediate review to address this shortfall, albeit this is not due to commence until March 2026 with adoption forecast in 2029.

¹ According to the ONS data referenced in the PPG (2a-004).

- 7.16 The housing requirement of the emerging local plan will therefore provide for substantially fewer homes than required as a minimum by the current NPPF of December 2024, which identifies a minimum need for 1,195 homes per annum. Over the 17 year plan period for the emerging local plan, this is an increase of 6,613 homes than planned for. As a result, even as the emerging plan proceeds to adoption it will not meet the needs of present and future generations or provide for sustainable development as defined by paragraphs 7 and 8 of the NPPF, such that the policies relevant to the supply of housing will be out-of-date regardless of any other consideration.
- 7.17 Given the scale of the shortfall, it is clear that the NPPF (2023) and current policies CS1, CS4 and CS13, and JDMPD Policy DM5 have failed to deliver the housing needed by the district. Emerging policies SP9, LP17, LP18 and LP36 are similarly worded and will in effect continue to restrict the development needed across the district to deliver sustainable levels of housing.
- 7.18 The Written Ministerial Statement that accompanied the publication of the revised NPPF sets out that the *'average new home is out of reach for the average worker, housing costs consume a third of private renters' income, and the number of children in temporary accommodation now stands at a historic high of nearly 160,000. Yet just 220,000 new homes were built last year and the number of homes granted planning permission has fallen to its lowest in a decade'*.
- 7.19 It also makes clear that in order to address the *'acute and entrenched housing crisis'*, it is necessary that *'hard choices are confronted in order to tackle the housing crisis – because the alternative is a future in which a decent, safe, secure and affordable home is a privilege enjoyed only by some rather than being the right of all working people'*.
- 7.20 The key changes of note within the revised NPPF for the purposes of this application are set out and discussed in turn below:

Chapter 2 – Achieving Sustainable Development and the Presumption in Favour of Sustainable Development

- 7.21 The WMS sets out: *"Rapidly driving up planning consents in the context of a system with woefully inadequate local plan coverage will increase the number of permissions secured outside of local plan allocations in the short-term. This is necessary if we are to see the scale of delivery we need to meet our commitment to 1.5 million homes. Therefore, where it applies, the presumption in favour of sustainable development must have real teeth. The changes we make today ensure that the presumption carries real weight, acting as a significant adjustment to the decision-making balance in favour of approving development. We are however absolutely clear that this is not a green light for low-quality development. That is why we have amended the presumption to call out the existing safeguards that exist in national policy around the provision of affordable housing, design quality, and sustainability of location, in line with the proposals we consulted on. We simply do not accept there is an inherent trade-off between supply and quality."*

- 7.22 The Government’s response to the consultation process in respect in particular to the “strengthening and reforming of the presumption in favour of sustainable development” confirms that:
- 7.23 *“We have however decided to retain references to the location and design of development and securing affordable homes, to signal the particular importance of these matters in assessing the potential impact of development proposals when the presumption is applied. To make this as specific as possible, the text has been amended to refer to particular policies contained elsewhere in the National Planning Policy Framework which are most relevant for this purpose, while an additional reference has been made to the importance of making effective use of land.*
- 7.24 *A change has also been made to be clear that when assessing whether areas or assets of particular importance provide a reason for refusal, there should be a ‘strong’ basis for doing so when assessed against the policies in the National Planning Policy Framework (replacing the existing ‘clear’ reason). This reflects views that we heard about opportunities to strengthen the presumption’s wording, in the context of the government’s commitment to increasing the supply of homes but still enables these key protections to be fully considered and enforced where it is appropriate to do so.”*
- 7.25 Consistent with the Government’s response to consultation, paragraph 11d of the revised NPPF has been amended and sets out:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*
- or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
- 7.26 Paragraph 11d (i), has therefore been revised in the new NPPF so that the ‘clear reason for refusal’ test is replaced with a ‘strong reason for refusal’ test. As the Government’s response to consultation confirms (see above) this change is intended to strengthen this part of the presumption in favour of sustainable development consistent with the central objective of increasing the supply of homes. As changed, the introduction of a requirement for strong reasons to refuse planning permission within para.11(d)(i) sets a higher bar for decision makers in assessing the tilted balance, in favour of delivering housing.
- 7.27 With regard to para.11(d)(ii), the change compared to the NPPF (2023) is that decision makers are now required to pay specific regard to a closed list of key policies, in applying the tilted balance, as follows:
- i. Directing development to sustainable locations
 - ii. Making effective use of land
 - iii. Securing well-designed places; and

iv. Providing affordable homes.

- 7.28 Footnote 9 identifies the relevant NPPF policies as paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.
- 7.29 Currently, as the Council have acknowledged they cannot demonstrate a 5 year housing land supply, paragraph 11(d), is engaged. It is acknowledged that the housing supply landscape is changing as the Council moves closer to adopting its emerging local plan, however as set out above the shortfall in terms of the standard method will continue to be significant.
- 7.30 On this basis, and whether or not the Council can demonstrate a 5 year supply as this application moves forward, the changes in the NPPF provide a useful focus on the specific policies the Government view as being key in respect of housing delivery and the tilted balance (regardless of whether this is ultimately engaged).

Directing development to sustainable locations

- 7.31 The site comprises brownfield land and is sustainably situated directly adjacent to the western development boundary of the village of Kentford where there is a local shop and post office, 2 public houses, and a wide range commercial premises including Lanwades Business Park located to the north- east of the site providing employment uses. The village hall and playing fields are shared with the neighbouring village of Kennett which adjoins the boundary of Kentford to the north of the B1506.
- 7.32 In terms of transport accessibility, the site is approximately a 10-minute walk (or 2 minute car ride or 4 minute cycle) from Kennett railway station. This operates services to Cambridge every 28 minutes and to Ipswich every 47 minutes. There are also bus stops to the east of the site on Moulton Road which provide services to Bury St Edmunds, Mildenhall, Bury St Edmunds, Newmarket and Exning. The National Cycle Network Route 5 runs to the north of the site from Bury St Edmunds through Moulton onto Newmarket and Cambridge beyond.
- 7.33 The map below (Figure 6) shows the site and its surrounding context demonstrating the proximities to the local services and facilities. This includes the new Kennett Garden Village to the north which is currently under construction and discussed in detail in later sections.



Figure 6: AHT Context Map

- 7.34 Adopted Policy CS1 and emerging policy SP9 (the Spatial Strategy) directs new homes towards the more sustainable settlements in the settlement hierarchy, where infrastructure and constraints allow.
- 7.35 In the current adopted Local Plan, Kentford is designated a “Primary Village”. Policy CS1 states that “Primary villages have been identified within the District based on the evidence contained within the parish profile; these are Exning, Kentford, West Row, Beck Row and Red Lodge.” This settlement type has been replaced with ‘Local Service Centres’ in the emerging plan.
- 7.36 Emerging policy SP9 however downgrades Kentford in the settlement hierarchy to a type A village. The Council’s Sustainable Settlement’s Study 2022 submitted with the draft Plan sets out the methodology for settlement categories for the draft Local Plan. It notes that a “Local Service Centre” in the draft Plan is considered to be the equivalent to a “Primary Village” in the extant Local Plan. The Sustainable Settlement’s Study 2022 sets out the justification for the settlement hierarchy of different settlements and any changes from their current hierarchy.

- 7.37 For Kentford, it stipulates that, *“The settlement has a good range of services and facilities including a public house, shop/post office and an amber bus service, but no school which warrants it being designated as a type A village.”* This indicates that the lack of an existing school is the only reason it has been demoted from what would have been a Local Service Centre. It otherwise acknowledges that Kentford has good services and facilities.
- 7.38 The facilities within the development boundary of Kentford have not changed since the current Local Plan was adopted. In addition, the primary schools serving the village remain unchanged. There are 2 local primary schools, Moulton Primary School, 2.5km to the south of the village, and Kennett Primary school, circa 1.5km to the north and below the maximum walking distance for schools as set out in the IHT ‘Guidelines for Providing Journeys on Foot’. On this basis, the sustainability of Kentford ‘on the ground’ has not changed.
- 7.39 In respect of other factors, Policy CS9 fails to acknowledge that there is a train station in the village, vastly improving the opportunity for residents to choose a more sustainable transport mode, with trains running to Newmarket and Cambridge to the west and Bury St Edmunds and Ipswich to the east.
- 7.40 CS9 also fails to acknowledge that the facilities available to the residents of Kentford is shortly to improve significantly via the delivery of the new Kennett Garden Village just to the north of Kennett train station.
- 7.41 The village of Kentford directly adjoins the village of Kennett. Kentford lies within the administrative boundary of West Suffolk but the land to the north of the B1506 and west of the Bell Pub lies within East Cambridge District Council. The development envelope for Kennett includes housing and commercial land including the Bell Inn Pub up to Kennett Train Station fronting Bury Road (See extract from the East Cambridge District Council policy map below).
- 7.42 The East Cambridge District Local Plan states that “Kennett has a number of facilities, including a primary school, pub, playing field and church. The village immediately adjoins the village of Kentford, which lies within Suffolk, and has a shop, including a post office and services which people from Kennett can access.”

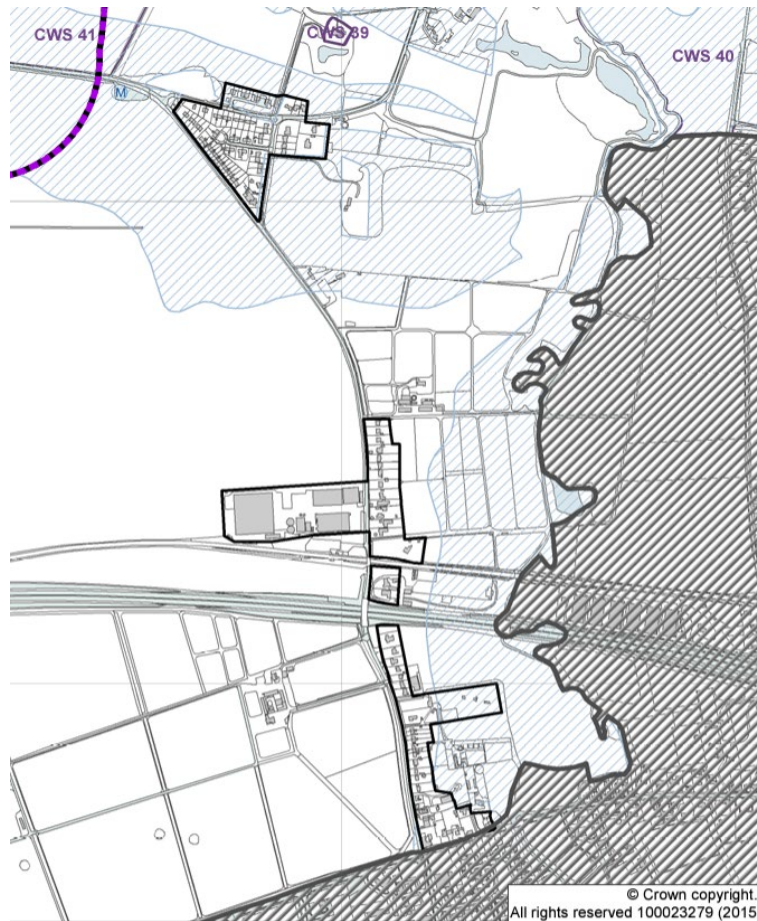


Figure 7: East Cambridge Local Plan Policies Map

- 7.43 Beyond the train station is the new Kennett Garden Village development for which permission was granted on the 15 April 2020 by East Cambridgeshire District Council (ref: 18/00752/ESO) and construction is well underway. It is directly adjacent and connected to Kentford (as shown on Figure 8 below). It is therefore imperative that this development is acknowledged and taken into account when assessing the sustainability of Kentford and Lanwades Woodland Park. It also provides a precedent for the delivery of a major housing-led development in this location.
- 7.44 As shown on the Kennett Garden Village Masterplan below (Figure 8) consented under the outline permission, the scheme will deliver up to 500 new homes alongside community facilities, new allotments, employment uses, a nursery, a new Primary School, green spaces, and new road infrastructure.

7.45 Construction is well underway for the first phase of 328 units, with new homes around the central open space now complete and occupied. The new 210 space primary school with a new nursery for up to 26 pupils opened on 4th November 2024. The next phases of the scheme will deliver the remaining houses, a new village centre including a village shop, a health centre that could incorporate a GP pharmacy and/ or dentist, and a café. Later phases will deliver the remaining housing and business park.



Figure 8: Kennett Garden Village Masterplan

7.46 Figure 9 below demonstrates that the Garden Village is undoubtedly connected to Kentford. The area shaded in purple shows the existing built development from Kentford to the Kennett Garden Village. The Garden Village would deliver a new 210 space primary school within walking distance Kentford.

7.47 The facilities that would come forward in the Garden Village as part of the outline permission include:

- Up to 500 residential units;
- Up to 4,899 sqm of C2 floorspace;
- Village Core;
- Primary School (up to 2,790sqm) (extending the existing school in the village);

- 30% affordable housing;
- Health Care Building;
- Drinking establishments, restaurants/café/retail, commercial office, storage; and industrial space;
- Self-build plots;
- Delivery of a Perimeter Road;
- Junction modifications to Station Road;
- 12.5 ha of greenspace;
- 1.5 acre village green, open space, play space, ponds;

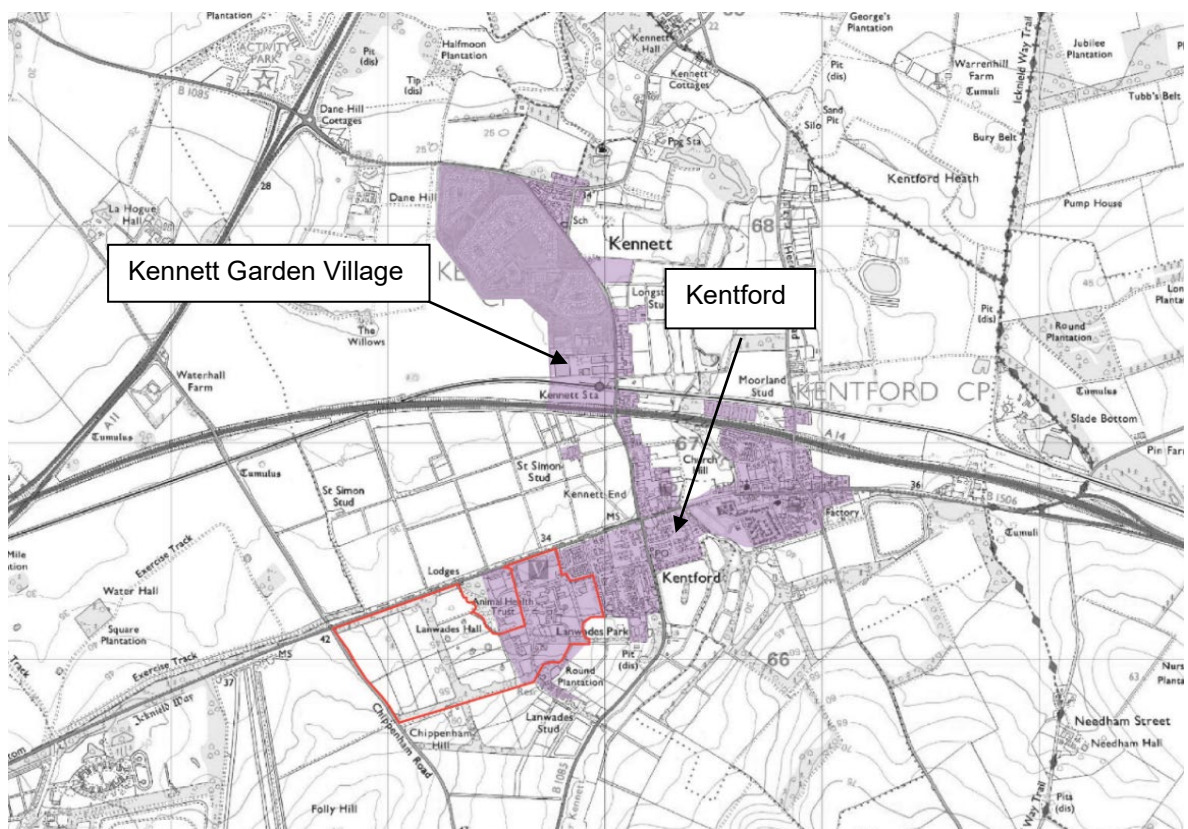


Figure 9: Map showing Kennett Garden Village and its link to Kentford

- 7.48 Once the Garden Village is fully delivered, it will create a self-contained sustainable settlement providing existing and new residents of Kentford and Kennett with many facilities and services within walking distance to meet daily needs. This would be the equivalent of a “Key Service Centre” as defined in the WSC Sustainable Settlements Study (2022) i.e. settlements that have a large number of dwellings and the basic services needed to support the day to day needs of residents including a primary school, early years provision, convenience food shop, a pub, village hall, a recreation area, and healthcare provision.
- 7.49 Paragraph 83 of the NPPF states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*
- 7.50 The Council’s spatial strategy seeks to protect and enhance the natural, built and historic environment, and directs new homes and jobs to the most sustainable locations. The emerging West Suffolk Local Plan does not incorporate the Kennett Garden Village into its sustainability assessments, as a result of the lag between local plan preparation and developments coming forward. The delivery of this new neighbourhood is however a material consideration and combined with the existing facilities in Kentford will ensure that local people can readily access jobs, services and facilities.
- 7.51 The proposals are therefore considered to fully comply with and advance the objectives of NPPF para.110 and 115. The specific requirements of paragraph 11(d) of the revised NPPF are met and to grant planning permission would further those policy objectives. The weight that must be attached to this sustainable location is significant particularly in the context of para 11d(ii).

Making effective use of land

- 7.52 The new NPPF encourages a brownfield first approach to development and is now explicit that the development of brownfield land should be regarded as acceptable in principle. Furthermore, the definition of previously developed / brownfield land expands to include *“large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed”*.
- 7.53 Bullet point (c) of paragraph 125 sets out that planning decisions should,
“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...”
- 7.54 Paragraph: 003 Reference ID: 66-003-20190722 provides further detail as to how policy 125(c) (substantial weight to brownfield land proposals) apply to decision making, setting out,

“Paragraph 125(c) of the National Planning Policy Framework states planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. When determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken as a whole. As an example, where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 215 (which requires the public benefits of the proposals to be weighed against the less than substantial harm) would still need to be applied. Where relevant, decision makers will need to provide a clear articulation of how paragraph 125(c) has been demonstrably considered and applied alongside other policies.”

