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OPENING SUBMISSIONS  
ON BEHALF OF  
MID SUFFOLK DISTRICT COUNCIL

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## **Introduction**

1. This is an appeal against the refusal by Mid Suffolk District Council (“the Council”) of an application for outline planning permission for a care village comprising a 66 bedroom care home, 37 extra care bungalows, 3 almshouses, management office, club house, community growing area, orchard, community bee hives and open space provision on land to the north and west of School Road, Elmswell, Suffolk.
2. There are three main issues in this appeal:
  - (1) Whether the appeal site is a suitable location for the development having regard to local and national planning policy;
  - (2) The impact of the proposals on the three designated heritage assets which adjoin or are in the vicinity of the appeal site; and
  - (3) The effect of the proposals on the character and appearance of the surrounding area.
3. The Council’s case on the main issues is summarised below. In essence, the Council’s evidence will demonstrate that the proposal would constitute a clear conflict with the development plan, taken as a whole, and there are no material considerations which override that conflict and the associated harms.

## **Countryside location**

4. It is common ground that the appeal site lies in the countryside and therefore lies outside the settlement boundary, in breach of policies SP03 and LP06 of the Joint Local Plan (“JLP”) and ELM1 of the Elmswell Neighbourhood Plan (“ENP”). While full weight cannot be afforded to the settlement boundary, the Council will demonstrate why significant weight should still be afforded to these policy breaches. Moreover,

the need to consider the sustainability of locations proposed for specialist housing is not just a matter prioritised in the local plan, but also expressly recognised in planning policy guidance.<sup>1</sup>

5. While there is an undoubted need to provide housing for older people, the Council is confident that an appropriate level of specialist housing is capable of coming forward via the existing Local Plan policies, at least in the short to medium-term – prior to the adoption of a new local plan in 2029.

### **Heritage assets**

6. It is also common ground that the development would cause ‘less than substantial harm’ to three designated heritage assets: the Grade II\* listed Church of St John, the Grade II listed Almshouses, and the Grade II listed Elmswell Hall. The heritage experts differ in their judgment of where the harms lie within the less than substantial scale.
7. The Council will demonstrate that the harm to the three designated assets is greater than that suggested by the appellant. In its current undeveloped agrarian state, the appeal site provides an important rural setting to the three heritage assets, which has historically contributed – and continues to contribute – to the ability to appreciate and understand their significance. The proposed development would permanently alter that rural setting and erode appreciation of the functional and historic relationship of the heritage assets with each other as well as with their rural surroundings. The Council will further evidence how the development of the open space in the southern portion of the appeal site will also contribute to the harm to the significance of the heritage assets.
8. It is trite law that considerable importance and weight must be given to any harm to the setting and significance of a listed building, and this duty is particularly heightened in the present case given the acknowledged harm to a Grade II\* listed asset. Moreover, in this case, the benefits of the scheme (taken together) are not sufficient to outweigh the identified heritage harms to the three assets.

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<sup>1</sup> PPG on Housing for Older and Disabled People, para 13.

## **Character and appearance**

9. The proposals would also cause significant adverse effects on the local landscape character. Both parties agree that the appeal site and its local context exhibit some of the key characteristics of the relevant landscape character areas. By introducing built form and urbanising features on what is otherwise a sloping arable field, the development would have a localised adverse impact on the ability to appreciate some of the key features of the landscape character. It would also detrimentally affect the relationship between the Church and Elmswell Hall which is identified as a key feature within this landscape character area.
10. The development will further result in significant adverse visual impacts, particularly on users of public rights of way in the vicinity of the appeal site. The adverse visual impacts take on a particular significance in this case. The ENP was relatively recently adopted in November 2023, and as part of its evidence base, an assessment of important views was undertaken which fed into the adopted plan. The ENP seeks to protect these important views and directs that any proposed development should not have a detrimental visual impact on the key features of the protected views. Contrary to that policy protection, the development in this case would negatively harm the important views and thereby undermine the democratic will of the local community, as expressed through the neighbourhood plan process.

## **Conflict with development plan**

11. Taking into account the above harms, there is a clear conflict with key policies of the JLP, including SP03, LP06, LP17, LP19 and LP24, as well as policies ELM1 and ELM2 of the ENP. There is accordingly a conflict with the development plan taken as a whole.
12. It is important to emphasise that we operate in a plan-led system. The development plan has statutory primacy, and a statutory presumption in its favour.<sup>2</sup> The statutory framework is reinforced by national policy, which tells us that the “*planning system*

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<sup>2</sup> Section 38(6) Planning and Compulsory Purchase Act 2004.

*should be genuinely plan-led*<sup>3</sup>. The identified conflict with the development plan as a whole is therefore an important starting point in the determination of this appeal.

### **Overall planning balance**

13. Do material considerations justify the departure from the development plan on this occasion? The answer, unequivocally, is no.

### Harms

14. The Council will evidence that the proposals would cause considerable harm, owing to the conflict with the countryside protection policies, the heritage impacts and the adverse landscape and visual impacts. The conflict with the development plan as a whole itself causes harm by undermining the public confidence in a plan led system.

### Benefits

15. The Council acknowledges the significant benefits of the scheme. In particular, the Council recognises that the delivery of specialist housing to meet an identified need, the provision of additional almshouses and affordable housing all provide important benefits. There are also economic and environmental benefits associated with the scheme which should be taken into account.

### Overall

16. The Council readily accepts the urgent need for older persons housing. This is a factor which officers have at the forefront of their minds when considering applications of this kind. This urgent need does not however foreclose the need to properly scrutinise the impacts of such development, nor does it automatically justify such schemes coming forward at any location and irrespective of their impact.
17. In the context of this scheme, the Council's case is that the benefits are plainly outweighed by the harmful impacts. The Council will accordingly invite the Inspector to dismiss this appeal.

RUCHI PAREKH  
CORNERSTONE BARRISTERS  
4 SEPTEMBER 2025

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<sup>3</sup> NPPF, para 15.