

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

STATEMENT OF COMMON GROUND

BY CHRISTCHURCH LAND & ESTATES (ELMSWELL SOUTH) LIMITED

**AGAINST THE DECISION OF MID SUFFOLK DISTRICT COUNCIL
TO REFUSE OUTLINE PLANNING PERMISSION FOR:**

**ERECTION OF
CARE VILLAGE COMPRISING 66 BEDROOM CARE HOME (C2 USE),
37 NO. EXTRA CARE BUNGALOWS (C2 USE),
3 NO. ALMSHOUSES (C3), MANAGEMENT OFFICE (E(G)(I) USE),
CLUB HOUSE, COMMUNITY GROWING AREA, ORCHARD,
COMMUNITY BEE HIVES AND OPEN SPACE PROVISION**

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

LPA REF: DC/23/05651

PINS REF: APP/W3520/W/25/3364061

18th AUGUST 2025

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1. INTRODUCTION

- 1.1 This Statement of Common Ground has been prepared on behalf of Christchurch Land & Estates (Elmswell South) Limited [the “Appellant”] in relation to a planning appeal on land to the North and West of School Road, Elmswell, Suffolk. The appeal is against the decision of Mid Suffolk District Council issued on the 29th October 2024 to refuse outline planning permission for a care village development (LPA planning application reference **DC/23/05651**).
- 1.2 This Statement seeks to set out the agreed matters of fact and agreed positions between the two main parties in respect of this appeal. This statement then summaries those areas of disagreement between the two main parties. Matters of Flooding, Landscape Impact and Heritage Impact are proposed to be dealt with by separate Statements of Common Ground.

Planning Application Documents

- 1.3 It is agreed by both parties that the following provides the documents considered by the Local Planning Authority in the assessment of the planning application (Section A of the Core Documents list):
- Planning Application Form and Certificates
 - Cover Letter – Richard Brown Planning Limited
 - 1661-CAM-XX-XX-DR-A-PL01-REV A Site Location Plan - prepared by CAM Architects
 - 1661-CAM-XX-XX-DR-A-PL02-REV B Site Plan in the Wider Context as Existing - prepared by CAM Architects
 - 1661-CAM-XX-XX-DR-A-PL03-REV B Site Plan as Existing - prepared by CAM Architects
 - 1661-CAM-XX-XX-DR-A-PL04-REV B Site Opportunities and Constraints - prepared by CAM Architects

- 1661-CAM-XX-XX-DR-A-PL05-REV D Block Plan As Proposed - prepared by CAM Architects
- 1661-CAM-XX-XX-DR-A-PL06-REV D Site Plan in the Wider Context As Proposed- prepared by CAM Architects
- 1661-CAM-XX-XX-DR-A-PL07-REV E Site Plan As Proposed- prepared by CAM Architects
- 1661-CAM-XX-XX-DR-A-PL08-REV B Site Sections As Existing and Proposed- prepared by CAM Architects
- 1661-CAM-XX-XX-RP-A-DAS Design and Access Statement PART I- prepared by CAM Architects
- 1661-CAM-XX-XX-RP-A-DAS Design and Access Statement PART II- prepared by CAM Architects
- 1661-CAM-XX-XX-RP-A-DAS Design and Access Statement PART III- prepared by CAM Architects
- 1661-CAM-XX-XX-RP-A-DAS Design and Access Statement PART IV- prepared by CAM Architects
- 1661-CAM-XX-XX-RP-A-DAS Design and Access Statement PART V- prepared by CAM Architects
- 1661-CAM-XX-XX-RP-A-DAS Design and Access Statement PART VI- prepared by CAM Architects
- 107174-T-000001-P02 Site Access- prepared by Pell Frischmann
- 107174-T-000002-P02 SPA Onsite Refuse- prepared by Pell Frischmann
- 107174-T-000003-P01 SPA Access Refuse- prepared by Pell Frischmann
- 107174-T-000004-P01 SPA Access Large Car- prepared by Pell Frischmann
- P22-1167_EN_0009_C_0001 - Fig 8 ILMP- prepared by Pegasus Group
- Flood Risk Assessment and Drainage Strategy BM12457 – Prepared by Wardell Armstrong
- Utilities Report BM12457 – Prepared by Wardell Armstrong
- Archaeological Desk Based Assessment JAC28629 – Prepared by RPS
- Noise Assessment 22-401 — Prepared by Inacoustic
- Topographical Survey 38441 – Prepared by Midland Surveys
- Transport Assessment 107174-PEF-XX-XX-RP-TR-000002 – Prepared by Pell Frischmann

