## **Consultation Statement**

Houses in Multiple Occupation 'Exceptional Circumstances' Guidance Note

October 2024



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#### 1 Introduction

East Suffolk Council has prepared the Houses of Multiple Occupation 'Exceptional Circumstances' Guidance Note which provides policy guidance in relation to proposals for conversions to houses of multiple occupation (HMOs).

Policy WLP8.4 (Conversion of Properties to Flats)<sup>1</sup> of the Waveney Local Plan (2019), which can be found, requires development proposals for the conversion of buildings to HMOs to demonstrate 'exceptional circumstances'. However, the policy and its supporting text (paragraphs 8.24-8.25) lack guidance as to the circumstances which could potentially be deemed exceptional. It is for this reason that this Guidance Note has been prepared.

Whilst not part of the development plan, this document acts as a material consideration in the determination of planning applications.

This Guidance Note applies to the Waveney Local Plan and therefore the Waveney Local Plan area has been the focus of the consultation. The Suffolk Coastal Local Plan does not include an exceptional circumstances test in relation to HMOs.

This Consultation Statement supports the adoption of the Guidance Note in outlining:

- The approach taken to public consultation (7 August 18 September 2024) on the draft Guidance Note;
- The submitted consultation responses;
- The Council's response to each consultation response; and
- Any changes made to the Guidance Note.

<sup>&</sup>lt;sup>1</sup> Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats) - <u>Local Plan - East Suffolk Council - Waveney Local Plan (Adopted March 2019) - East Suffolk Council, Strategic Planning Consultations (inconsult.uk)</u>

#### 2. Who was consulted?

The following organisations and groups were consulted during the preparation of the Guidance Note:

- East Suffolk Council elected members
- Suffolk County Council
- Broads Authority
- Great Yarmouth Borough Council
- Babergh and Mid Suffolk District Councils
- Historic England
- Natural England
- Environment Agency
- Town and Parish Councils in the former Waveney area
- Town and Parish Councils within East Suffolk which adjoin the former Waveney area
- Eastern Landlords Association
- Other individuals and organisations on the Local Plan mailing list

#### 3. How were they contacted?

The consultation ran from 7<sup>th</sup> August 2024 to 18<sup>th</sup> September 2024 and the consultation documents were made available on the East Suffolk Council website<sup>2</sup>.

The consultation was advertised on the Council's website, as well as on social media (see Appendix 3). Town and parish councils, elected members and other organisations referred to above were notified directly by email or post.

Hard copies of the document were also made available for inspection at all libraries in the Waveney area. Copies could also be requested free of charge by post, by contacting the Planning Policy and Delivery team.

In total 17 individuals and organisations responded to the consultation.

Consultation responses can be read in full in Appendix 2 below and on the <u>Council's</u> website<sup>3</sup>.

<sup>&</sup>lt;sup>2</sup> East Suffolk Council Planning Policy Consultations webpage - <u>Planning policy consultations » East Suffolk</u> Council

<sup>&</sup>lt;sup>3</sup> East Suffolk Council HMO 'Exceptional Circumstances' Guidance Note consultation portal - <u>Houses in Multiple</u> Occupation 'Exceptional Circumstances' Guidance Note - East Suffolk Council, Strategic Planning Consultations (inconsult.uk)

#### Appendix 1: Consultation Responses

The table below lists the consultation responses, the Council's response and how they informed any changes to the document. The main issues raised through the consultation responses can be summarised as follows:

- Some confusion that the Guidance Note would alter Waveney Local Plan policy WLP8.4 (Conversion of properties to Flats);
- The conversion of buildings to HMOs creates residential amenity issues for neighbours and future occupiers of the HMO;
- A number of comments relate to recently determined and pending planning applications;
- The Council should explore other options to provide housing (e.g. compel holiday home owners to sell/rent on a primary basis, compel owners of empty commercial properties to develop for housing); and
- Poorly maintained HMOs diminish quality of the area.

Respondent	Consultation Response	Council Response	Change Made
Name			
Lynn Sivell	I think HMOs should be banned and holiday let's should be used instead. More should be done to allow local people to own or rent a home of their own. Many holiday homes are empty for most of the year, denying decent starter homes for young people.	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change
		Even if it was thought to be a sensible approach, the Council cannot compel holiday home owners to sell or rent their homes out on a primary residency basis.	