- 7.55 The eastern parcel of proposal site comprises a brownfield site. There are existing buildings spread across the site, the uses of which included extensive laboratories, research facilities and clinical buildings, including the Centre for Small Animal Studies, and Centre for Equine Studies, as well as the Cancer Therapy Centre, MRI and x-ray buildings, a visitors’ centre, staff accommodation block, offices, a hydrotherapy unit, and associated stables, kennels, paddocks and barns. In addition to this there are 478 existing car parking spaces in areas of hardstanding across the site, as well as ancillary structures such as stores and substations.
- 7.56 The site is identified as being located in the open countryside in West Suffolk adopted and emerging policy. The site is directly adjacent to the western boundary of Kentford and forms a continuation of the built environment between the settlement boundary as defined on the proposals map, and Lanwades Hall to the west.
- 7.57 Policy LP17 of the emerging local plan sets out that Housing Settlement Boundaries are identified for the settlements within the district and that new residential development is acceptable in principle within these ‘Housing Settlement Boundaries’. The policy explanation confirms that these may not be the physical boundary of a settlement but are there to manage development inside and outside of that area and may exclude non-residential development.
- 7.58 Paragraph 125 (c) does not refer to housing settlement boundaries or other artificially constructed development boundaries identified for planning policy purposes. It simply refers to ‘brownfield land within settlements’.
- 7.59 The site is plainly within the settlement of Kentford and therefore the presumption in favour as outlined by policy 125 (c) of the NPPF applies. As such, substantial weight should be given to the value of using this suitable and sustainable brownfield land within the settlement of Kentford for new homes, community and retail uses, proposals for which should be approved unless substantial harm would be caused. The remainder of this Planning Statement sets out that there is no substantial harm arising from the redevelopment of this site and identifies the considerable benefits that would be delivered.

Securing well-designed places**Design policy**

- 7.60 Part 12 of the NPPF seeks to achieve well-designed places. Decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history whilst not discouraging appropriate innovation or change; establish a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive places to live, work and visit; optimise the potential of each site; create places that are self-inclusive and accessible (para. 130).
- 7.61 Paragraph 137 requires design quality to be considered throughout the evolution and assessment of proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 7.62 Significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (para. 139).
- 7.63 Local Plan policy CS5 states that All new development should be designed to a high quality and reinforce local distinctiveness. 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. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area. Regard should be taken of current good practice concerning design, and any local design guidance adopted by the Council.
- 7.64 Local Plan policy DM22 is a criteria based policy requiring that *“all residential development proposals should maintain or create a sense of place and/or character”*.

Assessment

- 7.65 From the outset the applicant has recognised the significant opportunity that is presented to replace this long vacant brownfield site with a new high-quality residential-led development with a design that responds to its character including the considerable tree belts and woodlands across the site, the listed Stables Block within the site and Lanwades Hall adjacent to the site, the relationship with the adjacent properties along Jeddah Way and Larnach Drive, and the wider landscape character on and around the site. The opportunity to link these considerable landscape benefits to the village of Kentford, particularly as the village lacks open, play and amenity space.
- 7.66 The applicant has appointed highly regarded architects Woods Hardwick to design the scheme in consultation with specialist heritage consultants Montagu Evans and Landscape Architect, Kirsten Bowden. This was to ensure that the scheme conserved and enhanced the character of the site in respect of landscape and heritage. A rigorous design process has taken into account the constraints and opportunities on site to produce a scheme that delivers a scheme of the highest quality and is reflective of the local vernacular while maintaining and enhancing the verdant character of the site.
- 7.67 Additional advice was sought on part of the site through the planning pre-application process, and the considerable levels of feedback received in respect of the various Prior Approval applications sought for the site.
- 7.68 The proposed development will replace a vacant and outdated research and clinical facility with a bespoke residential-led redevelopment of the highest in this sustainable location.
- 7.69 A full evaluation of the site and surrounding area including a detailed analysis of the existing buildings is set out in the DAS.
- 7.70 Key features of the scheme design are:
- The existing features of the site are retained including existing and established access roads Sir Graham Kirkham Avenue and Sire Lane, the substantial linear tree belts and woodlands that traverse the site, and the existing listed Stable Block.
 - High levels of public open space (on a site where there is currently no public access) are provided on site creating amenity space for new residents as well as the existing community, including walking and cycling routes, and bridlepaths across the site.
 - Creation of a rich and vibrant development, echoing the local Suffolk vernacular and material palette, with individual character areas reflective of the particular characteristics of different parts of the site.
 - The existing tree belts and woodlands contain and screen the site meaning there will be little to no visibility of the proposals from public viewpoints.

- The conversion existing listed Stable Block to a community hub/ works space and the provision of a new local shop and new park/ amenity space creating a focus for the development off Sir Graham Kirkham Avenue.

7.71 Full details of the design strategy can be found in the Design and Access Statement.

Summary and conclusion

7.72 The scheme design has been through a rigorous process of design evolution with a careful analysis of the site and its surrounding historic and landscape context. This process has resulted in a high quality, bespoke and sustainable design that respects and enhances the character and appearance of the area and will result in a well-designed development.

7.73 The individually designed new homes have been informed and inspired by local architecture in Kentford and Moulton, and the wider Suffolk vernacular. The scheme builds on the existing landscape features to create new legible pedestrian and cycling routes, and bridlepaths across the site to improve connectivity within and around the site, removing the need for non-vehicular users to travel along the B1506. The proposed layout and design of the scheme will allow the development to function well and significantly add to the overall quality of the area over the lifetime of the development.

7.74 The proposed design that has been developed by Woods Hardwick will contribute positively to local distinctiveness and enhance this vacant brownfield site, opening it up so that its beautiful landscape features can be enjoyed by the wider public alongside new residents. The design of the individual buildings and proposed landscaping will be highly bespoke and sympathetic to local character and features resulting in a visually attractive development.

7.75 The proposed development will also create a safe environment with active frontages at street level and overlooked open spaces. The scheme creates new pedestrian and cycling routes, and bridlepaths, better connecting the site to Kentford. Wider improvements to the road and footways around the site will improve links to the village, Kennett railway station, and Kennett Garden village beyond. New bus stops are also proposed on the B1506 therefore making provision for access by all transport modes. Further details can be found in the Transport Assessment and Travel Plan accompanying this application.

- 7.76 The scheme will make efficient use of this previously developed land, optimising the potential of the site to accommodate an appropriate amount of mix used development and will support local facilities. As demonstrated in the DAS and Heritage Report it will respect the density and character of the surrounding area and conserve and enhance the historic assets as well as enhancing the public realm. A strong sense of place will be established with the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive place to live, work and visit. As set out in the Sustainability and Energy Report, the development will have a sustainable design minimising carbon dioxide emission through energy efficiency and the incorporation of renewable energy technology.
- 7.77 In accordance with paragraph 139 of the NPPF, the development reflects local design policies and Government guidance on design and will help in raising the standard of design in Newbury Town Centre and fits in with the overall form and layout of its surroundings. As such significant weight should be given to this high quality of design in accordance with paragraph 139 of the NPPF.

Providing affordable homes

Housing

- 7.78 Paragraph 61 of the NPPF seeks to significantly boost the supply of homes, to ensure that sufficient amount and variety of land can come forward where it is needed, and the needs of groups with specific housing requirements are addressed, and that such land is developed without unnecessary delay. The overall aim being to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 7.79 Paragraph 66 of the NPPF states that "*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.*"
- 7.80 Paragraph 71 notes that mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates. They can include a mixture of ownership and rental values, including social rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older peoples housing and plots sold for custom or self build.

- 7.81 Local Plan policy CS9 sets out that planning permission for the erection of new dwellings will be permitted providing that, where it is viable to do so, schemes of 10 or more dwellings or sites of more than 0.33 hectares provide a target of 30%. The policy notes that the targets specified are subject to the viability of the affordable housing being demonstrated and if the target cannot be achieved, the affordable housing provision should be the maximum. The mix of tenure and size of the affordable housing units will take account of the identified housing needs identified locally and by an up to date Strategically Housing Market Assessment.
- 7.82 Paragraph 64 of Draft Policy LP20 states, that *“the affordable homes should be distributed across the development and well-integrated within the design and layout such that they are indistinguishable from the market housing on the same site. This should be implemented in small groups or clusters of no more than 15 units.”*
- 7.83 Emerging Policy SP10 seeks to deliver 13,702 new homes over the plan period including housing for different groups in the community comprising affordable housing, housing for older people, renters and people who wish to custom build their own home.
- 7.84 Emerging Policy LP20 sets out the Council’s affordable housing requirements are set out below:
- On greenfield sites 40 per cent of homes shall be affordable. However, it is recognised that in exceptional circumstances some larger sites need to deliver important strategic infrastructure therefore variations to this requirement may be justified on viability grounds with the expectation that affordable provision will be maximised.
 - On brownfield sites 30 per cent of homes shall be affordable.
- 7.85 In terms of housing mix, the following ranges are proposed by emerging Policy LP21:

Policy LP21 Housing type and tenure

Proposals should seek to meet the identified housing needs of the district in order to contribute towards the creation of mixed, balanced and inclusive communities. To achieve this new residential development, should provide a range of housing tenures, types and sizes as set out below:

Size	Market homes (per cent)	Affordable Routes to homeownership (per cent)	Affordable housing for rent (per cent)
One bedroom	0 to 10	10 to 20	30 to 40
Two bedrooms	30 to 40	40 to 50	30 to 40
Three bedrooms	40 to 50	30 to 40	15 to 25
Four bedrooms or more	10 to 20	0 to 10	5 to 15

Assessment

7.86 The proposed development comprises 302 units which is in line with the Council's and Government's objectives will increase the housing land supply on a brownfield site with sustainable public transport links, in close proximity to shops and services. The introduction of residential units on the site will assist in supporting the vitality of the area, and giving the new community easy access to a range of services.

7.87 The following residential mix is proposed:

Table 3: Proposed Unit Mix

Proposed Residential Mix and Quantum							
	Houses	Maisonettes	Cluster Maisonettes	Flats	Stable Block	Coach House	Total
1 Bed	0	4	14	7	12	0	37
2 Bed	20	8	28	1	4	5	66
3 Bed	141	4	0	0	10	0	155
4 Bed	29	0	0	0	0	0	29
5 Bed	15	0	0	0	0	0	15
Total	205	16	42	8	26	5	302

7.88 The residential element of the proposed development will have a mix of unit sizes from 1 to 5 bedroom homes in a mixture of houses, maisonettes and flats. The overall mix set out is broadly in compliance with the requirements of LP21.

7.89 The proposal site is a brownfield site and as such, emerging policy LP20 requires 30% affordable housing. In addition, the site contains a large number of vacant buildings and as such it is considered that Vacant Building Credit applies to this site.

7.90 The Vacant Building Credit calculation and report is submitted as part of this planning application. In short, this amounts to the equivalent of 29 affordable units.

7.91 In total therefore, 30% of 302 units amounts to a requirement of 91 units, less 29 Vacant Credit Units. A total of 62 affordable units are proposed.

7.92 The site will incorporate homes that will allow a route to home ownership and the remaining affordable homes will be for rent. The exact mix will be established as part of discussions with the Council's Housing Team, but in accordance with Policy LP21 the following mix is anticipated:

Table 4: Draft Affordable Housing Mix

Tenure Mix							
	Market	Affordable Home Ownership	%	Social Rented	%	Total Affordable	Grand Total
1 Bed	16	4	20%	17	40%	21	37
2 Bed	41	8	40%	17	40%	25	66
3 Bed	138	8	40%	10	22%	18	155
4 Bed	29	0	0%	0	0%	0	29
5 Bed	15	0	0%	0	0%	0	15
Grand Total	238	20		44		64	302
Total %	79%	6%		14%		21%	-

7.93 As per Policy LP20, the tenure and mix of the units is to be established through discussions with officers and we look forward to contributing towards addressing local affordable housing need.

7.94 The proposals will therefore deliver a significant level of affordable housing, in accordance with the requirements of planning policy, and more than 50% of the annual requirement for affordable housing as set out in the emerging Local Plan, noting that this requirement does not meet that required by the Standard Methodology in the NPPF 2024.

Conclusions

7.95 The Council cannot currently demonstrate a five year housing land supply and as such, the ‘tilted balance’ as set out in paragraph 11 of the NPPF is engaged. It is acknowledged that this landscape is changing with the advent of the new Local Plan later this year. Nevertheless, the emerging local plan fails to deliver anywhere near the level of housing required by the NPPF (2024). As such, it remains to be seen whether the adoption of the new local plan will secure a five year housing land supply, and how significant any shortfall is against the new Standard Methodology.

7.96 In respect of the application of the tilted balance, paragraph 11(d) requires decision makers to have regard to a closed list of policy requirements as follows:

- i. Directing development to sustainable locations.
- ii. Making effective use of land;
- iii. Securing well-designed places; and
- iv. Providing affordable housing.

7.112 The preceding sections assess the proposals against each criterion and demonstrates clearly that the comprehensive redevelopment of the site will deliver on all these counts. The following sections assess the proposals against the wider policy requirements of the scheme.

Conclusions

7.113 The Council cannot currently demonstrate a five year housing land supply and as such, the 'tilted balance' as set out in paragraph 11 of the NPPF is engaged. It is acknowledged that this landscape is changing with the advent of the new Local Plan later this year. Nevertheless, the emerging local plan fails to deliver anywhere near the level of housing required by the NPPF (2024). As such, it remains to be seen whether the adoption of the new local plan will secure a five year housing land supply, and how significant any shortfall is against the new Standard Methodology.

7.114 In respect of the application of the tilted balance, paragraph 11(d) requires decision makers to have regard to a closed list of policy requirements as follows:

- v. Directing development to sustainable locations.
- vi. Making effective use of land;
- vii. Securing well-designed places; and
- viii. Providing affordable housing.

7.115 The preceding sections assess the proposals against each criterion and demonstrates clearly that the comprehensive redevelopment of the site will deliver on all these counts. The following sections assess the proposals against the wider policy requirements of the scheme.

Loss of Commercial

7.116 The proposal site is currently in Class E commercial use. It was last occupied by the former Animal Health Trust who vacated the site in 2020. The former AHT was a clinical and research centre, and is therefore in Class E (e) and (g)(ii).

- 7.117 It is the applicant's position that a large number of buildings on site would be suitable for conversion to residential development under Class MA of the GPDO and a series of Prior Approval applications are with the Council, pending decision . In total, these amount to 89 dwellings within 17 of the 32 buildings on site and would obviously establish the principle of residential development on this site.
- 7.118 As such, the proposals are required to take account of Policy DM30 of the adopted local plan, and LP36 (Safeguarding Employment) of the emerging Local Plan. Policy DM30 states that any non-employment use proposed on sites used for employment purposes, and where it is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal complies with one or more of the criteria listed in the text box below (as applicable to the site and in addition to other relevant policies).

DM30 Criteria:

- a) there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements;
- b) evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future;
- c) the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site;
- d) an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs;
- e) it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café;
- f) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

- 7.119 Emerging Policy LP36 is similar to policy DM30. It requires evidence of a 12 month marketing of the site and premises in accordance with guidance in appendix I, demonstrating that genuine attempts have been made to sell and/or let the site and premises in its existing use, last use or other suitable employment use where supported by other policies in the local plan.
- 7.120 This application is accompanied by a Marketing Report prepared by Bidwells that sets out the marketing of the site in detail and how it accords with the guidance in Appendix I. In summary, the site has been marketed for its existing use as a research and development facility since March 2024 with no interest in the entire site and some general enquiries for parts of the site for a variety of uses.

- 7.121 As with any site, there will always be some interest and the enquiries made in respect of this site demonstrate that the marketing of the site has been properly undertaken. However, an enquiry does not demonstrate evidence of demand, and as the Bidwells report shows, either no further interest was shown following an initial enquiry, or once further details were provided the interest fell away. At no point did an enquiry go beyond this stage.
- 7.122 It can therefore be concluded that the marketing has not been able to secure a viable or credible offer for the site for its existing use or an alternative use on the site. As such, it is considered that criteria DM30 (b) and LP36 (d) is met.
- 7.123 In addition to the report from Bidwells, Rapleys have prepared a Commercial Report to meet the requirements of DM30(a) and LP36(d) that accompanies this application.
- 7.124 The report sets out that the former AHT site was developed over many years and was purposefully configured to meet the occupier, a specialist research and clinical facility that closed down 5 years ago following a number of difficult years and with COVID securing its ultimate demise. The economic activity of the AHT was taken up by nearby (competitor) veterinary practices, Cambridge University as well as other organisations.
- 7.125 Planning policy seeks to replace lost floorspace however the closure of the AHT predates all of the Council's own evidence base for the local plan. The most recent LSH employment land evidence post dates the closure by some 4 years. As such, the baseline included in the reports did not include the AHT site. The Employment Land Review (2021) promoted a strategy of consolidation of the small and 'remote' Kentford market.
- 7.126 Further, the Council confirmed at the Local Plan Examination (Matter 8 SQ) that it has sufficient supply to exceed their stated 'need' of 90ha of new land.
- 7.127 The proposed development incorporates a level of commercial floorspace comprises a community and commercial facility within the existing John MacDougall Visitor Centre and a new shop.
- 7.128 This provides evidence to demonstrate that there is a sufficient supply of alternative and suitable employment land available to meet job growth requirements and that the requirements of adopted policy DM30 and Appendix I of the emerging local plan are met.

Other Material Matters

Ecology

- 7.129 National Planning Policy Framework (2024), at paragraph 8c and Chapter 15, seeks to protect and enhance sites of valued landscapes, biodiversity or geological value and soils. The NPPF sets out that if significant harm to biodiversity results from a development and that it cannot be adequately mitigated against or compensated for, then it should be refused.

