

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:

Beech Architects
Church Farm Barn
The Street
Thorndon
IP23 7JR

Applicant:

Mr & Mrs Miller
C/o Beech Architects Limited

Date Application Received: 04-Dec-18

Application Reference: DC/18/05321

Date Registered: 05-Dec-18

Proposal & Location of Development:

Full Planning Application - Erection of 1no. dwelling with associated parking, landscaping, sewage treatment & creation of vehicular access. Erection of detached garage and annexe.

Land South Of, Mill Road, Buxhall, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 01 received 04/12/2018 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:

Defined Red Line Plan 01 - Received 04/12/2018
Proposed Site Plan 13 G - Received 04/12/2018
Floor Plan - Proposed 14 H - Received 04/12/2018
Elevations - Proposed 15 G - Received 04/12/2018
Proposed basement and section. 18 F - Received 04/12/2018
Elevations - Proposed 19 F - Received 04/12/2018
Application Form - Received 04/12/2018
3D/Axonometric Drawings 21 B - Received 04/12/2018
Proposed Elevational Detail. 20 D - Received 04/12/2018
Design and Access Statement - Received 04/12/2018
Land Contamination Questionnaire - Received 04/12/2018
Land Contamination Assessment 188042232_1_1 - Received 04/12/2018

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 subject site is an unsustainable location for residential development, being car dependent and physically isolated from nearby services. The proposal does not constitute sustainable development contrary to Policy FC1 and Policy FC1.1 of the Core Strategy Focused Review 2012 and paragraphs 11 and 79 of the National Planning Policy Framework 2018.
2. The proposed dwelling is on a site which is currently undeveloped and which positively contributes to the setting of many nearby listed buildings and reinforces the rural context in which they stand. The proposal would introduce modern development into this undeveloped land which would fundamentally detract from the setting of the adjacent listed buildings, thereby being harmful to the significance of the designated heritage asset and contrary to Policy HB1 and HB3 of the Mid Suffolk Local Plan 1998, Policy CS5 of the Core Strategy 2008, the National Planning Policy Framework 2018 and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
3. The submitted Planning, Design and Access Statement makes only a minimal assessment of the nearby designated heritage assets, their settings and the potential impacts of the proposal. It is therefore considered that the application does not meet the requirements of paragraph 189 of the National Planning Policy Framework (NPPF) which requires the applicant to describe the significance of any heritage assets affected. Notwithstanding this, it is considered that the proposal does not meet the requirements of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor the policies within the NPPF and the Local Plan which seek the conservation of heritage assets, including their setting. The proposal does not provide clear and convincing justification for the development and the public benefit of the proposal is not considered to outweigh the harm caused to the setting of the many nearby listed buildings.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
GP01 - Design and layout of development
H07 - Restricting housing development unrelated to needs of countryside
H07 - Restricting housing development unrelated to needs of countryside
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
CL08 - Protecting wildlife habitats
RT12 - Footpaths and Bridleways
T09 - Parking Standards
T10 - Highway Considerations in Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

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 applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

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/18/05321

Signed: Philip Isbell

Dated: 6th March 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.