Respondent Name	Consultation Response	Council Response	Change Made
Laurie Atkins	There should be NO "exceptional circumstances" for any further HMOs in this area. Rather than making a clarifying statement, I would rather see the term removed completely from planning considerations and have HMOs taken off the table entirely. The area designated is not suitable for HMOs now, and "exceptional circumstances" do not change that fact.	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change
Amanda Frost	No matter how exceptional the circumstances, already recognised, deprived areas such as Lowestoft, which have already had large numbers of houses converted to flats, bedsits and HMOs, should not be allowed to be further degraded by the associated problems that HMOs are known to bring to an area. Pockets of depravation such as Kirkley and Harbour in Lowestoft already suffer from the highest crime and antisocial behaviour problems in the whole of Suffolk, if not the whole of East Anglia, and this must surely be enough reason not to convert any more property into HMOs in this area.  Unless proposed buildings to be converted to HMOs have extremely large gardens to cater for outside amenity space and are detached so as not to cause undue disturbance to adjoining properties, I do not think they should be allowed under any circumstances.	The Guidance Note highlights that residential amenity is an important consideration in the determination of planning application relating to the creation of HMOs.  The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).  Even if it was thought to be a sensible approach, the Council cannot compel the owners of empty commercial properties to convert them to housing, although appropriate conversions would, of course, be encouraged.	No change

Respondent	Consultation Response	Council Response	Change Made
Name	Many of the very large Victorian properties, especially in the places like Lowestoft where the properties are relatively very cheap compared to neighbouring seaside towns such as Southwold and Aldeburgh, only have tiny courtyard gardens so by the time an HMO for say 8 occupants has provided for cycle storage and bins, there would be hardly any, if any at all, outside space.  Already deprived areas, that have been used as Suffolk county's dumping ground for decades really cannot be allowed to be further degraded by altering planning law to allow more HMOs.  There are plenty of empty commercial premises in every town centre so why can't these be converted into	Council Response	Citalige Wate
	accommodation rather than losing even more family homes, which are already in short supply.		
Pamela Thompson	I have one next door to me and they rotate who stays there and every group that has come in the last 6months approx 5 changes in occupants have all be so so so noisy, all day all night.	The Guidance Note highlights that residential amenity is an important consideration in the determination of planning application relating to the creation of HMOs.	No change
	They really do not care, show no respect.		
	I have had to put in a environmental health noise report it as I can't live like this, I've lived here 20yrs and never had the troubles I have now with noise.		

Respondent Name	Consultation Response	Council Response	Change Made
Paul Whitlow	I and many of my friends lived in HMOs in the 1970s,	Comment noted.	No change
	either bedsits or shared houses. They certainly fill a need		
	and can be of benefit to town centre areas. I lived in		
	HMOs when taking on my first full employment* and then		
	for 6 years each winter while working the summers in		
	mainland Europe.		
	Many people cannot afford to rent houses or flats,		
	especially given the prevalent policy of only offering 16		
	hour contracts to workers but expecting them to be		
	available for work every day of the week without		
	guaranteeing any extra work.		
	I agree that where flat saturation has been reached or		
	exceeded new permissions should not be given but		
	outside those areas, providing shared facilities are		
	adequate and fire regulations are adhered to, I do not see		
	what people object to.		
	The guidance note seems to cover all these points and I		
	would recommend adoption.		
	*I had been working on removals since the age of 14 for a		
	Pakefield business while still at school, living at home.		

Respondent Name	Consultation Response	Council Response	Change Made
Ronald Frost	Unless houses of multiple occupation are new and purpose-built they are a step backwards as trying to convert old, large, usually Victorian properties into HMOs is unsatisfactory for many reasons similar to care homes being much better if purpose-built rather than converted from old buildings. If you want a policy for HMOs regardless of how exceptional the circumstances, then purpose-built dwellings is the way to go.  Turning empty residential properties, especially if terraced, and putting a large number of single (and very often needy) individuals in them is detrimental to the nearby properties and neighbourhood in general. There are many examples of how areas have been run-down by conversion of houses into smaller units. HMOs tend to be poorly maintained and often accommodate unemployed people, are usually unkempt and poorly maintained and really just money-makers for the private landlords, who obviously make a lot more money from letting out single rooms.  Presumably this "consultation" is in response to the government's "Operation Scatter" to disperse asylum seekers and illegal immigrants around the UK into residential areas thus spreading the problem around in the hope that it won't be so noticeable. I doubt that any of these HMOs would be properly managed if managed at all.	Converting existing buildings into HMOs is challenging. The purpose of the 'exceptional circumstances' test is partly in recognition of these challenges.  The Guidance Note relates to Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats), which establishes planning policy for the conversion of properties to flats and HMOs. The Waveney Local Plan does not specifically address the topic of purpose-built HMOs, and this could only be altered through a review of the Waveney Local Plan. As such, purpose-built HMOs are beyond the scope of this Guidance Note.  The Guidance Note sets out that residential amenity is an important consideration in the determination of planning application relating to the creation of HMOs.  This Guidance Note has been prepared to provide clarity relating to the exceptional circumstances to be demonstrated when proposing a conversion to an HMO, as this is a subject of regular questions from landlords/applicants. The preparation of the Guidance Note has not been influenced in any way by Government/other organisational approaches to addressing matters concerning asylum/immigration.	No change