- Biodiversity Net Gain Metric 4.0
- Phase I Desk Study Appraisal P10171/Rev D – Prepared by GRM
- Landscape and Visual Impact Assessment P22-1167 – Prepared by Pegasus Group
- Air Quality Assessment 445011-01(03)– Prepared by RSK
- Section 106 Heads of Terms
- Preliminary Ecological Appraisal 2295-CWS-04 — Prepared by Cotswold Wildlife Surveys
- Statement of Community Involvement – Prepared by Richard Brown Planning Ltd
- Lighting Assessment – Prepared by Designs for Lighting
- Heritage Statement JCH02054- – Prepared by RPS
- Heritage Note dated 14th February 2024 Ref. 794-PLN-HER-00407

2. PLANNING POLICY

2.1 The Development Plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 comprises:

- (i) Babergh and Mid Suffolk Joint Local Plan Part 1(adopted November 2023).
- (ii) Elmswell Neighbourhood Plan (made November 2023)

2.2 Relevant policies are identified as:

Babergh and Mid Suffolk Joint Local Plan Part 1(adopted November 2023).

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

2.3 Elmswell Neighbourhood Plan (2023)

Relevant policies are identified as:

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

National Planning Policy Framework

2.4 The following policies are relevant:

61. *To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.*
62. *To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance.
In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*
63. *Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.*

187. *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*

- e) *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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*
212. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
213. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*
215. *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.*

3. MATTERS OF AGREEMENT

Description of the Site and Description of Development

- 3.1 The parties agree that the site is located in the open countryside and outside of the development limits of the settlement of Elmswell but immediately adjoins the boundary of the settlement.
- 3.2 The Site consists of a single field of 11.5 hectares (Ha) situated on the western edge of Elmswell. To the east and south, the Site is defined by the existing settled edge of Elmswell and adjoining a recently permitted residential scheme and to the north by a railway. Land to the west is in arable cultivation. On its western edge Elmswell is characterised by the gently rolling landform down across the Site and rising to Elmswell New Hall, and is influenced by the presence of St John's Church near locally high ground to the south of the Site.
- 3.3 The parties also agree that the description of development is as follows:

Outline planning permission (access to be considered, all other matters reserved) – erection of care village comprising 66 bedroom care home (c2 use), 37 no. Extra care bungalows (c2 use), 3 no. Almhouses (c3), management office (e(g)(i) use), club house, community growing area, orchard, community bee hives and open space provision.

Sustainable Development

- 3.4 There are elements of sustainable development that are agreed. The elements that the parties agree on are provided below.
- 3.5 Paragraph 8 of the National Planning Policy Framework (hereinafter referred to as the "Framework") states that there are three dimensions to sustainable development. These being economic, social and environmental. It is agreed by both parties that the delivery of specialist housing and care homes are key aims of the Framework and an important element of delivering sustainable development as it fulfils both a social and economic role. The biodiversity net gain of over 300% fulfils the environmental objectives.

Highways and Transport

3.6 The following is agreed:

- The site is located adjacent to the settlement boundary of Elmswell. Elmswell contains a number of services and facilities commensurate with its position within the sustainable village category in the adopted plan including a railway station, Co-Op food store, pharmacy, library, community centre, pre-school and primary school.
- The proposed access visibility splays are acceptable for the location and speed limit.
- Financial contributions have been sought to help fund the delivery of the new footway / cycleway between Elmswell and Woolpit. The justification for these will be explored particularly in the context of contributions from the care home.
- That the site access is suitable for servicing the site.
- Provision of a cycle route behind St John's Church is proposed to be secured by condition but the justification for that also needs to be considered at the inquiry given the nature of the development.
- There are no highway objections to the proposal.