- 7.130 Adopted policy CS2 (Natural Environment) seeks to protect biodiversity interest and local distinctiveness from harm and encourages their restoration, enhancement and expansion. With regard to the Breckland SPA, new built development will be restricted within 1,500m of components of the Breckland SPA designated for Stone Curlew. New development will also be restricted within 1,500m of any 1km grid squares which has supported 5 or more nesting attempts by stone curlew since 1995. Proposals for development within these areas will require a project level HRA. Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
- 7.131 Adopted Policies DM10 (Impact of Development on Sites of Biodiversity and Geodiversity Importance), DM11 (Protected Species) and DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity) support this position.
- 7.132 Emerging Local Plan **Policy SP6 (Biodiversity net gain)** requires that qualifying development proposals achieve a biodiversity net gain of at least 10 per cent, calculated using the statutory biodiversity metric.
- 7.133 **Emerging Policy LP15 (Protected sites, habitats, and features)** seeks to protect sites designated for their biodiversity and geodiversity value, and conserve, restore and enhance important habitats (including priority habitats) and other important biodiversity features on development sites or affected by developments.
- 7.134 Proposals for development which could adversely affect the integrity of areas of international or European nature conservation importance, as indicated on the policies map, will be determined in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) or successor legislation.
- 7.135 Development proposals which would have a direct or indirect adverse effect on locally designated sites, including county wildlife sites and county geodiversity sites, protected or priority habitats, will not be permitted unless the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of habitats. In addition, proposals must demonstrate that:
- The mitigation hierarchy has been implemented.
 - Mitigation and compensation measures are provided which ensure there is a biodiversity net gain in such sites.
- 7.136 The proposals have been informed by the biodiversity on site, and this application is accompanied by a EclA, BNG Assessment and shadow HRA prepared by SWECO. In addition, a pre-application consultation with Natural England has taken place, and a specialist Stone Curlew scoping report has been prepared by Graham Riley of Wild Frontier Ecology.

EclA

- 7.137 A preliminary ecological appraisal and a UKHab survey of the site was undertaken in April 2024. A desk study assessment was also undertaken using records obtained from CPERC and SBIS, and MAGIC search.
- 7.138 The site comprises modified grassland, scattered trees, lowland beech, yew and broadleaved mixed woodland, other native hedgerow, introduced scrub, hardstanding and buildings.
- 7.139 There are three internationally important designated sites within the Project Site ZOI. The impacts of the Project on the internationally designated sites and their qualifying features have been assessed within an HRA.
- 7.140 Breeding bird surveys confirmed signs of breeding from rook species with multiple nests found within the woodlands around the site. A stone-curlew scoping assessment has been conducted and concluded impacts on this species are not anticipated.
- 7.141 A stone curlew scoping report, was also commission and undertaken by senior ecologist Graham Riley of Wild Frontier Ecology. The surveyor has extensive experience working with stone curlews having been part of the RSPB Eastern England Stone Curlew Recovery Project for 14 seasons between 1993 – 2006 and has subsequently completed many stone curlew projects while working for WFE.
- 7.142 The survey involved appraising and mapping the habitats within the 1.5km buffer with regard to their suitability for nesting stone curlews as well as assessing the levels of human disturbance that these areas may be subjected to. Apart from within the proposal site itself this survey was undertaken from public roads.
- 7.143 West Suffolk Council have requested three years of stone curlew survey data for the surrounding 1.5km radius (figure 1) of the proposed development boundary as the site lies just within 1km square cells where at least part of the cell is within 1,500m of the Breckland SPA (holding stone curlews). These 1km cells have significant data gaps as they are not within the traditional stone curlew nesting areas covered by the RSPB and therefore additional data may be requested regarding development proposals.
- 7.144 This scoping exercise comprises a data search with the RSPB (undertaken by SWEKO) and a habitat survey (within the 1.5km buffer) undertaken by WFE. The exercise comprised a habitat survey of a 1.5km buffer around the Lanwades proposed residential development site and a data search with the RSPB.

- 7.145 The data search provided no nesting stone curlew records within the 1.5km buffer during the last 10 years and the habitat survey found there to be no observable suitable nesting habitat within the buffer. Therefore, it is concluded that it is extremely unlikely that stone curlews will be present as a breeding species within the near vicinity of the proposed housing development within the 2025 nesting season.
- 7.146 The Natural England pre-application response concludes that as this development is located over 1.5km from the component parts of Breckland SPA designated for stone curlew, Natural England does not consider the SPA to be impacted in this way. It does however provide advice on green infrastructure and SANG guidance which is dealt with below.
- 7.147 The site was assessed as having low suitable foraging or commuting habitat for bats. Five buildings were identified with bat roosting features, which were classified as negligible, moderate and high bat roosting potential. Emergence surveys were carried out on the high and moderate buildings and no emergences were recorded.
- 7.148 Bat activity surveys were carried out in the form of automated/static surveys per season. High volumes of bat species were recorded, dominated by common pipistrelle, however, calls from soprano pipistrelle, noctule, serotine, Leisler, brown long-ear, myotis species, and barbastelle were also recorded. However, the low numbers of barbastelle, brown long-ear and Myotis species suggest that they are infrequent visitors and are unlikely to be impacted by the proposed development.
- 7.149 Additional surveys will be required and are scheduled to start April 2025 and include:
- Additional surveys on trees classified as FAR, PRF-I and PRF-M trees that will be impacted by the Project
 - Further automated/static surveys as part of the Hybrid Application site
 - Badger pre-commencement checks.
- 7.150 Following completion of the additional surveys, this report will be updated for planning application and will include supplementary discussion on the ecological baseline and the effect of the Project on ecological features with appropriate mitigation.

Biodiversity Net Gain

- 7.151 Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. As of 2nd April 2024, all development is required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

- 7.152 A UK habitat classification system (UKHab) survey and associated condition assessment was undertaken for the site on 04 and 05 April 2024 and the findings are presented in the Ecological Impact Assessment (EclA).
- 7.153 The BNG Report:
- Provides baseline ecological conditions at the site.
 - Provides information to determine whether the project accords with relevant nature conservation policies and legislation and, where appropriate, to allow conditions or obligations to be proposed by the relevant authority.
 - Details the results of the biodiversity metric calculations to demonstrate whether the site will result in the target 10% net gain for biodiversity.
 - Outlines aims and objectives of agreed ecological enhancement and habitat creation to achieve biodiversity net gain as a result of the proposed development.
- 7.154 The Report concludes that the baseline biodiversity units for the Site is 58.34 BU for area habitats and 0.62 BU for linear habitats.
- 7.155 Post-development there will be a total of 47.58 BU for area habitats. This equates to a net loss of 10.76 BU (– 18.44 %). Trading standards for area habitats have not been satisfied. In addition, the works around T330, a veteran tree and irreplaceable habitat, will require a bespoke compensation agreement to be made, however with the works required to avoid removal of the tree, the improvement of the woodlands on site and long term management its considered likely that this can be addressed.
- 7.156 The provision of 16.69 BU will be required to achieve a 10% net gain for area habitats. In order to meet the Trading Standards, 0.33 BU of this provision will need to comprise high distinctiveness woodland habitat, such as lowland beech and yew woodland.
- 7.157 Post-development hedgerow linear habitat equates to a total of 1.69 BU. This equates to a net gain of 1.07 BU (+ 171.91 %). Trading standards for linear habitats have been satisfied.
- 7.158 The overall net gain of the site is taken to be the lower of these two results. Therefore, the overall biodiversity net gain for the site is taken to be – 18.44 %.
- 7.159 The Report concludes that in order to achieve a 10% biodiversity net gain and the required off-site compensation, purchasing Biodiversity Credits from a land bank is an additional option.

HRA

- 7.160 A shadow HRA has been prepared by SWECO to determine the potential impacts of the project on nearby internationally designated sites so that the Competent Authority (West Suffolk Council) has sufficient means to conclude their own HRA.
- 7.161 The shadow HRA assesses the project site for potential impacts on the following internationally designated sites:
- Breckland SPA – 2.2km from the site
 - Fenland SAC – 5km from the site
 - Chippenham Fen RAMSAR – 5km from the site
- 7.162 It concludes that there will be no direct impact on habitats or any supporting habitats outside of the designated sites during the construction phases. It also concludes that noise and visual impacts can be screened out during the operational phase.
- 7.163 As the development will lead to an increase in residential development and therefore an increase in the number of residents on site, there is a possibility that some residents will travel to the Breckland SPA for recreational purposes, including walking their dogs. This could lead to a significant effect on the three bird species (Stone Curlew, Nightjar and Woodlark) for which the site is designated. As such, mitigation is required and the assessment proceeds to Stage 2 (Appropriate Assessment (AA)).
- 7.164 The AA concludes that, given the provision of significant areas of green infrastructure to support on site recreation, including areas where residents can walk their dogs on site without the need to travel, circular walking routes, and dog waste bins the development is not expected to have a likely significant effect on the Breckland SPA.
- 7.165 The Landscape plans and Landscape Strategy submitted with this application, provides further details on the quantum and proposed types of open space provided as part of this application,
- 7.166 In conclusion therefore, the application is considered to comply with paragraph 8c and Chapter 15 of the NPPF, adopted policies CS2, DM10, DM11 and DM12, and emerging policies SP6 and LP15.

Trees

- 7.167 Adopted Policy DM13 and emerging policy XX are concerned with ensuring new development will not have an unacceptable adverse impact on landscape features, which includes hedgerows, trees and other natural features.

- 7.168 A Tree Survey and Tree Constraints Plan, an Arboricultural Impact Assessment and a scaled Tree Retention and Removal drawing showing retained trees and their root protection area on the proposed layout have been prepared by Hayden's and submitted with this application.
- 7.169 The overarching vision for the proposal is to retain as many of the trees on site and retain all tree belts and woodlands however, there is a development necessity to remove a tree and some hedgerows, taken overall and given the scale of development proposed on this allocated site, the number of removals has been kept to the minimum necessary.
- 7.170 The retained trees, tree belts and woodlands will be subject to on-going management as set out in the draft Woodland Management Strategy prepared by Haydens.
- 7.171 For these reasons, the proposals demonstrate that a scheme can be brought forward in accordance with adopted Policy DM13 and adopted Policy XX.

Landscaping and Open Space

- 7.172 The NPPF identifies that access to a network of high quality open spaces and opportunities for sport and physical activity, is important for the health and well being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 7.173 Adopted Policies CS13, DM13, DM22, and DM42 and the Former Forest Heath SPD for Open Space, Sport and Recreation Facilities (2011), and emerging policies SP4 and LP33 and Appendix H are relevant in respect of the landscaping and open space on site.
- 7.174 Landscaping Details have been prepared by Kirsten Bowden Landscape Architect and form an integral part of the overall development proposals. The existing landscape on site, dominated by the tree belts and woodland, have informed the overarching design of the proposals and crucial in terms of place making but also to deliver a strong network of multifunctional open spaces.
- 7.175 The key design principles as set out in the Landscape Strategy that accompanies this application are to:
- Promote links and permeability
 - Establish a hierarchy of streets and access
 - Create distinct neighbourhood settings
 - Create a hierarchy of materials and planting
 - Create green streets, gardens and parkland

- Provide for flexible outdoor uses and activities
- Encourage play and fitness in the public realm
- Provide functional level access
- Maximise sustainability gains
- Promote biodiversity net gain

7.176 The aim of the landscape strategy is to ensure that the green character of the area is retained, promoting a healthy natural environment in a semi-rural context.

7.177 Appendix H of the emerging local plan sets out the Public Open Space Standards for West Suffolk and the policy requirement² alongside the proposed open spaces for 302 units is set out below:

Type	Policy Requirement	Proposed
Natural and semi-natural open space	1.27ha	3.1ha
Amenity Greenspace	0.42ha	1.4ha
Parks and Gardens	0.57ha	2.2ha
NEAP with MUGA	0.21ha	0.2ha
LEAP	0.18ha	0.2ha
Pocket Green	0.18ha	0.3ha
Total	2.83ha	7.41ha

² The proposal does not trigger the requirement for playing fields or allotments

- 7.178 The above demonstrates that the proposed open space on site is significantly greater than the level required by planning policy. There is currently a deficiency of open space and play space in Kentford and the proposals present an opportunity to create new areas of open space for both existing residents as well as new residents. In addition, this new open space, and particularly the woodland walks which are over 1.5km in length provide an alternative location for walkers including dog walkers to the Brecks, helping to ensure that new residents do not add to amenity pressure within this protected area, and potentially reducing impact overall.
- 7.179 The proposal also incorporate a detailed hard and soft landscape strategy for the site, details of play equipment including the provision of inclusive play equipment, trim trail details, planting details, blue infrastructure and biodiversity enhancements including proposals for dark corridors throughout the site.
- 7.180 The proposals are therefore considered to be entirely in accordance with adopted Policies CS13, DM13, DM22, and DM42 and the Former Forest Heath SPD for Open Space, Sport and Recreation Facilities (2011), and emerging policies SP4 and LP33 and Appendix H

LVIA

- 7.181 The landscape and visual impact assessment in the Environmental Statement has been carried out in accordance with accepted Landscape Institute Guidance (GLVIA3). The assessment has established the sensitivity of the identified landscape and visual receptors and the significance of any residual effects which may be associated with the construction and operational phases of the Project. The assessment considers the significance of effects for both the Detailed Application and the Hybrid Application separately on landscape features, the character of the existing landscape and on the views experienced by people (visual receptors) whose views may change during the construction and following completion of the Project.
- 7.182 The Site is not covered by any designation which would denote landscape value at the national, regional or local level and does not fall within a Locally Valued Landscape as defined in the West Suffolk Review of Local Landscape Designations prepared as part of the evidence base for the emerging West Suffolk Local Plan.
- 7.183 Published landscape character assessments, relevant guidance and policy and field surveys have informed the identification of landscape and visual receptors.
- 7.184 The landscape receptors which could experience direct effects are identified as:
- Trees within the Site and on the Site boundaries;
 - The landscape character receptors which could experience indirect effects as a result of the Project are:

- Local Landscape Character Area (LLCA) 1: Newmarket Chalklands; and
- LLCA 2: Kennett Valley

- 7.185 The field studies identified that due to the contained character of the Site, the quantum of intervening visual barriers and the limited number of publicly accessible locations from which it is visible, the Site has a small visual envelope.
- 7.186 Where there are views of the Site, these are limited to short distance views from local roads and properties adjoining the Site boundary.
- 7.187 The following potential visual receptor groups have been identified, none of whom are assessed as being of high sensitivity:
- Users of roads (RD);
 - Residents (RE); and
 - Visitors to hospitality venues (VIS)
- 7.188 Representative views were identified to demonstrate the visibility of the Site from the visual receptors, and therefore the potential visibility of the Project.
- 7.189 During the demolition and construction phase, temporary landscape effects will be experienced both on the Site and within the wider study area, however, except for the limited removal of some trees, all the effects are predicted to be temporary and would be mitigated as far as practicable through good construction site practice measures set out in a CEMP, such as hoarding and a construction lighting strategy.
- 7.190 The replacement of the existing built form and land uses associated with the former AHT in the Eastern Parcel with a coherent masterplan and associated landscaping will be experienced within the context of the existing settlement.

Heritage

- 7.191 A Heritage Assessment has been produced by Montagu Evans LLP (ME) and provides an assessment of the impact of the Proposed Development on heritage assets within and in the setting of the Site.

- 7.192 The Assessment acknowledges that there are three listed buildings within and in the vicinity of the Site, comprising Lanwades Hall (grade II), Stable Block 200m north-east of Lanwades Hall (grade II) and Pair of Lodge Cottages and linking gateway 250m north of Lanwades Hall (grade II). The Site does not lie within or near to a Conservation Area, and there are no other designated or non-designated built heritage assets in the Site or its setting. There is one curtilage listed building, which is a sub-station and lies just inside the eastern boundary of the Site. There are no works proposed to the building.
- 7.193 The report concludes that proposals would have no effect on the principal setting of Lanwades Hall, which is experienced within the driveway approach, its defined, walled gardens, and in views of its south elevation.
- 7.194 Collectively, these contribute to a sense of containment in the building's setting, through which filtered views of the wider context provide some contribution, though detracting elements such as the AHT building to the south-east may also be perceptible.
- 7.195 The change in the character of the land to the south and east would have a slight suburbanising effect on the building's character where this is experienced – however, this would be limited in both extent and nature, due to the interposing vegetation and fencing. Views would likely be glimpsed and transient, though a sense of development closer to the listed building than presently experienced would persist. In forming their judgment, ME are mindful that the scale of development has been moderated to step down towards the boundary, and that the siting and orientation of units in Development Parcel E has been carefully considered to avoid presenting blank elevations to the listed building.
- 7.196 The Assessment is also mindful of the existing unattractive laboratory buildings to the south of the Hall. There would be no change to the setting of the lodge cottages which mark the approach to Lanwades Hall from the north.
- 7.197 Turning to the stable block, there would be a notable change to setting through the replacement of the business-park style buildings to the south with a new residential development which is subdivided into a number of character areas reflective of their surroundings.
- 7.198 The traffic movement along Sir Graham Kirkham Avenue would be reduced from during the AHT usage, which would be an improvement.
- 7.199 There would be a slight suburbanising effect on the setting of the stable through the landscaping and introduction of pathways and the change to the land's character, but this would not be adversely impactful.
- 7.200 The proposals would also improve the opportunity for the public to appreciate the stable by providing improved access, which would be a heritage benefit.

- 7.201 The Assessment finds a net neutral effect on the setting of the listed building.
- 7.202 In their judgement, ME find the development would lead to a net enhancement to the setting of the Stables, while there would be some, very limited harm to Lanwades Hall through the introduction of development to its south.
- 7.203 With regard to policy compliance, it is noted within the Assessment, the adopted Forest Heath Core Strategy Development Plan (2010) does not fully comply with the balancing provision set out at paragraph 208 of the NPPF, and so in this case the NPPF takes precedence with reduce weight accorded to the adopted policy.
- 7.204 That finding would comply with the policy tests set out in Policy SP14 of the emerging West Suffolk Local Plan Submission Draft Local Plan. Policy LP50 (Listed Buildings) states that all development proposals should provide a clear justification for the works, especially if these works would harm the listed building or its setting, so that the harm can be weighed against its public benefits. In their judgement, ME's Assessment has found that while the development does lead to a low level of less than substantial harm, those works help to deliver the demonstrable public benefits/enhancements and so meet the objective of the policy. This needs to be weighed in the planning balance in accordance with paragraph 215 of the NPPF.
- 7.205 It is on that basis, and the heritage balancing exercise articulated within the Assessment, that the development would comply with paragraphs 207, 208, 210, 212 and 219 of the NPPF, and therefore the decision maker should discharge their legal duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Transport

- 7.206 The NPPF outlines the need for a 'vision-led' approach when considering development proposals, and that development should only be refused on highways grounds if there would be a severe residual cumulative impact on the road network in all tested scenarios.
- 7.207 Policy LP57 of the Draft West Suffolk Local Plan addresses 'active and sustainable travel'. The purpose of this policy is to 'ensure that high quality walking and cycle infrastructure is delivered by new development to significantly increase the number of trips that are carried out by sustainable modes of travel'.
- 7.208 Policy LP59 of the Draft Local Plan addresses 'Transport assessments, transport statements and travel plans', the purpose of Policy LP59 is to 'ensure major development proposals or applications likely to have a significant transport implication, submit relevant documents considering the transport impacts alongside their planning applications.