Respondent	Consultation Response	Council Response	Change Made
Name			
Name	Conversion of buildings for whatever purpose is rarely, if ever, as good as purpose-building and in particular, conversion to HMOs has been proved up and down the country over many decades to have a detrimental effect on the surrounding area.  East Suffolk Council is already a dental desert, is not providing enough SEND spaces for children and has incredibly high waiting lists for both housing and NHS treatment. The district is struggling and places such as Lowestoft are already blighted and inundated with converted properties into smaller units. Flat Saturation Zones were created so as to prevent further deterioration and degradation of the area so converting properties outside of these already saturated areas will simply increase the size of current Zones and cripple the already struggling infrastructure further.		
	So in conclusion, I am against HMOs regardless of whether the circumstances are exceptional or not.		
HNL Salon (Lucy Hobbs)	Multiple occupancy should be considered straight away without a delay and not to be restricted for planning permit specially that the next door neighbour acquired or applied the same dwellings to save vulnerable homeless individuals. And also, theres no uproar from the same road or neighboring residence. I personally never (objected) my next door neighbour who seek a (planning permission) last year to turn SAMARITAN property into	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change

Respondent	Consultation Response	Council Response	Change Made
Name			
	HMO similar to this address. As I can see it, there's no	Planning applications are determined on a case-	
	objection from the same road houses no 5, no 22 houses	by-case basis.	
	who objected last time in other applicants.		
	It will encourage people to be independent and not		
	relaying on council houses, or at their parents		
	accommodation. My area ( Beach road) particularly is no		
	longer ideal for a business purposes due to slow traffic of		
	footfalls no walk ins, the area is at the back of the main		
	road and the layout of the building is more likely a		
	residential rather than a shop- compared to the centre of		
	town. It would also help to upgrade the buildings than be		
	rotten . Personally small owners cannot afford to upgrade		
	the meduim-large sizes buildings. Therefore, investor or		
	big companies who has a budget capability operate some		
	old buildings would be ideal candidates too own and		
	upgrade the properties into a good home e.g HMO, flats		
	and multiple occupancy. We have a big shortages of		
	council houses and it will need to be prioritise to help the		
	homeless, unfortunate, dissable and low income people		
	and other people needed for a shelter and I believed that,		
	we as friendly EAST Suffolk county has a duty of care for		
	other unfurtunate individuals.		
Caroline	I am happy with hnl become alternative premises	Comment relating to a planning application is	No change
Owers	including changing to accommodation to help the local	noted and this therefore cannot be addressed	
	community	through the Guidance Note.	

Respondent Name	Consultation Response	Council Response	Change Made
Lorna Gilbert	I don't think you should be turning the salon into HMO flats as the salon owner has a right to do what she wants with the flat without someone telling her what to do, there are going to be enough HMO flats we don't need or want any more	Comment relating to a planning application is noted and this therefore cannot be addressed through the Guidance Note.	No change
Julie Massey	I have no problem whatsoever.	Comment noted.	No change
Susan Peters	I wish to support the conversion into flats, HMO, or rooms at 12 Beach Road.  To provide accommodation for unfortunate people, which will help give them a better place to stay and support their well being .	Comment relating to a planning application is noted and this therefore cannot be addressed through the Guidance Note.	No change
Lorraine Dickens	I have read the guidance. Lowestoft is deprived without a decent town centre. I have lived here for 25 years and have seen it's decline, The last thing we need is an issue with HMOs especially for people that are not local in my opinion so I am against this not that it will make any difference what I think.	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change