Specialist Elderly Housing and Care Home Need

3.7 It is agreed that the Council's latest assessment of specialist elderly housing need and care home need is set out in the "Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment Volume 2, HDH Planning and Development Ltd.

3.8 There is an acute need for specialist Elderly Housing and Care Home bed spaces in Mid Suffolk.

- 3.9 The need identified in the 2017 SHMA does not account for those aged 65-74; therefore, the true level of need would be higher.
- 3.10 The provision of specialist elderly housing and care home bed spaces should be afforded weight in the planning balance, recognising the critical need for delivery of specialist housing for older people, the level of such weight to be determined by the Inspector.

Biodiversity

- 3.11 It is agreed that Reason for Refusal 6 of the Decision Notice dated 29th October which states “No metric has been submitted to demonstrate how 10% biodiversity net gain will be achieved.” is factually incorrect. The Biodiversity Net Gain Metric 4.0 Calculation prepared by Cotswold Wildlife Surveys confirms a Biodiversity Net Gain of 311.90% and a Hedgerow improvement of 100%. This is also set out in the 2023 Preliminary Ecological Appraisal (2295-CWS-04) prepared by Cotswold Wildlife Surveys which accompanied the application.
- 3.12 The Council have since (16th June 2025) confirmed that they will no longer pursue the RfR provided the Inspector applies the National Biodiversity Net Gain condition

Technical Considerations

- 3.13 The impacts of the development proposals on the following matters are agreed as being satisfactory and can be adequately addressed through planning conditions where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects:
- Noise
 - Air Quality
 - Highways / Transport
 - Ecology/Habitat Regulation Assessment
 - Utilities Capacity

Planning Obligations

- 3.14 It is agreed that Affordable Housing and on site private Open Space provision would need to be dealt with by a Planning Obligation.
- 3.15 Heads of terms for the S106 were presented to the Council with the application and a draft Section 106 is being presented with the appeal. The terms of the draft are being considered both by the Council and the County Council. The terms of the draft Section 106 will be discussed between parties and it is anticipated that an agreed form of Section 106 obligation will be presented at the Inquiry and hopefully 10 day prior to it.

Planning Conditions

- 3.16 The Appellant and the Council will seek to agree a list of conditions and to present the same to the appointed Inspector prior to the Inquiry.

4. MATTERS SUBJECT OF SPECIFIC DISAGREEMENT

4.1 The matters subject to specific disagreement in relation to the appeal are:

Principle of Development


4.2 The parties disagree regarding the acceptability of the principle of development.

4.3 The appellant considers that the Local Plan does not adequately address specialist elderly housing need and care home need and that, in particular, paragraphs 61 and 63 of the Framework are important material considerations. The appellant considers that there are no adverse impacts to approving this development that would outweigh the benefits. The fact that the site is located beyond the settlement boundary and is therefore notionally in the countryside of itself does not outweigh the overriding need for elderly persons accommodation that will not be provided within settlement boundaries. As such planning permission should be granted and the principle of development is acceptable. The Council contends that the policies that seek to confine development within settlement boundaries are suitable for the delivery of all forms of housing including specialist housing such as this. The policies within the adopted Local Plan will deliver the accommodation required by the elderly and in the amounts required and in locations that are suitable and development outside settlement boundaries should therefore be resisted

4.4 The following matter is also raised as a matter of specific disagreement:

- The degree of weight to be applied to the proposals in the planning balance with regards addressing specialist elderly housing need and care home need. The weight to be attached to other benefits of the scheme beyond need and how they impact the planning balance including heritage impacts.

5. SIGNATORIES

Signed on behalf of the Appellant	
Print Name	Richard Brown MSc
Position	Agent on behalf of Christchurch Land & Estates (Elmswell South) Limited
Date	18 th August 2025

Signed on behalf of the LPA	
Print Name	Daniel Cameron
Position	Principal Planning Officer, Mid Suffolk District Council
Date	