- 7.209 Policy DM45 outlines requirements for Transport Assessments. Policy DM46 “Parking Standards” states that:
- 7.210 “The authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.”
- 7.211 The sustainability of the site in respect of its walkability and local connections shows that a significant portion of the town’s key facilities are accessible by foot from the centre of the Site. Pedestrian routes cover various local amenities such as schools, retail, leisure, and public transport within a reasonable walking and cycling distance. There are multiple access points proposed along the B1506 for both schemes permitting pedestrian and cycle access to these facilities.
- 7.212 Bus services available within the vicinity of the site offer routes to a range of destinations including Denham, Red Lodge, Mildenhall, Bury St Edmunds, and Newmarket. However, the services are principally only for access to schools within Newmarket and Bury St Edmunds, namely St Benedict’s Catholic School and St Louis School within Bury St Edmunds
- 7.213 Kennett Railway Station is located approximately 1,700m walk from the centre of the Site. The station is accessible via a circa 21-minute walk, or a 5-minute cycle. Kennett Railway Station is operated by greateranglia railway operator, who provide services to Cambridge, and Ipswich.
- 7.214 In terms of traffic generation, and the impact of the proposals on the existing highway network, the report concludes that the local highway network would be able to accommodate the vehicular trips generated by the development, without adversely impacting the existing operation of junctions within the vicinity of the site.
- 7.215 In respect of the traffic generation of the former use as the Animal Health Trust the TA concludes that the proposals are likely to result in an overall lower vehicle trip movement.
- 7.216 In terms of mitigation measures are proposed to promote a reduction in the use of single occupancy vehicles, and to encourage the uptake of active travel and public transport.
- 7.217 Measures are proposed to encourage walking and wheeling to local destinations. These destinations include Kentford Business Park, Kennett Railway Station, Kennett Post Office, and local public houses, including The Bell Inn. To encourage walking and wheeling to these sites, the pedestrian footway along the southern edge of the B1506 will be redeveloped into a shared footway / cycleway. This will be achieved by widening and improving condition of this route with a level surface throughout. This can be achieved within the highway boundary using the available road space and removal of central hatching.

- 7.218 The improvements will run from Sir Graham Kirkham Avenue eastwards to the Bell Junction. At the Bell Junction, a pedestrian crossing will be provided, heading north, permitting a safe route towards Kennett Railway Station.
- 7.219 Cycling mitigation measures will be taken to encourage travel to local destinations and neighbouring towns by cycling. The pedestrian footway along the southern edge of the B1506 will permit a shared cycleway. This will be achieved by widening and improving condition of this footway with a level surface throughout. The footway improvements will run from Sir Graham Kirkham Avenue eastwards to the Bell Junction. For cyclists heading for Kennett Railway Station, a crossing will be provided permitting access to Station Road, cyclists will be advised to cycle on road at this section. In consideration of the 3.5t vehicle ban along Station Road, it is deemed suitable for cyclists to cycle on road.
- 7.220 Additionally, the proposed shared cycleway running from Sir Graham Kirkham Avenue to the Bell Junction will encourage access to NCR 51, which can be accessed by on road cycling along Moulton Road, before reaching Moulton. NCR 51 passes through Moulton approximately 1.5km south of the Site (approx. 10-minute cycle). It connects Oxford and Colchester via Newmarket and Bury St Edmunds, the route is on-road between Newmarket and Bury St Edmunds, but away from busy traffic routes. Horse Riding Measures
- 7.221 A network of bridleways will run throughout the site, this consist of a primary route connecting a network of secondary routes. The primary route will run from the B1506, north of the site, to the B1506, east of the site, via Jeddah Way. Trip Generation &
- 7.222 In conclusion, this report demonstrates that the development will be sustainable, providing excellent connectivity through modes other than private cars. It ensures safe and suitable access, and with appropriate highway mitigation, the residual cumulative impact of the development is not severe. Therefore, the site is considered to conform to relevant local planning policies and the National Planning Policy Framework (NPPF) and adopted policies DM45 and DM46 and emerging policies LP57 and LP59.

Flooding and Drainage

- 7.223 Paragraphs 181 and 182 of Chapter 14 of National Planning Policy Framework (NPPF) 2024 are relevant to the provision and oversight of embedded mitigation measures at the site in that they require the submission of a stand-alone flooding and drainage specific report (a Flood Risk Assessment or FRA) which sets out the proposed SuDS.
- 7.224 Policy CS 4 of the Forest Heath Core Strategy Development Plan Document 2001-2026 promotes the use of low water volume fittings (sanitary ware) and grey water recycling and the inclusion of SuDS.

- 7.225 The West Suffolk Local Plan Submission Draft (Regulation 19) 2024 includes several policies which reference items relevant to the embedded mitigation measures include in the Project.
- 7.226 Strategic Policy SP1 includes the requirement to contribute to the quality of groundwater and rivers, the use of SuDS, the reduction and prevention of pollution, and the use of higher water efficiency standards.
- 7.227 Policy LP1 includes the requirement to manage surface water runoff and increase water efficiency. Policy LP5 requires the inclusion of SuDS. Policy LP6 requires the inclusion of water butts, measures to reduce water consumption to 100 litres per person per day, and that the Project does not pollute the water environment. Policy LP8 addresses the need to prevent pollution in all forms.
- 7.228 The site is not at risk of flooding from a watercourse and is not considered to be at a significant or unmanageable risk of flooding from any of the other sources listed in the Flood and Water Management Act.
- 7.229 Surface water runoff will be treated and discharged via on-site infiltration via a number of sub-catchment SuDS components. The features are sized to manage the 1 in 100 annual probability storm inclusive of 40 % climate change allowance and urban creep. Half drain down times are within the 24 hour recommendation.
- 7.230 The surface water scheme will be maintained either privately (as part of a communally funded management company) and/or by the sewerage undertaker or independent body under a NAV.
- 7.231 The proposals are therefore considered to be in accordance with the relevant adopted and emerging planning policies.

Energy and Sustainability

- 7.232 As part of the sustainable development strategy, the proposed development has been designed to consider sustainability in accordance with the National Planning Policy Framework (NPPF), the Joint Development Management Policies Document 2015 (JDMPD) and the emerging local plan.
- 7.233 Water efficiency has been reviewed as part of the design process and a Part G compliant specification will be adopted, resulting in the higher standard (lower water use) of 110 litres/person/day. This is in line with requirements laid out in Policy DM7 of the Joint Development Management Policies Document 2015 along with emerging policies SP1 and LP1.
- 7.234 The proposed development is designed to achieve low carbon emissions in line with the upcoming Future Homes Standard through the adoption of good fabric performance and employment of low and zero carbon technologies.

7.235 In accordance with JDMPD Policy DM8, the calculated carbon saving over the Part L 2021 baseline is 183 t/yr (see Appendix C). This is achieved through the adoption of good fabric performance and employment of low and zero carbon technologies including:

- Air Source Heat Pumps (ASHPs)
- Photovoltaic (PV) Panels
- Decentralised Mechanical Extract Ventilation (dMEV).
- Conforming with emerging Local Plan Policies SP1 and LP1, the sample Standard Assessment Procedure calculations (SAPs) assessed achieve an average uplift of 61% over Part L 2021 (see Appendix C), surpassing the estimated 49% betterment expected from the Future Homes Standard (FHS).
- PV is proposed to be installed to each plot in accordance with Policy LP1 of the emerging Local Plan.

7.236 The use of smart meters will provide occupiers with real time data which will allow occupiers to manage their energy consumption, save money and reduce carbon. This is particularly important as the UK migrates towards half-hourly pricing levels and the proposed smart grid system.

7.237 Electric vehicle charging points will be provided for all plots in line with Part S of the 2021 Building Regulations.

7.238 Potential overheating risk will be assessed for the plots being built to Part L 2021 in accordance with Approved Document O.

7.239 The shop will follow low-energy design principles of high levels of air tightness, excellent building fabric insulation and the use of low or zero carbon technologies for building services.

7.240 While the development is still at an early stage of the design process, it is considered that the proposal meets or exceeds the required level of sustainability across all given criteria.

BREEAM, Circular Economy, Whole Life Carbon

7.241 A Circular Economy Statement has been produced by Environmental Economics Ltd for the proposed development at Lanwades Woodland Park.

7.242 By implementing circular economy principles, Lochailort Kentford Ltd aim to create a development that not only meets the needs of today but also contributes to a more sustainable, resource-efficient future. The proposed development is committed to minimising environmental impact, reducing waste, and fostering a more sustainable approach to construction and development in line with national and local sustainability goals.

7.243 The Circular Economy statement demonstrated that the proposed development at Lanwades Woodland Park has considered key circular economy principles to minimise embodied carbon and operate with a circular economy, maximising the value extracted from materials and prioritising the reuse and recycling of materials.

7.244 The statement takes into consideration the following:

- How demand for materials will be minimised;
- How secondary materials can be used;
- How new materials are being specified to enable their reuse;
- How construction waste will be minimised and how and where the waste will be managed in accordance with the waste hierarchy;
- How the proposal's design and construction will enable building materials, components and products to be disassembled and re-used at the end of their useful life;
- Opportunities for managing as much waste as possible on site;
- Adequate and easily accessible storage space to support recycling and re-use;
- How much waste the proposal is expected to generate, and how and where the waste will be handled.

7.245 Key commitments include:

- Broad objectives for Circular Economy aspirations have been set;
- Site analysis, in the form of detailed pre-demolition / pre-refurbishment audits, should be undertaken;
- Circular Economy opportunities will be monitored throughout the design and construction process;
- On completion, success against objectives will be reviewed and an analysis will be undertaken on lessons learnt.

7.246 The site is found to present a positive sustainable development based on the assessed criteria.

- 7.247 A Whole Life Carbon (WLC) report has been produced by Environmental Economics Ltd for the proposed development. Assessments were performed using the current available data and assumptions for the residential build specification at this development. Results show that the development performs well in comparison to nationally available data for embodied carbon for the same of similar building types, with an embodied carbon benchmark rating of B.
- 7.248 It can be seen from the assessments used for this report that the most contributing building materials for embodied carbon are:
- Lightweight concrete blocks;
 - Stone wool insulation;
 - Ready mix concrete;
 - Red brick;
 - Screed.
- 7.249 As build specification is developed through detailed design stage, it is recommended that embodied carbon of individual building materials and elements is considered in a holistic way in order to further reduce Whole Life Carbon costs.
- 7.250 The site is found to present a positive sustainable development based on the assessed criteria.
- 7.251 With regard to BREEAM, Environmental Economics has undertaken a BREEAM (BRE Environmental Assessment Method) New Construction pre-assessment to support the redevelopment of the former AHT Research Facility. Policy DM7 of the Joint Development Management Policies Document 2015 stipulates that all non-residential developments over 1000 square metres will be required to achieve the BREEAM Excellent standard. These pre-assessments illustrate a potential mix of credits which can achieve 71.21% for the school and 71.89% for the care home.
- 7.252 The convenience store does not meet the floor area to require a BREEAM assessment, however many of the credits targeted in the school and care home BREEAM pre-assessment are applicable to the masterplan and therefore the entire development would benefit, including the convenience store. Both the school and the care home have been considered fully fitted in this pre-assessment. The chosen credit distribution for the school achieves an Excellent rating with 71.73%, and the care home achieves an Excellent rating with 71.89%.

- 7.253 These should be considered as potential ratings and require immediate action from the developer to implement additional strategies due to the current stage of the project. Detailed attention should be given to each issue. The credit distribution is subject to the project being registered under the BREEAM New Construction V6.1 scheme. This pre-assessment is based on the assumption that the buildings works fall in to RIBA stage 5.

Noise

- 7.254 The NPPF (December 2024) states in paragraph 187e, that planning policies and decisions should contribute to and enhance the natural and local environment by “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”. Furthermore, it states in paragraphs 198 and 200 that planning policies and decisions should:
- 7.255 mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life [paragraph 198 a)]
- 7.256 identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason [paragraph 198 b)]
- 7.257 be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established [paragraph 200].
- 7.258 West Suffolk Council requires a noise assessment as part of planning applications for developments that may generate noise, particularly those near sensitive areas or existing noise sources. This is crucial to ensure that new developments don't negatively impact the environment and residents.
- 7.259 The main noise sources on the site comprise traffic noise from the B1506 and noise associated with the Lanwades Hall wedding venue, the license of which allows recorded and live music events on site.
- 7.260 The Noise Report submitted with this application provides details of the long-term noise monitoring that has taken place on site and sets out required mitigation measures.
- 7.261 A long term noise survey was undertaken from the 13th May 2024 to the 17th October 2024 at two locations adjacent to Lanwades Hall, MP1 and MP2, with the aim of characterizing activity noise associated with Lanwades Hall events.
- 7.262 A further survey has been undertaken from the 29th April to the 6th May 2024 at MP3 to measure traffic noise originating at B1506 / Bury Road.

- 7.263 The report demonstrates that a suitable internal and external noise environment can be provided on site via glazing and comfort cooling measures for specific dwellings on site.
- 7.264 Overall, it is expected that events at Lanwades Hall will have a minor and manageable impact on the proposed development and noise associated with the road can be easily managed. The proposals are therefore considered to comply with the relevant West Suffolk policies.

Air Quality

- 7.265 Adopted Policies CS2 (Sustainable Development) and Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards) and emerging Policies SO16 (Environment) and LP8 (Protecting and enhancing natural resources, minimising pollution and safeguarding from hazards) and SPX (Development affecting the horse racing industry) specifically relate to air pollution.
- 7.266 An Air Quality Assessment has been produced by Stuart Michael Associates and is submitted with this appeal. Based on the results of the AQA, it has been concluded that, air quality concentrations are acceptable for future residents of the Proposed Development. Moreover, the impact of development on local sensitive receptors is predicted to be negligible during both construction and operational phases. Therefore, in terms of the planning application, the proposed Lanwades development is acceptable from an air quality perspective.
- 7.267 As such, the proposals are in accordance with adopted Policies CS2 and DM14, and emerging policies SO16, LP8 and SPX.

Ground Contamination

- 7.268 National Planning Policy Framework (NPPF) paragraphs 174, 183, 184 of the NPPF, adopted Policies CS2 (Sustainable Development) and Policy DM14 and emerging policies XX seek to protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.
- 7.269 A Ground Investigation Report has been conducted on the site which has been submitted alongside the application. Overall, the investigation did not identified any significant contamination on site. One elevated concentration of arsenic was identified, which is considered to be relatively localised. Made Ground was encountered, which included odours and staining but laboratory testing did not identify any elevated contaminants within these soils.
- 7.270 Therefore, at this stage no contamination has been identified and there are no remedial requirements for the site.

Archaeology

- 7.271 The NPPF recognises that ‘heritage assets’ are an irreplaceable resource and planning authorities should conserve them in a manner appropriate to their significance when considering development. It requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible, (NPPF, 2024 - 218).
- 7.272 Adopted policy DM20 and emerging policy XX requires that development does not have a material adverse effect on sites of archaeological importance or their settings.
- 7.273 A Desk-Based Assessment of the site has been carried out to better understand the archaeological value of the Site and the impact of the proposals on local archaeology.
- 7.274 Evidence of activity from the SHER shows relatively sparse archaeological activity for the Prehistoric, Roman, Saxon and medieval periods. Consequently, the potential for archaeological remains being present dating to these periods is considered low.
- 7.275 Documentary and cartographic evidence indicate that the assessment site underwent development during the post-medieval period when it was occupied by Lanwades Hall and its associated structures, and later the AHT. Consequently, the potential for post-medieval remains is considered to be moderate to high particularly for remains associated with Lanwades Hall and park.
- 7.276 At this stage, it is not considered that the features are of such significance as to impact proposals for this scheme. The next stages will be discussed with the County Archaeologist in conjunction with West Suffolk Council to determine whether any further steps are required.
- 7.277 As such, the proposed scheme is in accordance with adopted Policy DM20 and emerging Policy XX.

Environmental Statement

- 7.278 This Planning Application is accompanied by an ES and this statement should be read in conjunction with the ES.

8.0 CIL, SECTION 106, SECTION 278 SUMMARY

Community Infrastructure Levy

- 8.1 There is no Community Infrastructure Levy for West Suffolk Council. However, the scheme will deliver a number of other financial contributions as listed below.

S.106 and S.278 Contributions

- 8.2 Emerging Policy LP15 sets out that it is important that the infrastructure needed to support new development and planned growth is delivered alongside development at the appropriate time, and for existing infrastructure to be protected and enhanced for the future. Proposals for development will be required to retain, enhance, and provide additional infrastructure, as appropriate to the scale and location of the proposal, to mitigate the impact of development
- 8.3 The following s.106 contributions are anticipated to be made:
- Provision of a policy compliant level of affordable housing.
 - Management and maintenance of Public Open Space on site.
 - Delivery of a MUGA, trim trails, woodland walks and play areas as identified within the Landscape Strategy.
 - Delivery of pedestrian and cycle routes and bridleways throughout the site.
 - Biodiversity enhancements on site.
 - Infrastructure requirements including Education, Health and Libraries.
 - Transport and public transport contributions.
 - Improvements to the local road network including:
 - o Widening of footway to provide shared cycleway along southern edge of B1506 to The Bell junction;
 - o Speed Limit Change;
 - o Signalised pedestrian crossing west of Sir Graham Kirkham Avenue to permit access to eastbound bus stop;
 - o Pegasus crossing adjacent to pipeline access for pedestrian access to eastbound bus stop and safe crossing for horse riders into the site;
 - o Proposed two site access points between Sir Graham Kirkham Avenue and School Road junction. Both accesses provided with right turn lane.

- Delivery of the community hub within the listed Stables Block including transferring the buildings to ownership of Moulton or Kentford Parish Council or a Management Company, along with an endowment for works to the building as required.
- Contributions to wider community infrastructure requirements, as required for Moulton and Kentford Parishes.
- Secure sustainability package to deliver Air Source Heat Pumps and Solar Panels fall residential units across the site.
- Delivery of BREEAM excellent for all non-residential development on site.
- Delivery of improvement drainage and sewerage facilities in Kentford.