Respondent	Consultation Response	Council Response	Change Made
Name			
Chris Ryder	We need family houses. stop turning family homes into single person rooms.  children need housing more.	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change
Paul Sutton	Paragraph 6 & 7:  Lowestoft already has areas (as identified) of flat saturation zones and areas such as Beach Road already have large numbers of HMO's which are close to or exceed the levels of saturation. These levels of saturation numbers should not be treated as targets	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change
	Policy WLP8.4 identifies that properties should have no detrimental effect to adjoining family houses but fails to address any impact on housing in the immediate or surrounding areas.	The Guidance Note sets out that residential amenity is an important consideration in the determination of planning applications relating to the creation of HMOs.	
	Para 8.24 of the local plan states that a large proportion of HMO's can lead to unbalanced communities and amenity and environmental issues, but the wording only takes in to account individual roads but fails to consider the effect on surrounding streets in the immediate proximity when a number of streets have a high density of HMO's causing amenity, environmental and unbalanced community issues over a wider area.	The infrastructure capacity to accommodate development is a material consideration in the determination of planning applications and would therefore be considered through the planning process accordingly.  As set out in paragraph 11 of the Guidance Note, where the management of the HMO is integral to	

Respondent	Consultation Response	Council Response	Change Made
Name			
		the proposal, a personal permission can be	
	Density in "areas" needs to be considered to prevent	granted and secured by condition in appropriate	
	what was identified in the Centre for Social Justice report	circumstances.	
	"Turning the Tide" Turning-the-Tide.pdf		
	(centreforsocialjustice.org.uk) that came to the		
	conclusion that making seaside towns dumping grounds		
	for vulnerable people leads to a "poverty attracting		
	poverty" situation and areas of Balkanization within the		
	town. This could also lead to increased pressure on		
	already struggling health services, a lack of dental		
	services in the area is currently a topic of importance,		
	Police and Fire services come under increased pressure		
	as the numbers of occupants per building doubles or		
	triples the population of these areas, will there be extra		
	provision made for this?		
	Increasing the number of occupants per building also		
	puts extra pressure on amenities such as power, water		
	and sewerage supply. The town already has a creaking		
	Victorian sewerage system that frequently causes issues		
	and requires repair as it struggles to cope with current		
	demand, will there be provision for this?		
	Para 9(a) identifies 286 people under 35 in Feb2024 as in		
	need of 1 bed accommodation but there seems no		
	guarantee that any proposed HMO will benefit these local		
	people with any priority.		
	Para 10 many current HMOs don't appear to comply with		

Respondent	Consultation Response	Council Response	Change Made
Name			
	section a, car parking is disregard even though availability		
	of on road parking in the town is difficult to access for		
	most existing residents already.		
	Para 11 exceptional circumstances include (asylum		
	seekers, refugees etc.) and that management of the HMO		
	will be tied. What are the conditions of this management		
	and how closely will they be monitored and managed,		
	and by whom? Most of the large management companies		
	are very poor and lax in this already with nobody		
	specifying what this "management" involves or		
	scrutinising it. Again, issues associated with this are		
	highlighted in the Centre for Social Justice report.		
	It also appears that areas where applications are		
	currently being made are areas that surround the town		
	centre and areas that are currently being revitalised to		
	restore previously deprived areas and that consideration		
	should be made to what these applications will bring to		
	the area for the current residents rather than Lowestoft		
	becoming a dumping ground and levelling downwards		
	rather than up.		

Respondent Name	Consultation Response	Council Response	Change Made
Steven Griffin	My Father and I live at **address redacted** and object to the development of 47 London Road South Lowestoft Suffolk into an HMO.	Comment relating to a planning application is noted and this therefore cannot be addressed through the Guidance Note.	No change
	Occupants access on to London Road South - problems.		
	a. London Road South is a main access for traffic into the town, road blocks up with traffic at key times. The foot path is rather narrow, occupants could have scooters bikes etc which could access onto London Road South which at times blocks up with traffic accident would be waiting to happen.		
	b. Occupants could access onto St. Johns Road again narrow foot paths plus parked cars plus a one way street. Not suitable for extra traffic.		
	2. Access and number of occupants leading to lack of external amenities and noise.		
	3. Lack of space for wheelie bins, parking, bikes, cars, deliveries.		
	4. Lack of employment in the area.		
	5. Lack of sufficient medical assistance.		

