



Our Ref: A3965
 Your Ref: DC/19/00301
 25 June 2019

FAO Bradly Heffer
 Mid Suffolk District Council

(By email only)

Dear Mr Heffer

Application for Planning Permission – DC/19/00301

Proposal: Full Planning Application - Erection of a 'Mixed use Development' comprising; the erection of 3 detached residential dwellings and garages, the erection of 6 small industrial units (B1), and 1 main industrial unit (B2), all with associated parking, landscaping and boundary treatments.

Location: Land North East Of, Flordon Road, Creting St Mary, Suffolk

Artisan is instructed by Mr. R. & Mrs. J Boardley of Carlton, Flordon Road, Creting St Mary, Suffolk IP6 8NH to submit this letter by way of further representation in respect of the application described above. This letter covers one brief matter arising from the report to the Planning Committee and the requirement for a Traffic Regulation Order (TRO). The report suggests that requiring a TRO by condition is “not an appropriate method”. It is perhaps a bit more serious than that.

It is clear that Suffolk County Council’s absence of objection is conditional upon the implementation of a TRO. Indeed, the response in respect of the TRO is worded in exactly the same way as the rest of the required pre-commencement conditions. i.e. “Before any development commences a contribution of £10,000 shall be paid to the County Council towards the administration and implementation of the TRO”

The High Court held in *Catesby Estates Ltd and another v SSCLG and another* [2016] EWHC 593 (Admin), that an Inspector made no error in dismissing an appeal for a development that would have required a TRO by condition (see paras 110-114). There was no guarantee that a TRO would be granted. That is also true in the instance of the application for land off Flordon Road. It would be wholly inappropriate to predetermine the outcome of a TRO that needs to go through the proper, statutory consultation process. There is a real risk that the integrity of the TRO administrative/consultation process would be compromised if it appears prima facie, that it has already been predetermined by Suffolk County Council.



The application for planning permission must be assessed on the existing state of the roads and its current speed restrictions etc and not what it might be at some future date if and when a TRO is successfully imposed. If it is found that planning permission should only be granted if there is a successful TRO, then the TRO must be in place having completed its statutory consultation process and other related procedures in which my clients would expect to be consulted and given the opportunity to state their position. It simply cannot be assumed that the TRO would be successful and so any grant of planning permission that is contingent on the grant of a TRO is fundamentally flawed. It should be noted that the TRO is required by Suffolk County Council “in the interest of highway safety.”

Yours sincerely

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cc. Cllr Morley
Cllr Norris