9.0 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 9.1 The changes in the revised NPPF make clear the importance that is being placed on the specific policies in respect of the planning balance, and, ergo, that additional weight should be applied where a scheme meets those specific requirements. These are dealt with Section 7 above.
- 9.2 Currently, the ‘tilted balance’, and therefore paragraph 11(d), is engaged, as a result of the Council’s current five year housing land supply and while this position may alter following the adoption of the Council’s emerging Local Plan later this year, the fact remains that the new local plan will not deliver the housing needed in West Suffolk as identified by the Standard Method in the NPPF (2024).
- 9.3 As such therefore, and as demonstrated by the preceding sections of this Planning Statement, and the reports that accompany this application, there is no ‘strong’ reason to reject this planning application in the context of footnote 7, particularly having regard to the significant benefits that the appeal schemes will deliver.
- 9.4 With regard to paragraph 11d(ii), the NPPF now identifies specific requirements against which any adverse impacts of the proposal should be weighed against. These requirements are outlined above and the proposals deliver on all counts. Significant weight therefore should be applied in favour of the proposals in this regard.
- 9.5 Furthermore, bullet point (c) of paragraph 125 sets out that planning decisions should,
- 9.6 *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused...”*
- 9.7 The site is plainly within the settlement of Kentford and therefore the presumption in favour as outlined by policy 125 (c) of the NPPF applies. As such, substantial weight should be given to the value of using this suitable and sustainable brownfield land within the settlement of Kentford for new homes, community and retail uses, proposals for which should be approved unless substantial harm would be caused.
- 9.8 The benefits of the proposals are outlined again below and are very considerable. The weight to be attached to these benefits is no less considerable, particularly in respect of delivery of new market and affordable homes in an area of major and unresolved deficit in terms of supply and delivery. It is not considered that any material residual planning harm would result from these proposals, but if any is identified they could not logically be concluded to significantly and demonstrably outweigh the benefits of the scheme.

- 9.9 The NPPF gives critical importance to increasing the supply of homes and in particular affordable homes generally and in areas of major deficit and this proposal provides an opportunity for West Suffolk Council to make a significant contribution to meeting their housing need via the delivery of 302 new homes, 62 of which would be affordable.

10.0 PLANNING BALANCE AND CONCLUSIONS

- 10.1 This Planning Statement has been prepared by Lochailort Kentford Ltd, the applicant, to support the amended proposals for the redevelopment of the Former Animal Health Trust Research Centre in Kentford (“the Site”), submitted to West Suffolk Council (“WSC” or “the Council”).
- 10.2 The planning application seeks:
- “Demolition of existing buildings on site, and phased redevelopment to provide residential units alongside a retail/ commercial building (Use Class E), conversion of the existing listed stable block to community/ commercial use (Use Class F2/ E), provision of open space, play space, and associated infrastructure and car parking.”*
- 10.3 The proposal will deliver 302 new build to rent homes (including 62 affordable units on site) and approximately 1001.21sqm of Use Class E/ F2 floorspace alongside significant new areas of public open space and pedestrian and cycle routes, and bridlepaths across the site.
- 10.4 The site currently comprises the former Animal Health Trust Research Centre which closed in 2020 and has lain vacant ever since. It is therefore a brownfield site, within the settlement of Kentford and provides a highly sustainable location for much needed new housing.
- 10.5 The proposal delivers 302 new homes that have been sensitively designed by Woods Hardwick with heritage input from Montagu Evans, and landscape design by Kirsten Bowden, taking account of the site’s heritage and landscape features.
- 10.6 The scheme will result in a significant number of economic, environmental and social planning benefits to existing and future local businesses and residents, visitors and the local economy as follows:

Economic benefits

- The provision of additional homes in this location will deliver economic gains for the local and wider community. New residents will help to support local businesses, community facilities and services including the local shop and post office and the local school. This will help ensure the long-term sustainability of the local services and facilities.
- The construction of the proposed development will support skilled and semi- skilled jobs and associated support for the construction industry supply chain. The proposal will deliver 300 construction related jobs and a total investment value of circa £100m.
- Induced jobs will also be created once the development is occupied (gardeners, building and site maintenance, cleaners etc.).
- Additional patrons for existing local businesses including The Bell Pub and Lanwades Hall.

- The operational Gross Value Added of the site is £21m per annum.
- The Council is expected to receive a substantial New Homes Bonus payment of circa £0.4m, and considerable S106 contributions. It will also deliver an additional £0.5m in new Council Tax receipts, and £19,000 in business rates.
- Additional homes will enhance workforce flexibility and assist in employers attracting additional staff locally and in the wider West Suffolk area.
- The site is owned by the Applicant and there is no constraint in respect of delivery, should planning permission be granted.

Social benefits

- Delivery of a diverse range of accommodation, including social rented housing, affordable routes to home ownership homes, private rented accommodation, market housing in a range of sizes including a large proportion of family sized units.
- The scheme proposes a policy compliant level of affordable housing on site with a commitment to provide affordable housing for local people in the first instance.
- The delivery of 302 new homes, including affordable homes, and will contribute towards the housing required by the NPPF Standard Methodology. This will help give local people the opportunity to remain in the local area as well as for people to relocate to the area. This is particularly important given the lack of housing supply.
- Creation of a new mixed-use community bringing 640 new people to the locality and supported by a community hub, local shop, and workspaces.
- Gifting of a significant Heritage Asset comprising the Grade II Listed Stables block to the local community for the benefits of the residents and the wider community as a village hall/ community hub with the potential for workspaces/ meeting rooms, alongside a substantial financial endowment.
- The delivery of a new local shop for local residents and the wider community.
- Existing public transport, the local public houses and so forth will encounter increased usage from the additional residential population in the proposed development, improving viability of these services.
- The scheme will deliver 7.3ha (18 acres) of public open space as well as over 6km of woodland walk, and new horse friendly bridlepaths through the site enhancing Kentford's recreational facilities and providing public accessibility to spaces which are currently private and not open to the public.
- Improvements infrastructure supporting St Mary's Church to accommodate additional church goers arising from the development.

- Commitment to providing inclusive play opportunities and equipment throughout the site.
- Financial contributions towards community benefits in Kentford and Moulton Parish Council areas as well as towards local services and education including pre-school facilities.

Environmental benefits

- The effective and optimal use of a brownfield site in Class E use, in a sustainable location.
- Good access to existing services and facilities in the local area including the existing Kennett train station that regularly runs between Cambridge and Ipswich, existing bus services, employment areas, public houses and shop/ post office in Kentford. Also, the proposals will be within walking and cycling distance of the Kennett Garden Village site to the north of Kennett train station and the facilities which are currently under construction and comprise a new primary school, commercial floorspace, new village centre with shops, café and healthcare facilities.
- Bespoke housing of exceptional vernacular design.
- A scheme of the highest quality in terms of urban design and architecture, with particular reference paid to the surrounding architectural vernacular, situated within a beautiful woodland setting with unusually high levels of public open space.
- The proposed development heavily screened by the existing tree belts and woodlands meaning that it will not be particularly visible from public viewpoints.
- Management and maintenance of the existing trees and tree belts across the site, opening up footpaths and bridleways within these areas and improving local accessibility through the site meaning that users (pedestrians, cyclists and horse riders) can avoid walking along the B1506 (in part) to The Gallops and School Road, and travel through the site instead.
- Public open space of 7.30ha (18 acres) incorporating open space, MUGA, play space, SUDS ponds, woodland walks, bridlepaths and new landscaped areas.
- Opening up the site which is currently completely private and providing extensive and valuable alternatives open space for the local community, reducing pressure on other local areas under pressure from amenity users such as dog walkers, including the Brecks, in turn reducing impact on the Stone Curlew population in these areas, and the SAC.
- Improvements to the local road network including:
 - Widening of footway to provide shared cycleway along southern edge of B1506 to The Bell junction;
 - Speed Limit Change;
 - Signalised pedestrian crossing west of Sir Graham Kirkham Avenue to permit access to eastbound bus stop;

- Lower kerb outside St Mary's Church to assist with vehicular access and mitigate accommodate additional church goers arising from the development.
- 10% net biodiversity gain through the provision of targeted habitat enhancements including substantial contributions
- New and retained tree and landscape planting would enhance the immediate and wider landscape, mitigating the visual effect of the development and making a modest ongoing contribution to CO2 reduction targets.
- Landscaped infiltration basin forming part of a sustainable drainage system.
- A sustainable energy package is proposed for the new homes including air source heat pumps and solar panels.

10.7 The applicant respectfully requests that the application is approved.

Appendix 1: Planning History

No.	Planning Ref	Buildings	Description	Decision Date
	F/89/171	Site	O/A Clinical and research facilities for animal health Completed by letter received 16/05/89 and amended drawings received 07/07/89	01/08/1989
	F/92/370	Site	Clinical and research facilities for animal health	16/09/1992
	F/94/410	Site	Erection of centre for small animal studies with associated parking provision and landscaping as amended by letters and drawings received 25/07/94 and 28/07/94	12/09/1994
	F/98/390	1	Temporary office building	11/09/1998
	F/2001/444	1	Renewal - temporary office building.	15/10/2002
	F/80/224	2,3	3 laboratories plus autoclave room with access and fire escape across link bridge & plant rooms on roof and r/o building for research	24/04/1980
	F/2007/0125/FUL	1,2,3,4	Erection of proposed steel fire exit staircase/ladder to north elevation of building B and 1.1m high hand rails to the top of buildings A & B	30/04/2007
	F/94/388	4	Renewal- temporary office/freezer accommodation	02/09/1994
	F/2000/002	4	Renewal: Temporary siting of portable office building.	23/02/2000
	F/2000/477	4	Renewal- temporary office/freezer accommodation	28/09/2000
	F/91/264	5	Extension to hospital kennels	02/07/1991
	F/2002/111	5	Renewal: temporary siting of portable office building.	11/04/2002
	F/82/444	5, 6	8 kennels with dog runs as amended by letter dated 16th august 1982	15/10/2001
	F/94/370	7	Erection of dutch barn for storage of hay	25/08/1994
	F/97/590	8,9,10	Formation of estates yard by construction of 2 blocks of 4 stables with concrete yard; four of which to be used as office, staffroom, tool and feed/tack store. Construction of open sided barn and field shelter and provision of parking for staff vehicles.	24/12/1997
	F/2002/817	11,18	Erection of store for the storage of contaminated medical waste.	14/02/2023
	F/2002/109	11	Alterations and extension to small animal unit.	27/03/2002
	F/2004/0878/FUL	12	Erection of single storey building to house small animals therapy pool	14/08/2008

DC/16/0684/FUL	12	Two storey clinical/office building with corridor link and minor refurbishment/ alterations to the existing CSAS building	17/06/2016
F/2008/0700/FUL	11,12,16,17	Erection of a two storey cancer therapy centre with re-location of hydrotherapy pool and erection of clinical waste bunker/store (Major Development).	19/12/2008
F/2010/0469/DC	11,12,16,17	Discharge of conditions 2, 3, 4, 7 & 9 of planning permission F/2008/0700/FUL	20/09/2010
F/89/433	13	Erection of building for use as an Oncology unit as amended by letter and drawing received 27/06/89 and 01/09/89.	19/09/1989
F/2003/0815/FUL	13	Erection of pre-fabricated timber stable for use as a recovery box.	17/11/2003
F/95/508	14,17	Approval of details - Erection of equine centre with associated stables boxes treadmill forge barns storage building parking/servicing landscaping improved access and ancillary facilities as amended by plans received 09.11.95. 20.11.95. and 21.11.95.	28/11/1995
F/94/103	15	Prototype stable accommodation building.	13/05/1994
F/97/262	15	Refurbishment of existing stable block to form visitors centre as amended by letters and plans received 9/7/97 and 1/9/97.	08/09/1997
F/97/263	15	Refurbishment of stable block with minor changes to door and window openings, reorientation of timber stairs, partial removal of recent walls and removal of timber lean-to shed as amended by letters and plans received 09/07/97 and 01/09/97	08/09/1997
F/99/203	15	Installation of 5 dormer windows in existing roof.	14/06/1999
F/2002/313/LBC	15	Conversion of part of stable block to study area and erection of a one metre high fence to screen new air conditioning compressors.	02/07/2002
F/2008/0537/FUL	15	Convert existing office into new lecture theatre, remove and unblock existing green double doors on side (north) elevation, replace with new glazed screens. Convert kennel club area to new breakout area (as amended by plans received 29th September 2008).	30/09/2008
F/2008/0536/LBC	15	Convert existing office into new lecture theatre removing ceiling to create a vaulted ceiling. Remove and unblock exiting green double doors on side elevation, replace with new glazed screens. Convert kennel club area to new breakout area, construct new male & female wc's in reception to accommodate new lecture theatre facility (as amended by plans received 29th September 2008).	30/09/2008
F/95/311	16	Installation of an electricity sub station	18/08/1995

F/2010/0487/NMA	17	Non-material amendment to F/2008/0700/FUL - Re-location of clinical waste bunker and slight adjustment in size - Re-ordering of parking spaces in newly formed staff car park - Re-ordering of fenced in dog kennelling/run areas and associated fencing and gating - Addition of new bin store enclosure - Hydrotherapy pool building setting out slightly adjusted to allow for gating arrangements - Amendments to fenestration to hydrotherapy building - Inclusion of electrical substation building extension	28/07/2010
F/2008/0699/FUL	18	Temporary siting of two portakabins including change of use to provide office space.	26/11/2008
DC/16/2361/FUL	19, 20	Planning Application - (i) Two storey staff office building (ii) Two storey intern accommodation building (iii) Associated car parking and landscaping	15/02/2017
F/96/358	21	Resubmission - Erection of generator and hv intake building incorporating external fuel stacks as amended by letter and plans received 18.07.96.	06/09/1996
F/98/447	21	Extension to generator building	15/10/1998
F/95/281	13, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30	Erection of clinical and research facilities for animal health and construction of service road.	11/09/1995
F/97/261	31	Erection of diagnostic centre as completed by letter and drawings received 25/5/97 and amended by letter and drawings received 6/10/97.	29/07/1997
F/98/431	31	Resubmission - Erection of detached pathology unit. (Departure from the Development Plan).	14/10/1998
F/2001/670	31	RE-ADVERTISEMENT: Siting of 3 temporary portable units for research and clinical use.	17/01/2001
F/2000/538	32	Erection of field shelter and handling facility.	07/12/2000

Appendix 2



Appeal Decision

Inquiry held on 16 to 18 April 2024

No site visit made

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30/05/2024

Appeal Ref: APP/F3545/X/23/3334323

**Land at the Former Animal Health Trust Research Centre, Kentford
CB8 7UA**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Lochailort Kentford Ltd against the decision of West Suffolk Council.
 - The application ref DC/23/1319, dated 10 August 2023, was refused by notice dated 13 October 2023.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of the land for Class E purposes.
-

Preliminary Matters

1. The Jockey Club (TJC), acting on behalf of the horse racing industry (HRI), was granted Rule 6 status. While written submissions were made and they had legal representation at the Inquiry, no witnesses were called to further their case. Their written submissions were not tested and will therefore carry less weight.
2. A pre-inquiry site visit took place on Monday 15 April 2024. Representatives for the rule 6 party were unavailable to attend and I was accompanied by representatives for the appellant and the Council. The purpose of the site visit was to familiarise myself with the layout of the site and the buildings with a view to furthering my understanding of how they had been used by the Animal Health Trust (AHT).
3. The inquiry sat for 3 days. Factual evidence was given under affirmation.
4. Lanwades Hall, its associated gate lodges (East Lodge and West Lodge) and its wall garden are Grade II listed buildings. They formed part of the AHT's land holding until 2016 when they were sold. The former visitor's centre is also a Grade II Listed Building. This building was the former stables to Lanwades Hall. There is no statutory requirement for me to have regard to the heritage asset status of these buildings in the formulation of my decision.

Background

5. The appeal site is located at the former Animal Health Trust Research Centre, which is approximately 120 acres in size and located on the western periphery

of the village of Kentford. It is a matter of common ground that there are 32 buildings located within the site¹.

6. The existing buildings have been used for a variety of purposes including laboratories, a Centre for Small Animal Studies (CSAS), a Centre for Equine Studies (CES), Cancer Therapy Centre, MRI and x-ray buildings, a visitors' centre, intern accommodation building, offices, a hydrotherapy unit, and associated stables, kennels and barns. There is an extensive planning history relating to the site², and there is no dispute that the existing buildings are lawful.
7. The AHT ceased its activities on the site in 2020 and the site has subsequently lain vacant. It is a matter of common ground that there has been no intervening use of the land between the AHT's closure and the date the LDC application was made.

Reasons

8. The **main issue** is whether the Council's refusal to grant a lawful development certificate for the existing use of land for Class E purposes was well founded. This turns on whether the appellant can show that the use of the appeal site for Class E purposes was lawful on the date of the application. As the matter relates to a use of land, the relevant period is 10 years, and the material date is therefore 10 August 2013. Any continuous 10-year period is relevant. An LDC appeal must be considered solely based on fact and law, and irrespective of planning merits.
9. The onus of proof is on the appellant to show, on the balance of probability, that the use for Class E purposes began on or before the material date. The use also must have been continued without significant interruption for 10 years. Bearing in mind that AHT did not operate for approximately 3 years preceding the date of the LDC application, it would have to be shown that the AHT had operated from or before 10 August 2010 for the use to have endured for a relevant 10-year period.
10. Section 191(5)(b) of the 1990 Act requires that, if a lawful development certificate is granted, it shall include a description of the use in question and where any use falls within a specified use class, that use class shall be referenced. Further, the planning practice guidance (PPG) clarifies that an application needs to describe precisely what is being applied for and not simply the use class.
11. The application form³ only describes the existing use as falling within Use Class E. The section of the form requiring a full description of each existing use for which the certificate is being requested directs the reader to 'see covering letter'. While the Council's refusal of the certificate describes the existing use as 'a use falling within Use Class E', we know from the PPG that such a description is insufficiently precise. Furthermore, Use Class E (Commercial, Business and Service) is wide ranging.

¹ Statement of Common Ground Addendum March 2024

² CD1.18

³ CD1.2

12. The purpose of the certificate was discussed at the Inquiry. Paragraph 13 of the covering letter⁴ refers to the primary use of the site as being 'a research centre with associated veterinary/clinical practices, and education activities (Use Class E)'. When asked if this provided a sufficiently precise description of the use being applied for, the parties indicated that 'research centre' is too broad a term, therefore requiring further precision. It was also agreed that there is no need for the use for which a certificate is being sought to include associated, ancillary or incidental uses. The parties did not agree a form of wording, instead leaving it to me to decide, based upon the evidence heard. I shall return to this point in due course.