Respondent	Consultation Response	Council Response	Change Made
Name			
Kate Watson	My concern primarily, but not solely, regards the Flat Saturation Zone of London Road South and Kirkley Cliff Road in Lowestoft. I feel reassured that the conditions outlined in the Guidance Note protect this area from further increases in residents and potentially their cars, by restricting the conversion of houses into more flats, bedsits, HMOs. This zone is indeed still flat-saturated, and it would be highly unwelcome to permit any further conversion of properties to bedsits/HMOs or flats from residential use on this street. I understand a formal change of use requires planning permission and hope that to be more than resisted but refused.  To outline the main concerns: 1) Parking on LRS remains an ongoing issue and I am regularly forced to park much further away on other streets - where parking is also limited - because there is not even one space on LRS within 150 metres some days. It is even worse in summer; 2) a near neighbouring house on LRS is suspected of being converted to flats/bedsits/HMO use because the builders have said so and are going in and out of the back alley carrying out works, including fitting cameras. This is very worrying; 3) Enhancement of the area has been a priority of the residents and the council policy alike and my family has spent enormous money on renovating our house, the facade and replacing windows. Regularly, passers by comment on how nice the houses and gardens are looking and this adds to the overall enhancement of the area. It would be foolish to	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).  The design quality of development proposals and their effect on the character and appearance of the area are material considerations and are therefore carefully considered through the planning application process.	No change

Respondent Name	Consultation Response	Council Response	Change Made
	change this approach, particularly when so many of our neighbours have also/are continuing to improve their houses they own and when so many years of effort have gone into reversing people's commitment to this street.  Thanks for reading this.		
Lowestoft Town Council	We would like to offer the following response to the above consultation.  Lowestoft Town Council is concerned that a recent internal review of the Waveney Local Plan determined that the plan was fit for purpose and did not need to be reviewed or consulted on externally. To now be consulted on what is a variation to Local Plan policy (WLP8.4) is surprising. Therefore, the Town Council's response to this consultation is that there should be no consideration of exceptional circumstances and that all applications to convert dwellings to HMO should be assessed against existing planning policy WLP8.4 and other existing planning policy and this should remain the position until there is a full consultative review of the Local Pan.	The Guidance Note cannot alter the policy position in relation the conversion or creation of HMOs. This could only be achieved through a review of the Waveney Local Plan. The purpose of the Guidance Note is to provide clarity on the circumstances that could be deemed exceptional in compliance with policy WLP8.4 (Conversion of Properties to Flats).	No change

#### **Appendix 2: Consultation Promotion Material**

#### Facebook - 7th August 2024



#### X - 7<sup>th</sup> August 2024



Home > News > Have your say on new planning document

#### Have your say on new planning document

Posted by on 7 August 2024 | Comments

East Suffolk residents and businesses are invited to have their say on a new planning document that provides guidance for the conversion of buildings to Houses in Multiple Occupation (HMO) in the former Waveney area.

A consultation on the draft HMO 'Exceptional Circumstances' Guidance Note, which provides guidance on the determination of planning applications for conversions of buildings to HMOs, begins on Wednesday 7 August.

HMOs can be the most affordable kind of accommodation, especially for those not eligible for other forms of affordable housing, but an over-proliferation of such properties and/or poor-quality conversions can sometimes cause amenity and other concerns.

Within the former Waveney area, where the Waveney Local Plan applies, applicants are therefore required to demonstrate 'exceptional circumstances' for the conversion of buildings to HMOs to be justified. This draft Guidance Note seeks to provide greater clarity and certainty as to how exceptional circumstances could, in principle, be demonstrated, recognising the scale of the housing affordability crisis.

Cllr Kay Yule, East Suffolk Council's cabinet member for Planning and Coastal Management, said:

"Houses in Multiple Occupation can offer a convenient and affordable option for many people, and there is a shortage of such accommodation, but these properties can also create potential concerns about local amenity and pressure on local services.

"That means that criteria against which proposals for a change of use to an HMO are considered require applicants to demonstrate exceptional circumstances.

"I would encourage residents and businesses to engage with this consultation and have their say on the Draft HMO 'Exceptional Circumstances' Guidance Note. If adopted, the document will be a material consideration in determining planning applications."

Comments on the Draft HMO 'Exceptional Circumstances' Guidance Note must be submitted by 5pm on Wednesday 18 September 2024.

You can view and comment on this consultation on the Planning Policy Consultations page of the East Suffolk Council website.

Comments can also be emailed to planningpolicy@eastsuffolk.gov.uk or sent to East Suffolk Council, Planning Policy and Delivery Team, Riverside, 4 Canning Road, Lowestoft, Suffolk NR33 0EQ.

Paper copies of the Draft HMO 'Exceptional Circumstances' Guidance Note have been made available for inspection at all libraries in the former Waveney district and the Council's Customer Service centres at The Marina, Lowestoft, and Woodbridge Library. For information on locations and opening hours please see the Suffolk Libraries website and Customer Services page on the East Suffolk Council website. Please note, the Council's other Customer Service centres do not have the facilities for the storage of consultation documents. However, physical copies are available at the libraries where these are located.

All comments received will be considered when finalising the HMO 'Exceptional Circumstances Guidance Note.

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