

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

Mid Suffolk District Council
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REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Charles Church Ltd
Persimmon House
Orion Court
Great Blakenham
Ipswich
IP6 0LW
Suffolk

Applicant:

Charles Church Ltd
Persimmon House
Orion Court
Great Blakenham
Ipswich
IP6 0LW
Suffolk

Date Application Received: 16-Feb-18
Date Registered: 16-Mar-18

Application Reference: DC/18/00721

Proposal & Location of Development:

Full Planning Application- Erection of 45 no. dwellings and creation of new vehicular access, open space and associated infrastructure (amended application to previously withdrawn DC/17/02767).

Land On The South Side Of, Rags Lane, Woolpit, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled WOOL-SL01A received 16/02/2018 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Transport Statement Appendices - Received 12/04/2018
Drainage Details Foul and Surface Water Drainage Design
GO1160 DD Rev- - Received 19/09/2018
HOUSE TYPE B ES1 WOOL-EL02 - Received 16/03/2018
Tree Protection Plan WG NO OAS 15-189 TS01 A - Received 16/03/2018
Landscaping Plan P18-0243_01 A - Received 16/03/2018
HOUSE TYPE A WOOL-EL01 - Received 16/03/2018
HOUSE TYPE C ES1 WOOL-EL03 - Received 16/03/2018
HOUSE TYPE D ES2 WOOL-EL05 - Received 16/03/2018
HOUSE TYPE E ES2 WOOL-EL06 - Received 16/03/2018

HOUSE TYPE E ES3 WOOL-EL07 - Received 16/03/2018
HOUSE TYPE F ES3 WOOL-EL08 - Received 16/03/2018
HOUSE TYPE G ES2 WOOL-EL09 - Received 16/03/2018
HOUSE TYPE J ES1 WOOL-EL11 - Received 16/03/2018
HOUSE TYPE K ES1 WOOL-EL12 - Received 16/03/2018
STATEMENT OF COMMUNITY INVOLVEME - Received 16/03/2018
Reptile Survey - Received 16/03/2018
Transport Assessment - Received 16/03/2018
Flood Risk Assessment - Received 16/03/2018
PRELIMINARY ECOLOGICAL APPRAISAL - Received 16/03/2018
GROUND INVESTIGATION REPORT - Received 16/03/2018
ARBORICULTURAL IMPLICATIONS ASSE - Received 16/03/2018
ILLUSTRATIVE STREET SCENES - Received 16/03/2018
Proposed Site Plan WOOL-PL01A A - Received 16/02/2018
ARCHAEOLOGICAL DESK BASED ASSESS - Received 16/02/2018
Foul and Surface Water Long Sections G01160/02/101 A - Received 13/11/2018
Lagoon Sections and Detail G01160/02/103 - Received 13/11/2018
Foul and Surface Water Drainage Layout G01160/02/100 A - Received 13/11/2018
Surface Water Exceedance Flow Paths G01160/02/102 A - Received 13/11/2018
Application Form A - Received 16/02/2018
Site Location Plan WOOL-SL01 A - Received 16/02/2018
Defined Red Line Plan WOOL-SL01 A - Received 16/02/2018

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. The proposed development, by reason of the lack of pedestrian connectivity to local services, would not represent a sustainable location for residential development. The environmental harm is not outweighed by the public benefits of delivering 45 additional dwellings. On that basis the proposal would not constitute sustainable development, contrary to the National Planning Policy Framework and contrary to policies FC1 and FC1.1 of the Core Strategy Focused Review 2012 and policy CS6 of the Core Strategy 2008.
2. The proposed development would result in an unacceptable highway safety outcome by way of increased potential for vehicle and pedestrian conflict in Rags Lane and Drinkstone Road. This social and environmental harm is not outweighed by the public benefits of delivering 45 additional dwellings. On that basis the proposal would be unacceptable having regard to the National Planning Policy Framework and contrary to policy FC1.1 of the Core Strategy Focused Review 2012, and saved policies T9 and T10 of the Mid Suffolk Local Plan 1998.
3. The proposal would make inadequate provision contributions for infrastructure to ensure the burden of new development is mitigated. The applicants have not entered in to the necessary legal agreement, which is required to ensure the following are provided:

- The provision of 35% Affordable Housing
- Management Plan to deal with the provision and maintenance of open space
- Education contribution.

The Proposal is therefore contrary to the NPPF, saved Policy CS6 of the Mid Suffolk Core Strategy (2008), Policy FC1.1 of the Core Strategy Focused Review (2012) and saved Altered Policy H4 of the adopted Mid Suffolk Local Plan First Alteration.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

SB02 - Development appropriate to its setting
 GP01 - Design and layout of development
 H07 - Restricting housing development unrelated to needs of countryside
 H13 - Design and layout of housing development
 H15 - Development to reflect local characteristics
 H16 - Protecting existing residential amenity
 NPPF - National Planning Policy Framework
 CS01 - Settlement Hierarchy
 CS03 - Reduce Contributions to Climate Change
 CS04 - Adapting to Climate Change
 CS05 - Mid Suffolk's Environment
 CS06 - Services and Infrastructure
 CS09 - Density and Mix
 FC01 - Presumption In Favour Of Sustainable Development
 FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

NOTES:

1. The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area:

In this case the Local Planning Authority attempted to find solutions with the applicant but was not able to secure the necessary improvements to the highway needed that would have enabled the proposals to be considered more favourably.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start.

You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/18/00721

Signed: Philip Isbell

Dated: 1st February 2019

**Acting Chief Planning Officer
Growth & Sustainable Planning**

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.