The Planning Unit

13. Where what use land and buildings have been put to is being considered, it is first necessary to determine whether there is a single planning unit or multiple planning units. In *Burdle*⁵ it was held that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes. The concept of physical and functional separation is key, and Bridge J suggested 3 broad categories of distinction:
- i. Where it is possible to recognise a single main purpose of the occupier's use of his land to which activities are incidental or ancillary, the whole unit of occupation should be considered the planning unit.
 - ii. Even though the occupier carries on a variety of activities, and it is not possible to say that one is incidental or ancillary to another, the entire unit of occupation should be considered the planning unit, in mixed use.
 - iii. Where there are 2 or more physically separate and distinct uses, occupied as a single unit but for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered a separate planning unit.
14. The AHT own and occupied all the land and buildings. While there are fences and hedgerows present, they constitute landscaping features within the site rather than providing physical barriers between activities being undertaken. Some buildings were used for specific purposes, but those purposes formed part of a larger overarching purpose. For example, the hydrotherapy building was used amongst other things for the rehabilitation of dogs following treatment in the CSAS, staff employed throughout the site would take meals at the café in the visitor centre, and research findings and practices would be disseminated through the operation of continuing professional development (CPD) lectures and courses held in meeting rooms located in various buildings across the site.
15. We heard from Toni-Ann Hammond and Heather Ewence that while specific types of research, development and clinical activities took place in specific buildings, employees, visitors and animals would move around the site and between buildings. They also told us how research conducted would be put into practice within the CSAS and the CES and other buildings. Demonstrating functional connectivity between the activities undertaken.

⁴ CD1.5

⁵ *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 (Div Court)

16. The unit of occupation is therefore the whole appeal site. While the Council initially argued that there was no need to determine the extent of the planning unit, having heard the evidence of the appellant's witnesses, they conceded that there is a single planning unit. For the reasons given above, I concur.
17. The matters in dispute are whether this single planning unit was used for a single primary use or a mixed use comprising of two or more primary uses and whether that single or composite use falls within the definition of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO).

Case for the appellant

18. It is the appellant's case that all the AHT's activities fell within the single primary use of research and development of products and processes, a use that now falls within Class E (g) (ii) of the UCO. The clinical services and professional education for those working, and interested in, the field of animal health are claimed to be ancillary uses.
19. In the alternative, the appellant argues, if I find that clinical services are also a primary use, then it too falls in Class E. They maintain the professional education activity is an ancillary use.

Case for the Council

20. The Council contends the clinical services do not fall within Class E(e) as the medical and health services were not provided principally to visiting members of the public. They also contend the scientific research was pure research and did not lead to the development of products or processes as required by Class E(g)(ii). Furthermore, they argue the employment of interns and regular provision of CPD courses are a primary education use. It is the Council's case therefore that the activities of the AHT fell into 3 distinct primary uses, clinical activities, scientific research, and education, amounting to a mixed use.

Case for the Rule 6 Party

21. TJC has a long-standing commitment to Newmarket in terms of horse training, racing and breeding. They argue that a strong Newmarket is critical to the sustainability of British horse racing. TJC act as agent for the HRI in certain town planning issues to promote and protect the long-term sustainability of the HRI in and around Newmarket. TJC claim that development pressure in and around Newmarket is slowly eroding the scope to operate this complex industry. Development pressure is not however a matter before me for consideration.
22. TJC claim, since the AHT was established in 1946, it has been intertwined with Newmarket's horse breeding and racing cluster. TJC claim the AHT has benefitted from funding provided by patrons for the betterment of treatment for horses; notably the AHT began due to the gifting of Lady Yule's Newmarket stable in 1946 to serve as the country's first Equine Research Station⁶. Due to the distinctly equine character, function and purpose of the AHT activities, TJC contend that they do not fall within Class E(g), E(c) or E(e). Instead, TJC argue AHT is part of the Newmarket Equine Cluster, a globally unique horse breeding and racing cluster recognised in local planning policy terms.

⁶ CD1.17 A history of the Animal Health Trust by Richard Onslow

Whether this single planning unit was used for a single primary use or a mixed use comprising of two or more uses

23. The AHT's mission statement states "our approach is to develop new technology and knowledge for the better diagnosis, prevention and cure of disease; to provide a clinical referral service for veterinary surgeons in practice; to promote postgraduate education and to communicate our findings to others." Paragraphs 5.11 to 5.22 of the SoCG⁷ set out and provide lists of the research, clinical and educational uses that have occurred on the appeal site since 1942 to 2017. I shall take these as a summary of the activities undertaken by the AHT.

Horse racing industry use/Newmarket Equine Cluster

24. From the list of agreed activities, I see nothing to suggest that the AHT were more closely linked to horse breeding and racing than to any other small animal breeding and associated activities. The AHT may well have received funding and donations from sources actively involved with horse breeding and racing, but funding sources do not necessarily correlate to the primary activities being carried out. I acknowledge the AHT has been directly responsible for the development and production of equine vaccines and equine therapies, amongst other equine matters. However, this does not necessarily mean they are part of the Newmarket Equine Cluster or an integral part of the HRI. Even if it did, referring to the 'Newmarket Equine Cluster' and 'HRI' is no different to referring to the car manufacturing industry or suggesting there is a West Midlands/Birmingham Car Manufacturing Cluster. These are nothing more than labels applied, in this instance, for planning policy purposes. It would have no bearing on the primary activities to which the appeal site is put.

Research and development of products or processes

25. It is a matter of common ground that research and development of products and processes occurred on some level as part of the AHT's activities. This was confirmed by Toni-Anne Hammond, who gave examples of research projects and their outputs; including developing and producing a duck hepatitis vaccine, successive forms of equine herpes virus vaccines and influenza virus vaccines updated to respond to changing mutations of the viruses, a PCR test for strangles, a PCR test to detect viral and bacterial nucleic acid, ELIZA⁸ tests for equine viral arteritis and for antigens to equine influenza, genetic testing (all canine genetic testing currently used worldwide was developed at the AHT facilities), and therapies for sport horses exposed to high humidity. Heather Ewence went on to explain research projects and outputs involving the Welsh mountain ponies for which she was responsible. Further snapshots of the research and development achievements are found in the various Trustees Reports, in particular those found in CD1.60 to 1.62.
26. Research carried out by the AHT resulted in and contributed to the development and refinement of vaccines, drugs, therapies, treatments and new means of animal breeding, handling and husbandry. The appeal parties acknowledge that some research projects resulted in the advancement of knowledge rather than the production of a vaccine, drug, test or new technique in animal welfare. In such cases, research papers would be published in

⁷ Statement of Common Ground February 2024 Pages 10 - 12

⁸ Enzyme-linked immunosorbent assay (ELIZA)

professional journals. The Trustee Reports confirm the volume of research papers and other publications produced. The research set out in these publications would no doubt contribute to the furtherance of understanding in the wider scientific community. I find these research papers therefore to be a product resulting from research undertaken by the AHT.

27. In addition to the outputs identified above, the Trustee Reports and witness evidence confirm that some staff were employed purely for research and development purposes. Furthermore, some of the 32 buildings were also used primarily for research and development purposes, such as the laboratories and the Allen Centre. A significant proportion of the AHT's expenditure and income related to research and development activities.

Clinical Services

28. I heard how the clinical activities were generally carried out by clinicians, scientists and other staff who were engaged in research and development projects being undertaken by the AHT as well as the implementation of those treatments and therapies. Animals treated within the CSAS and CES did so, primarily, on a referral basis from their own veterinarian. The treatment of these animals is identified as an essential element of furthering the AHT's knowledge about disease and injury. The knowledge gleaned was then applied to improving diagnosis, prevention and treatment of infections, non-infectious and inherited diseases.
29. Animals attending and being treated at the CSAS and the CES were not however sought out specifically to take part in research and development projects. While their attendance and treatment did, no doubt, contribute to advancement of the AHT's processes, treatments and therapies, the purpose of their attendance was to be treated to improve their own health and welfare.
30. In addition, the Trustee Reports and witness evidence confirm that some staff were employed purely for veterinary purposes. Furthermore, buildings such as the hydrotherapy building, MRI barn, kennels and some stables were used primarily in connection with clinical services. A greater proportion of the AHT's expenditure and income related to clinical services.

Education

31. There is no suggestion that the appeal site is an educational institution such as a school, college or university. Further, it is agreed between the appellant and Council that educational and training activities take the form of (a) dissemination by AHT staff of research and the outputs of research to other professionals in the animal health field, including dog breeders to a limited extent, continual professional development (CPD), and (b) the placement with AHT of interns and post-graduate students.
32. It is common ground that the CPD sessions amounted to approximately 22 over the course of a year. Sessions were either day or evening events and catered for in-house training, and research and best practice sharing. Dr Mellersh's statutory declaration states that the dissemination of information to dog breeders arising from her genetic research team occurred 3 to 4 times per year. Interns and PHD students amounted to approximately 5% of the total workforce. In addition, it is agreed that AHT staff published 144 papers, e-pubs

and conference abstracts in 2017. This figure is comparative with figures in other years.

33. It is common ground that the lecture theatre, located in the Visitor Centre, was use for educational purposes only. No staff are employed solely for educational purposes. The interns and PHD students had full time jobs with the AHT, which facilitated their on-going education. A small proportion of the AHT's expenditure and income related to education.

Primary and/or Ancillary use(s)

34. The primary use of land or a building is, as the term implies, the main use or activity that is carried out by the occupier. The essential characteristic of an ancillary use is that there should be some ordinarily functional relationship between it and the primary use. The SoCG, at paragraph 5.8, confirms that the appellant and Council's agree with this approach. The courts have also held that size or scale of a use is not necessarily determinative as to whether a use is ancillary.
35. Much was made of the staffing levels, proportion of buildings used and income and expenditure on specific areas of the business. However, these are not determinative in the identification of the primary use of the appeal site.
36. The main purpose of the AHT was the development of technologies and knowledge to better diagnose, prevent, and cure animal diseases. The list of products and processes set out in 5.12 to 5.15 of the SoCG shows that this was a fundamental activity of the AHT. Having regard to Section 191(5)(b) of the 1990 Act, I therefore find that the research and development of animal health and welfare products and processes was a primary use.
37. The evidence shows operational links between the research and development of animal health and welfare products and processes and the clinical services in terms of the staff undertaking the work and the advancement in treatments and therapies. However, animals being treated in the CSAS and the CES were primarily brought to the facility for treatment by their owners, as opposed to taking part in specific research projects. The products and processes developed by the AHT could be administered to animals elsewhere by other animal healthcare professionals. The provision of specialist veterinary services by the AHT does not therefore, in my judgement, have an ordinarily functional relationship with the research and development of animal welfare products and processes. Having regard to Section 191(5)(b) of the 1990 Act, I therefore find that clinical services comprising of animal health and medical services was a primary use.
38. Turning to the educational activities, the agreed activities were carried out as a direct result of the two primary activities. CPD is a fundamental part of any business, particularly in one where a key component is to develop new technology and knowledge for better diagnosis, prevention and cure of disease, and the promotion of treatments and therapies to improve animal health and welfare. The educational activities would not have occurred independently of the two primary activities. Educational activities are therefore, in my judgement, an ancillary use.

39. The Trustee Reports also show that there has been no significant change to the intensity of each of the component uses between 2010 and 2020, which I take to be the relevant 10-year period.
40. For these reasons, I find that the clinical services were not ancillary to the research and development of animal health and welfare products and processes. The education activities were however ancillary to both those primary uses.
41. Having identified there are two primary uses, it is necessary to determine whether they fell within none, one or more defined use Class.

The Town and Country Planning (Use Classes) Order 1987 (as amended) and Use Class E: Commercial, Business and Service

42. The UCO specifies different Classes of use for the purposes of paragraph (f) of s55(2) of the 1990 Act, so that a change of use within the same use Class is not to be taken to involve development of land. Its effect is to specify that a change of use from an old use to a new use, which both fall within the same Class is not development. The concept of the UCO requires that it be applied to a single definable use of land or building and not a composite use, unless there is a single dominant use and others are ancillary uses.
43. Class E is wide ranging and encompasses uses that previously fell into several different Classes such as shops, financial services, business, indoor sports, etc. Class E also provides that “use, or part use” for any of those purposes falls within the Class. The PPG specifies that Class E provides for use, or part use, for all or any of the purposes set out in the Class⁹. Movement from one primary use to another within the same use class is not development.
44. Where primary uses fall out with a use class or comprise more than one primary use falling within different use classes, they are *sui generis* uses. While a mixed use would normally be a *sui generis* use, the introduction of Class E now means that uses that have significantly different characteristics could fall within a single use Class and would no longer form a mixed or *sui generis* use.
45. While some of the research activities carried out by the AHT may not have led to the development of products and/or processes by them, that was not their fundamental aim. Furthermore, the publication of their research would have contributed to others developing products and processes. As a matter of fact and degree, I find that the research and development of animal health and welfare products and processes, including research papers, fall within use Class E(g)(ii).
46. Clinical services comprising of animal health and medical services would generally be considered veterinary services, and this is not specified in any use Class. Use Class E(e) is however ‘for the provision of medical or health services, principally to visiting members of the public’. It is not disputed that the AHT provided medical and health services. Key to determining whether the AHT’s clinical service fall within Class E(e) is what is meant by ‘principally to visiting members of the public’.
47. The Council contend that, ‘principally to visiting members of the public’, means that the services are provided mainly to members of the public who can and do

⁹ PPG paragraph: 12 Reference ID: 13-012-20140306

walk in off the street without restriction. They directed me to various legal authorities.

48. In *Karla v SSE* (1996) 72 P&CR 423 the Court of Appeal considered whether a solicitors office fell within Class A2 (which included the provision of professional services to visiting members of the public) or Class B1 (which included use as an office other than an A2 use). The Inspector had rejected the appeal partly on the basis that a solicitors' office would not be 'appropriate to provide in a shopping centre'. The court held this was an error in law as the requirement that a service be appropriate in a shopping area only applied to Class A2(c): other services. It did not apply to financial and professional services, where the test was providing services principally to visiting members of the public. It was found that the use of an appointments system did not necessarily mean that services are not provided to visiting members of the public.
49. In *R v Thurrock Borough Council, ex parte Costco* 1993 WL 964266 (1993), planning permission for a 'warehouse club for the sale of goods was challenged on the ground that it was effectively an A1 retail use, which was contrary to policy. The warehouse club was open only to members, who had paid a subscription and were either a 'Business Member' or a 'Private Member'. Schiemann J held this meant it was not an A1 retail use as 'if there is a restriction on those who can come and buy then the premises are not prima facie properly described as being used for the sale of goods to visiting members of the public and in consequence do not fall within Class A1 of the order...'.
50. In *R v LB Kensington and Chelsea, ex p Europa Foods Ltd* 1996 WL 1090308 (1996) a similar question to *Thurrock* arose but this time in relation to whether the use of auction rooms was within Class A1, and whether sales in an auction room were to 'visiting members of the public'. Macpherson J held that they were within Class A1 as there were no restrictions upon visiting members of the public, as in *Thurrock*.
51. The AHT did not provide a general veterinary practice, where people might walk in off the street to have their animals treated. There is no dispute that the services offered by the AHT were specialist services, where people brought their animals to be treated on a referral basis. This is no different than people attending a specialist health clinic following referral by their general practitioner. All it means is that people would attend on an appointment basis, which having regard to *Karla*, does not necessarily mean that attendees are not 'visiting members of the public'. There was no requirement for people bringing their animals for treatment to pay a subscription or to be a member, as in *Thurrock*. I therefore find that the people bringing their animals for treatment were 'visiting members of the public'.
52. I acknowledge that the clinical services offered by the AHT included commercial diagnostic services. I heard that while most samples were supplied by post, some were delivered by owners. However, Class E(e) requires the provision of services **principally** to visiting members of the public [my emphasis], which means that not all services have to be provided to visiting members of the public. Given the amount of accommodation given over to the physical treatment of animals it would be reasonable to conclude this was a primary element of the clinical services on offer. I therefore find that the AHT's clinical services comprising of animal health and medical services fall within Class E(e)

for the provision of medical and health services, principally to visiting members of the public.

53. The appeal site is a single planning unit and both primary uses fall within Class E. As provided for in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020/757, where a planning unit is used for multiple primary uses falling within Class E, the whole planning unit is in a single use for Class E purposes.

Relevant period

54. The AHT has operated since the late 1940's. The planning history shows that, with the exception of the office staff building and intern accommodation building¹⁰, all buildings were erected before the late 2000's. From this it is reasonable to conclude that the two primary uses have been carried out for at least 20 years, if not longer, without significant interruption.

Conclusion

55. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant an LDC in respect of the use of land for the purposes of research and development of animal health and welfare products and processes and for clinical services, comprising of animal health and medical services (Class E) was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act (as amended).

Formal Decision

56. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

M Madge

INSPECTOR

¹⁰ DC/16/2361/FUL

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 August 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The appellant has shown, on the balance of probability, the appeal site has been used for the purposes of research and development of animal health and welfare products and processes and for clinical services, comprising of animal health and medical services (Class E), without significant interruption for more than 10 years. No enforcement action may be taken because the time for taking enforcement action has expired.

Signed

M Madge

Inspector

Date: [30/05/2024]

Reference: APP/F3545/X/23/3334323

First Schedule

The use of land for the purposes of research and development of animal health and welfare products and processes and for animal health and medical services (Class E).

Second Schedule

Land at Land at the Former Animal Health Trust Research Centre, Kentford,
CB8 7UA

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

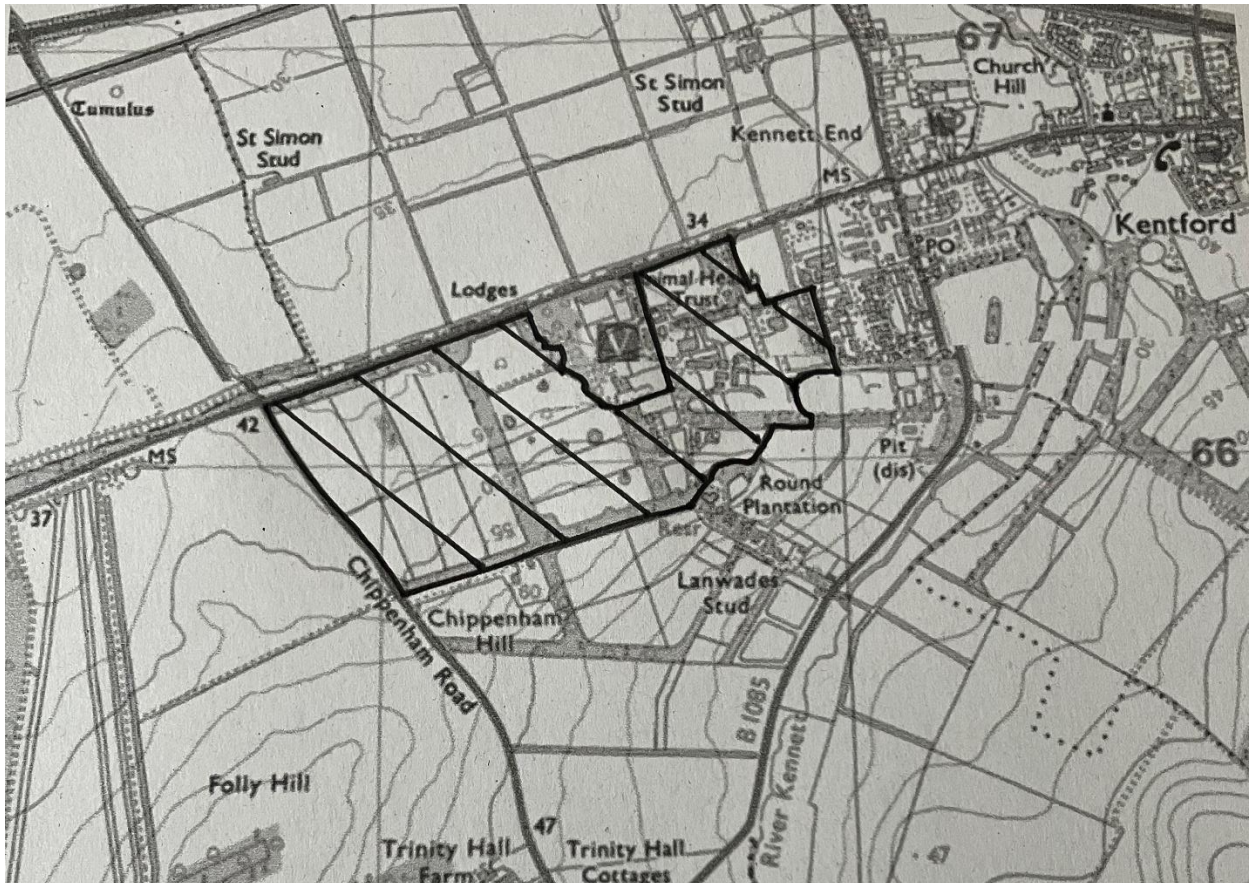
This is the plan referred to in the Lawful Development Certificate dated: [30/05/2024]

by M Madge Dip TP MA MRTPI

Land at: Land at the Former Animal Health Trust Research Centre, Kentford, CB8 7UA

Reference: APP/F3545/X/23/3334323

Scale: Not to Scale



APPEARANCES

FOR THE APPELLANT:

Douglas Edwards KC
Counsel for the appellant

appointed by Sarah Ballantyne-Way
of Lochailort Investments

He called: Toni-ann Hammond AIMLS
Andrew John McGladdery BVMS, CertESM, MRCVS
Heather Anne Ewence MSc
Roger A Hephner BA (Hons) MTP FRICS MRTPI FRSA AAoU

FOR THE LOCAL PLANNING AUTHORITY:

Robin Green
Counsel for the Council

appointed by West Suffolk Council

He called: Amey Yuill MSc

RULE 6 PARTY:

Celia Reynolds
Counsel for The Jockey Club

appointed by Tom Ashley of
Turnberry Consulting Limited

DOCUMENTS

- IN1 Opening statement for the appellant
- IN2 Opening statement for the Council
- IN3 Opening statement for The Jockey Club
- IN4 Summary of Research Activities 2010 - 2016
- IN5 Authorities Bundle
- IN6 Closing submissions for the Council
- IN7 Closing submissions for The Jockey Club
- IN8 Closing submissions for appellant

Appendix 3



Neutral Citation Number: [2025] EWHC 861 (Admin)

Case No: AC-2024-LON-002354

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 10 April 2025

Before :

MRS JUSTICE LANG DBE

Between :

WEST SUFFOLK COUNCIL

Claimant

- and -

**(1) SECRETARY OF STATE FOR LEVELLING
UP, HOUSING AND COMMUNITIES
(2) LOCHAILORT KENTFORD LIMITED
(3) THE JOCKEY CLUB**

Defendants

Robin Green (instructed by **Birketts LLP**) for the **Claimant**

Hugh Flanagan (instructed by the **Government Legal Department**) for the **First Defendant**

Douglas Edwards KC (instructed by **Town Legal LLP**) for the **Second Defendant**

The Third Defendant did not appear and was not represented

Hearing date: 26 March 2025

Approved Judgment

This judgment was handed down remotely at 10.30 am on 10 April 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

.....
MRS JUSTICE LANG DBE

Mrs Justice Lang:

1. The Claimant (“the Council”) applies for a statutory review, pursuant to section 288 Town and Country Planning Act 1990 (“TCPA 1990”), of the decision made on 30 May 2024, by an Inspector (appointed by the First Defendant), to allow the Second Defendant’s appeal against the Council’s refusal to grant a lawful development certificate (“LDC”) in respect of the use of land and buildings at Kentford, Suffolk (“the Site”), for the purposes of Class E of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (“the UCO”).
2. The Second Defendant is the owner of the Site, which was previously owned and operated by the Animal Health Trust (“AHT”). The Council is the local planning authority for the area in which the Site is situated.
3. The Second Defendant’s application for a LDC was dated 10 August 2023. The Council refused the Second Defendant’s application for a LDC on 13 October 2023.
4. The Second Defendant appealed against the refusal. On 30 May 2024, the First Defendant’s Inspector allowed the Second Defendant’s appeal against the Council’s refusal of a LDC, and granted a LDC in respect of the use of the Site.
5. On 4 October 2024, Mr C.M.G. Ockelton, sitting as a Deputy Judge of the High Court, refused the Council permission to apply for statutory review, on the papers. The Council applied to renew the application for permission. On 20 December 2024, Mould J. made an order on the papers in which he adjourned the renewed application for permission to apply for statutory review to be listed in Court as a “rolled-up” hearing, with the substantive claim to be determined on the same occasion, if permission was granted.

The issues

6. The claim concerns the interpretation and application of Class E of Schedule 2 to the UCO which provides:

“Class E. Commercial, Business and Service

“Use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services),
or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms or use as a swimming pool or skating rink, principally to visiting members of the public

(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

7. The Claimant submits that the Inspector erred in law in that:

- i) **Ground 1:** in Class E(e) the phrase “the provision of medical or health services, principally to visiting members of the public” means that medical or health services are provided principally to passing members of the public without restriction. It is not enough that members of the public attend the site where the services are provided if their attendance is dependent on satisfying a prior requirement, such as obtaining membership of an organisation or a referral from a third party. In the present case the clinical services in question were provided on a referral basis only, yet the Inspector wrongly considered that they fell within Class E(e).
- ii) **Ground 2:** in Class E(g)(ii) the phrase “the research and development of products or processes” means research and development *into* or *about* products and processes. In other words, the subject matter of the research and development is one or more products or processes or both (such as a new medicine or new manufacturing process). Research into something other than products and processes is not within Class E(g)(ii). The Inspector confused the subject matter of research and the form in which it is recorded, holding that research papers that simply advanced human knowledge were themselves a “product” and therefore within Class E(g)(ii).

8. In response, the First and Second Defendants submitted:
- i) **Ground 1:** the Inspector did not misinterpret or misapply the phrase “visiting members of the public” in Class E(e). The Inspector found that members of the public brought their animals to the AHT to receive specialist veterinary services. The fact that they had to obtain a referral from their vet and an appointment at the AHT was not inconsistent with visiting the AHT as a member of the public.
 - ii) **Ground 2:** the Inspector did not misinterpret or misapply the phrase Class E(g)(ii) which is use for “the research and development of products or processes”. The Inspector considered extensive evidence, including in the Statement of Common Ground, that the AHT was researching and developing “products and processes” to better diagnose, prevent and cure animal diseases. The fact that some research did not lead directly to the development of a product on the AHT Site did not take the use outside Class E(g)(ii).

The Inspector’s decision

9. The Inspector (M. Madge Dip TP MA MRTPI) considered oral and documentary evidence and submissions during the course of a 3 day inquiry. She also made a pre-inquiry visit to the Site.
10. The Inspector set out the factual background at paragraphs 5 to 7 of the Decision Letter (“DL/5-7”):

“5. The appeal site is located at the former Animal Health Trust Research Centre, which is approximately 120 acres in size and located on the western periphery of the village of Kentford. It is a matter of common ground that there are 32 buildings located within the site.

6. The existing buildings have been used for a variety of purposes including laboratories, a Centre for Small Animal Studies (CSAS), a Centre for Equine Studies (CES), Cancer Therapy Centre, MRI and x-ray buildings, a visitors’ centre, intern accommodation building, offices, a hydrotherapy unit, and associated stables, kennels and barns. There is an extensive planning history relating to the site, and there is no dispute that the existing buildings are lawful.

7. The AHT ceased its activities on the site in 2020 and the site has subsequently lain vacant. It is a matter of common ground that there has been no intervening use of the land between the AHT’s closure and the date the LDC application was made.”

11. The Inspector described the main issue as follows:

“8. The **main** issue is whether the Council’s refusal to grant a lawful development certificate for the existing use of land for Class E purposes was well founded. This turns on whether the

appellant can show that the use of the appeal site for Class E purposes was lawful on the date of the application. As the matter relates to a use of land, the relevant period is 10 years, and the material date is therefore 10 August 2013. Any continuous 10-year period is relevant. An LDC appeal must be considered solely based on fact and law, and irrespective of planning merits.

9. The onus of proof is on the appellant to show, on the balance of probability, that the use for Class E purposes began on or before the material date. The use also must have been continued without significant interruption for 10 years. Bearing in mind that AHT did not operate for approximately 3 years preceding the date of the LDC application, it would have to be shown that the AHT had operated from or before 10 August 2010 for the use to have endured for a relevant 10-year period.”

12. The Inspector concluded that the planning unit comprised the entire Site, for the following reasons:

“14. The AHT own and occupied all the land and buildings. While there are fences and hedgerows present, they constitute landscaping features within the site rather than providing physical barriers between activities being undertaken. Some buildings were used for specific purposes, but those purposes formed part of a larger overarching purpose. For example, the hydrotherapy building was used amongst other things for the rehabilitation of dogs following treatment in the CSAS, staff employed throughout the site would take meals at the café in the visitor centre, and research findings and practices would be disseminated through the operation of continuing professional development (CPD) lectures and courses held in meeting rooms located in various buildings across the site.

15. We heard from Toni-Ann Hammond and Heather Ewence that while specific types of research, development and clinical activities took place in specific buildings, employees, visitors and animals would move around the site and between buildings. They also told us how research conducted would be put into practice within the CSAS and the CES and other buildings. Demonstrating functional connectivity between the activities undertaken.

16. The unit of occupation is therefore the whole appeal site. While the Council initially argued that there was no need to determine the extent of the planning unit, having heard the evidence of the appellant’s witnesses, they conceded that there is a single planning unit. For the reasons given above, I concur.”

13. The Inspector summarised the matters in dispute and the parties’ cases as follows:

“17. The matters in dispute are whether this single planning unit was used for a single primary use or a mixed use comprising of two or more primary uses and whether that single or composite use falls within the definition of Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO).

Case for the appellant

18. It is the appellant’s case that all the AHT’s activities fell within the single primary use of research and development of products and processes, a use that now falls within Class E (g) (ii) of the UCO. The clinical services and professional education for those working, and interested in, the field of animal health are claimed to be ancillary uses.

19. In the alternative, the appellant argues, if I find that clinical services are also a primary use, then it too falls in Class E. They maintain the professional education activity is an ancillary use.

Case for the Council

20. The Council contends the clinical services do not fall within Class E(e) as the medical and health services were not provided principally to visiting members of the public. They also contend the scientific research was pure research and did not lead to the development of products or processes as required by Class E(g)(ii). Furthermore, they argue the employment of interns and regular provision of CPD courses are a primary education use. It is the Council’s case therefore that the activities of the AHT fell into 3 distinct primary uses, clinical activities, scientific research, and education, amounting to a mixed use.”

14. The Inspector summarised the work of the AHT at DL/23:

“23. The AHT’s mission statement states “our approach is to develop new technology and knowledge for the better diagnosis, prevention and cure of disease; to provide a clinical referral service for veterinary surgeons in practice; to promote postgraduate education and to communicate our findings to others.” Paragraphs 5.11 to 5.22 of the SoCG set out and provide lists of the research, clinical and educational uses that have occurred on the appeal site since 1942 to 2017. I shall take these as a summary of the activities undertaken by the AHT.”

15. The Inspector set out her findings on the clinical services offered, as follows:

“Clinical Services

28. I heard how the clinical activities were generally carried out by clinicians, scientists and other staff who were engaged in

research and development projects being undertaken by the AHT as well as the implementation of those treatments and therapies. Animals treated within the CSAS and CES did so, primarily, on a referral basis from their own veterinarian. The treatment of these animals is identified as an essential element of furthering the AHT's knowledge about disease and injury. The knowledge gleaned was then applied to improving diagnosis, prevention and treatment of infections, non-infectious and inherited diseases.

29. Animals attending and being treated at the CSAS and the CES were not however sought out specifically to take part in research and development projects. While their attendance and treatment did, no doubt, contribute to advancement of the AHT's processes, treatments and therapies, the purpose of their attendance was to be treated to improve their own health and welfare.

30. In addition, the Trustee Reports and witness evidence confirm that some staff were employed purely for veterinary purposes. Furthermore, buildings such as the hydrotherapy building, MRI barn, kennels and some stables were used primarily in connection with clinical services. A greater proportion of the AHT's expenditure and income related to clinical services."

16. The Inspector concluded that the clinical services were a primary use:

"37. The evidence shows operational links between the research and development of animal health and welfare products and processes and the clinical services in terms of the staff undertaking the work and the advancement in treatments and therapies. However, animals being treated in the CSAS and the CES were primarily brought to the facility for treatment by their owners, as opposed to taking part in specific research projects. The products and processes developed by the AHT could be administered to animals elsewhere by other animal healthcare professionals. The provision of specialist veterinary services by the AHT does not therefore, in my judgement, have an ordinarily functional relationship with the research and development of animal welfare products and processes. Having regard to Section 191(5)(b) of the 1990 Act, I therefore find that clinical services comprising of animal health and medical services was a primary use."

17. The Inspector then went on to determine whether the primary uses she had identified fell within Class E. In regard to research and development, she concluded that the use fell within Class E(g)(ii):

"45. While some of the research activities carried out by the AHT may not have led to the development of products and/or processes by them, that was not their fundamental aim.

Furthermore, the publication of their research would have contributed to others developing products and processes. As a matter of fact and degree, I find that the research and development of animal health and welfare products and processes, including research papers, fall within use Class E(g)(ii).”

18. In regard to clinical services, the Inspector concluded that the use fell within Class E(e):

“46. Clinical services comprising of animal health and medical services would generally be considered veterinary services, and this is not specified in any use Class. Use Class E(e) is however ‘for the provision of medical or health services, principally to visiting members of the public’. It is not disputed that the AHT provided medical and health services. Key to determining whether the AHT’s clinical service fall within Class E(e) is what is meant by ‘principally to visiting members of the public’.

47. The Council contend that, ‘principally to visiting members of the public’, means that the services are provided mainly to members of the public who can and do walk in off the street without restriction. They directed me to various legal authorities.

.....

51. The AHT did not provide a general veterinary practice, where people might walk in off the street to have their animals treated. There is no dispute that the services offered by the AHT were specialist services, where people brought their animals to be treated on a referral basis. This is no different than people attending a specialist health clinic following referral by their general practitioner. All it means is that people would attend on an appointment basis, which having regard to *Kalra*, does not necessarily mean that attendees are not ‘visiting members of the public’. There was no requirement for people bringing their animals for treatment to pay a subscription or to be a member, as in *Thurrock*. I therefore find that the people bringing their animals for treatment were ‘visiting members of the public’.

52. I acknowledge that the clinical services offered by the AHT included commercial diagnostic services. I heard that while most samples were supplied by post, some were delivered by owners. However, Class E(e) requires the provision of services **principally** to visiting members of the public [my emphasis], which means that not all services have to be provided to visiting members of the public. Given the amount of accommodation given over to the physical treatment of animals it would be reasonable to conclude this was a primary element of the clinical services on offer. I therefore find that the AHT’s clinical services comprising of animal health and medical services fall within

Class E(e) for the provision of medical and health services, principally to visiting members of the public.”

Legal framework

19. Under section 288 TCPA 1990, a person aggrieved may apply to quash a decision on the grounds that (a) it is not within the powers of the Act; or (b) any of the relevant requirements have not been complied with, and in consequence, the interests of the applicant have been substantially prejudiced.
20. The general principles of judicial review are applicable to a challenge under section 288 TCPA 1990. Thus, a claimant must establish that the Secretary of State misdirected himself in law or acted irrationally or failed to have regard to relevant considerations or that there was some procedural impropriety.
21. The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker and not for the Court: *Seddon Properties Ltd v Secretary of State for the Environment* (1981) 42 P & CR 26. As Sullivan J. said in *Newsmith v Secretary of State for the Environment, Transport and the Regions* [2001] EWHC Admin 74, at [6]:

“An application under section 288 is not an opportunity for a review of the planning merits.....”

22. In *St Modwen Developments Ltd v Secretary of State for Communities and Local Government* [2017] EWCA Civ 1643, [2018] PTSR 746, at [6] – [7], the Court of Appeal set out the principles upon which the Court will act in an application for statutory review under section 288 TCPA 1990. Lindblom LJ gave the following guidance:

“7. Both the Supreme Court and the Court of Appeal have, in recent cases, emphasised the limits to the court's role in construing planning policy (see the judgment of Lord Carnwath in *Suffolk Coastal District Council v Hopkins Homes Ltd.* [2017] UKSC 37, at paragraphs 22 to 26, and my judgment in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, at paragraph 41). More broadly, though in the same vein, this court has cautioned against the dangers of excessive legalism infecting the planning system – a warning I think we must now repeat in this appeal (see my judgment in *Barwood Strategic Land II LLP v East Staffordshire Borough Council* [2017] EWCA Civ 893, at paragraph 50). There is no place in challenges to planning decisions for the kind of hypercritical scrutiny that this court has always rejected – whether of decision letters of the Secretary of State and his inspectors or of planning officers' reports to committee. The conclusions in an inspector's report or decision letter, or in an officer's report, should not be laboriously dissected in an effort to find fault (see my judgment in *Mansell*, at paragraphs 41 and 42, and the judgment of the Chancellor of the High Court, at paragraph 63).”

Interpretation of Class E

23. It is common ground that the starting point (and often the end point) in construing legislation is to consider the natural and ordinary meaning of the language used, read in its statutory context.

24. Class E of the UCO was amended in 2020, introducing significant changes. The Planning Encyclopaedia notes as follows:

“The new Class E (Commercial, Business and Service) is exceptionally wide-ranging, incorporating within a single class uses which would previously have fallen within Classes A1 (Shops), A2 (Financial and professional services), A3 (Food and drink), B1 (Business) and D2 (Assembly and leisure). The significance of the ability to be able to change between any of these very different uses without it constituting development should not be understated.

Of perhaps even greater significance, however, is the fact that the new Class E covers 'use, or part use' for any of those wide-ranging purposes. This is a new concept for the Use Classes Order which did not previously cover mixed-use premises. This will allow spaces to be used far more flexibly with a mixture of uses taking place concurrently and allowing for changes in that mixture of uses without any need to obtain planning permission.”

25. I was also referred to the Circular 03/2005 issued by the Office of the Deputy Prime Minister when the UCO was amended in 2005. Paragraph 29 describes Part A as covering uses which will generally be found in shopping areas, whose vitality and character will be affected by the shops and other facilities available, and thus the number of people who can be attracted to go there.

26. Class A1 and A2, which have since been incorporated into Class E, included the reference to “visiting members of the public”. That phrase has been the subject of judicial consideration which I will consider below.

27. The predecessor to Class E(g) was Class B1. It covered:

“Use for all or any of the following purposes—

(a) as an office other than a use within class A2 (financial and professional services),

(b) for research and development of products or processes, or

(c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

It can be seen that the wording of Class E(g) is essentially the same as far as research and development are concerned.

28. Circular 03/2005 gave the following guidance on former Class B1:

“53. Provided that the limitation specified in the class is satisfied, this class will also include other laboratories and studios and ‘high tech’ uses spanning office, light industrial and research and development (for example, the manufacture of computer hardware and software, computer research and development, provision of consultancy services, and after-sales services, as well as micro-engineering, bio-technology and pharmaceutical research, development and manufacture), in either offices or light industrial premises, whichever are more suitable.”

29. This is an extensive list of examples of activities that fall within the Class and no attempt is being made to narrow the scope of the class.

Ground 1

The Council’s submissions

30. The Council submitted that there was clear and consistent case law to the effect that the provision of sales or services are not made to “principally to visiting members of the public” for the purposes of the UCO unless any member of the public can simply walk in off the street and obtain goods or services without satisfying some prior restriction. The Inspector misunderstood the meaning of this provision at DL/51.
31. There was a prior restriction in this case. No member of the public could simply turn up at the AHT with a sick animal and obtain treatment. Clinical services were only available to those members of the public who had been referred to the AHT by a vet.
32. Although it was debatable whether the phrase “medical or health services” included veterinary services, the Council did not pursue this point because veterinary services could potentially come within Class E(c)(ii) which extends to professional services (other than health or medical services).

Case law

33. In *R v Thurrock Borough Council, ex parte Tesco Stores Ltd* [1993] 3 PLR 114, the grant of planning permission for a “Warehouse Club for the sale of goods” was challenged on the ground (among others) that it was effectively a Class A1 retail use, which was contrary to policy. According to Schiemann J., at 117F-H, the Warehouse Club was open only to members who satisfied two requirements:

“1. A subscription of somewhere in between £25–35 has to be paid before one can become a member.

2. In order to be eligible to become a member one must either be a business, in which case one would become ... a 'Business Member', or be within an employment group specified by Costco, in which case one would become ... a 'Private Member'."

Schiemann J. described this as "a deliberate attempt for purely commercial reasons, to exclude the ordinary member of the public who wishes merely to purchase a few items". He held that the "members" were no longer merely "visiting members of the public". He explained that "the relevant phrase in the Use Classes Order is not designed to catch a situation where the sale is, not to any member of the public who cares to come along, but only to those who, being eligible, have first become members of a restricted group".

34. Following this decision, the UCO was amended by the insertion of article 3(6)(k) which excluded retail warehouse clubs from Schedule 1 and 2 to the UCO. This reflected the decision of the Court, but did not seek to apply any wider exclusion to the Class.
35. In *Kalra v Secretary of State for the Environment* (1996) 72 P & CR 423 the Court of Appeal held that the fact that a solicitors' office, located in a former shop in a shopping area, required visitors to make appointments, did not justify the inspector's conclusion that it fell outside Class A2 of the UCO (which included the provision of professional services principally to visiting members of the public).
36. At page 428 Henry LJ held:

"... Looking at the wording of the Use Classes order, it is clear that for a solicitor's practice to qualify under Class A2(b) 'professional services (other than health or medical services' – must be provided 'principally to visiting members of the public'. That restriction would seem to me to be intended to extend to solicitors who base themselves in or close to shopping areas in the hope of attracting clients who walk in off the street."

And at 429:

"..... if you have not the time to see the visiting public without an appointment because you are corresponding or telephoning for other clients who in their turn had walked in off the street, I do not see why it should be said that the legal services you provide are not 'provided principally to visiting members of the public' as those clients originally were. Nor can the need for appointments be significant. Hairdressers have them, yet they are Use Class A1. Just as you time your shopping expedition to fit in with your hairdressing appointment, so you will time it to fit in with your solicitor's appointment. The judge treated those findings as findings of fact justifying the conclusion that 'visits by persons with prior appointments' are not visits by the public. In my judgment, the fact of having an appointment cannot sustain that conclusion. There is no reason to assume that those with appointments did not originally walk in off the streets."

37. Staughton LJ agreed with Henry LJ. At page 431, Pill LJ agreed that “the fact that a solicitor operates an appointment system for clients is not in itself, as the inspector appeared to have thought, determinative of the issue”. However, Pill LJ also considered that the inspector had misapplied Class A2 by considering whether the proposal was “appropriate to a shopping area” in accordance with the local authority’s policies as “[a]ppropriateness to a shopping area is not a part of the definition of Class A2(b)”.
38. In *R v LB Kensington and Chelsea, ex p Europa Foods Ltd* 1996 WL 1090308, [1996] NPC 4, the question arose whether the use of auction rooms was within Class A1 of the UCO, and in particular whether the sale or display in the auction rooms was “to visiting members of the public”. Macpherson J. held that the use was for visiting members of the public, among others. At page 7 of the judgment he said:

“... There is no evidence at all of any restriction upon members of the public visiting the premises both in order to see the goods displayed and/or to engage in sales by auction. There are, upon the facts, sensible arrangements made to register or number those who may bid. But there is no restriction upon anybody entering the premises, nor any requirement (such as for example in *R. v. Thurrock Borough Council ex parte Costco* (1993) 3 PLR 114) that only persons who are already ‘members’ may attend. Dealers may of course be present in large or small numbers. But dealers are members of the public, in general terms, and sales are certainly not limited to dealers. The evidence (see affidavit of Paul Berthaud) also shows that the operation of these particular auction rooms is open and informal and thus itself designed to encourage people to come in and indeed to buy at auction who might otherwise have thought that the purchase of goods at auction was not for them. The visiting member of the public is thus the auctioneer’s target and his joy. I am unable to see how the conclusion that the use fell within this part of the order can be attacked.”

Conclusions

39. In my judgment, the natural and ordinary meaning of the language in Class E(e) is clear. First, there must be use, or part use, of premises for the purpose of the provision of medical or health services. Secondly, the services must be provided principally to visiting members of the public. A planning decision-maker must apply the natural and ordinary meaning of the words used to the facts as found in the particular case. This requires an exercise of a decision-maker’s planning judgment.
40. Any decision is likely to be highly fact-specific, as demonstrated by the case law. The court must guard against elevating conclusions based on specific facts into statements of general application in all cases. In my view, the Council wrongly elevates into a general requirement that the services must be available to “passing” members of the public who “walk in off the street”, citing Henry LJ in *Kalra*. Although Circular 3/2005 referred to shops and facilities in shopping areas, there is no locational requirement in the amended Class E(e). The premises do not have to be in a commercial or business locality where members of the public may be passing by, and walking in off the street.

Only Class E(c)(iii) includes a locational requirement and it is not relied upon in this case. Location in a shopping area where members of the public were likely to be passing by, and walking in off the street, was clearly a key part of the factual matrix in *Kalra*, but it was not a relevant factor in this case where the services were located within a large estate/campus, situated at the edge of a village. Members of the public could freely visit the Site to obtain medical or health services, by car or on foot, but they were not going to be casually walking in off the street. However, in my judgment, that did not exclude this use from coming within the scope of Class E(e). Indeed, at the hearing before me, the Council did not seek to argue that the Site's location outside any shopping or commercial area was a reason why the services fell outside Class E(e).

41. The phrase “principally to visiting members of the public” is not defined in the UCO. I agree with the First and Second Defendants that it is a straightforward term which falls to be applied on a case-by-case basis, across a wide range of uses. The phrase “member of the public” indicates someone not acting on the basis of any particular affiliation, relationship, or position. The term “visiting” is compatible with members of the public having to make some arrangements with the provider before attending the premises, such as registering and/or making an appointment, as confirmed in *Kalra*. Class E includes use for a children's nursery (Class E(f)) or a gym (Class E(d)) “principally to visiting members of the public”. It can reasonably be assumed that, when making the UCO (as amended), the Minister and Parliament were aware that children's nurseries and gyms generally require new attendees to go through some administrative process and enter into a contract, with payment of fees.
42. It is significant for this case that Class E(e) contains an exception for “the use of premises attached to the residence of a consultant or practitioner”, thus envisaging that services would be provided to members of the public by both consultants and practitioners. The distinction between a general medical practitioner and a specialist medical consultant is well-established (see e.g. *Routh v Jones* [1947] All ER 759, per Lord Greene MR at 761E-F). Typically (though not invariably), a patient obtains a referral from a general practitioner to see a consultant. I consider that practice can reasonably be assumed to have been known by the Minister and Parliament when the UCO (as amended) was made.
43. In my judgment, the Inspector correctly interpreted and applied Class E(e) at DL/51, where she stated:

“51. The AHT did not provide a general veterinary practice, where people might walk in off the street to have their animals treated. There is no dispute that the services offered by the AHT were specialist services, where people brought their animals to be treated on a referral basis. This is no different than people attending a specialist health clinic following referral by their general practitioner. All it means is that people would attend on an appointment basis, which having regard to *Kalra*, does not necessarily mean that attendees are not ‘visiting members of the public’. There was no requirement for people bringing their animals for treatment to pay a subscription or to be a member, as in *Thurrock*. I therefore find that the people bringing their animals for treatment were ‘visiting members of the public’.”

44. In my judgment, people bringing their animals to the AHT for specialist treatment were visiting as members of the public. The fact that they had to obtain a referral from their vet did not indicate otherwise. They were not visiting as members of a club or organisation, nor in some other capacity which would be inconsistent with visiting as members of the public (e.g. as an employee).
45. In my view, the exclusion of specialist services provided by a consultant, on the basis that members of the public require a referral, would be an unduly restrictive interpretation and application of Class E(e).
46. For these reasons, Ground 1 does not succeed.

Ground 2

The Council's submissions

47. The Council submitted that the Inspector, at DL/26 and DL/45, misunderstood Class E(g)(ii).
48. Class E(g)(ii) embraces use for the research and development of products or processes. As a matter of ordinary language, the research and development “*of* products and processes” means research and development “*into*” or “*about*” products and processes.
49. For research to fall within this Class, the subject matter of the research must be a product or process or both. For instance, research into a new vaccine or new genetic test would constitute research of a product. But a research paper that was not targeted at a product or process would be “pure research” and therefore fall outside the scope of the Class.
50. A research paper, regardless of its subject matter, could not constitute a product within the meaning of Class E(g)(ii). If it did, almost any academic paper – on poetry, sociology, history, philosophy etc. – could qualify.
51. The Inspector’s finding at DL/45 that “the research and development of animal health and welfare products and processes, including research papers, fell within use Class E(g)(ii)” was based on an erroneous approach. It was not possible to say what the Inspector’s conclusion would have been had she correctly differentiated between the research of products and processes and other research directed at increasing human knowledge.

Conclusions

52. In my judgment, the natural and ordinary meaning of the language in Class E(g)(ii) is clear. There must be use, or part use, for the purpose of research and development. The research and development must be of products or processes (I do not accept that the Council’s submission that other words should be substituted for the word “*of*” which is the language used in the provision).

53. The terms used in Class E(g)(ii) are not defined in the UCO. The term “product” is defined in the Shorter Oxford English Dictionary as “a thing produced by an action, operation or natural process; a result, a consequence”. The term “process” is defined as “a thing that goes on or is carried on; a continuous series of actions, events or changes; a course of action, a procedure”.
54. As the Second Defendant correctly submitted at the inquiry, as a matter of statutory construction, where the conjunction “and” is used in legislation, as a starting point, this should be taken to be mean “joint and several”, or conjunctive and disjunctive, such that “A and B” means “A and B together or either of them” (see *Bennion, Bailey and Norbury on Statutory Interpretation*, 8th Edition, section 17.11). This may be rebutted by context but is confirmed to be the presumption. Examples and illustrations of this are given in *Bennion* at 17.11.
55. The position is confirmed in the planning context in my judgment in *Breckland District Council v Secretary of State for Housing Communities and Local Government* [2020] EWHC 282 (Admin). In that case I was considering a LDC which referred to “caravan and camping site”. I held, at [39]:
- “Where two alternatives are separated by the word “and”, the natural and ordinary meaning is one can do both or either. ... [counsel] gave the example of a licence to serve hot and cold food, which could be used alternatively to serve any hot food or any cold food or both.”
56. By way of further illustration, Class E(b)(ii) refers to “use of land for the sale of food and drink...where the consumption of that food and drink is mostly undertaken on the premises”. As a matter of common sense, the word “and” between “food and drink” must mean the conjunctive and the disjunctive. There is no basis to consider that the conjunction “and” used in Class (g)(ii) of Class E has any different meaning.
57. Other examples include *R v Oxfordshire C.C., Ex p. Sunningwell* [2000] 1 AC 335, where it was held that “sports and pastimes” does not refer to two classes of activities “but a single composite class which uses two words in order to avoid arguments over whether an activity is a sport or a pastime” (Lord Hoffmann at 367); and *R(Blackpool Council) v Howitt* [2008] EWHC 3300 (Admin), where the Court held that “the prevention of crime and disorder” included the prevention of crime even if it did not amount to disorder.
58. Applying these principles, the phrase “research and development” in Class E(g)(ii) includes use for either research or development, or for both. The research and/or development has to be of products or processes. Such an interpretation accords with the language and the intended broad scope of Class E.
59. There was substantial evidence of the research and development into products and processes which was carried out at the AHT, much of which was agreed in the Statement of Common Ground.
60. The Inspector set out her findings on research and development at DL/25 – 27:

“Research and development of products or processes

25. It is a matter of common ground that research and development of products and processes occurred on some level as part of the AHT's activities. This was confirmed by Toni-Anne Hammond, who gave examples of research projects and their outputs; including developing and producing a duck hepatitis vaccine, successive forms of equine herpes virus vaccines and influenza virus vaccines updated to respond to changing mutations of the viruses, a PCR test for strangles, a PCR test to detect viral and bacterial nucleic acid, ELIZA [Enzyme-linked immunosorbent assay] tests for equine viral arteritis and for antigens to equine influenza, genetic testing (all canine genetic testing currently used worldwide was developed at the AHT facilities), and therapies for sport horses exposed to high humidity. Heather Ewence went on to explain research projects and outputs involving the Welsh mountain ponies for which she was responsible. Further snapshots of the research and development achievements are found in the various Trustees Reports, in particular those found in CD1.60 to 1.62.

26. Research carried out by the AHT resulted in and contributed to the development and refinement of vaccines, drugs, therapies, treatments and new means of animal breeding, handling and husbandry. The appeal parties acknowledge that some research projects resulted in the advancement of knowledge rather than the production of a vaccine, drug, test or new technique in animal welfare. In such cases, research papers would be published in professional journals. The Trustee Reports confirm the volume of research papers and other publications produced. The research set out in these publications would no doubt contribute to the furtherance of understanding in the wider scientific community. I find these research papers therefore to be a product resulting from research undertaken by the AHT.

27. In addition to the outputs identified above, the Trustee Reports and witness evidence confirm that some staff were employed purely for research and development purposes. Furthermore, some of the 32 buildings were also used primarily for research and development purposes, such as the laboratories and the Allen Centre. A significant proportion of the AHT's expenditure and income related to research and development activities."

61. The Inspector gave an overall summary of the AHT's work at DL/36 when considering primary uses:

"36. The main purpose of the AHT was the development of technologies and knowledge to better diagnose, prevent, and cure animal diseases. The list of products and processes set out in 5.12 to 5.15 of the SoCG shows that this was a fundamental activity of the AHT. Having regard to Section 191(5)(b) of the 1990 Act, I therefore find that the research and development of

animal health and welfare products and processes was a primary use.”

62. In my judgment, there was ample evidence to support the Inspector’s conclusion that the Site was in use for the purpose of research and development of products or processes. Unsurprisingly, some of the research did not directly lead to the development of products and processes. Nonetheless, the Inspector found that development of products and processes remained the ultimate aim of the research in those instances: see DL/45. Furthermore, the Inspector found that “the publication of their research would have contributed to others developing products and processes”, albeit not at AHT. It is beyond argument that the research was for medical/health purposes (not the humanities, as referred to in the Council’s submissions). In my view, all these factors taken together were sufficient for the use to come within Class E(g)(ii). I consider that the Inspector’s conclusions were the result of an exercise of planning judgment, based upon a reasonable evaluation of the evidence before her.
63. The Inspector also accepted the submission that a research paper was a “product” of the research that had been undertaken, and therefore came within Class E(g)(ii). In my view, she was entitled to reach this view. A research paper is a means of disseminating the output of research. Research could alternatively be disseminated in a film or a podcast or a computer programme. These are all “products” in the ordinary meaning of the term, and come within the dictionary definition of a “product”: “a thing produced by an action, operation or natural process; a result, a consequence”. But even if the Inspector did err in finding that a research paper was a product of the research, her other findings and conclusions which I have set out above were a sufficient basis upon which to find that the use came within Class E(g)(ii). So even if, contrary to my view, there was an error, it made no difference to the outcome.
64. For all these reasons, the Inspector was entitled to conclude, at DL/45:
- “As a matter of fact and degree, I find that the research and development of animal health and welfare products and processes, including research papers, fall within use Class E(g)(ii).”
65. Therefore Ground 2 does not succeed.

Final conclusion

66. I grant permission to apply for statutory review, in recognition of the fact that it took the better part of a day for the claim to be argued and I reserved judgment. However, for the reasons set out above, I reject both grounds of challenge and so the claim for planning statutory review is dismissed.