

Philip Isbell – Chief Planning Officer  
Sustainable Communities

Mid Suffolk District Council  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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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

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**Correspondence Address:**

Beech Architects  
Church Farm Barn  
The Street  
Thorndon  
IP23 7JR

**Applicant:**

Mr & Mrs Miller  
C/o Agent

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**Date Application Received:** 15-Jul-19

**Application Reference:** DC/19/03352

**Date Registered:** 16-Jul-19

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**Proposal & Location of Development:**

Planning Application - Erection of 1no off-grid sustainable dwellinghouse with parking, landscaping, sewage treatment and improved vehicular access. Erection of detached garage and annexe.

Land South Of, Mill Road, Buxhall, Suffolk IP14 3DW

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 01A received 15/07/2019 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 A - Received 15/07/2019  
Plans - Proposed 14 I - Received 15/07/2019  
Elevations - Proposed 15 G - Received 15/07/2019  
Proposed Site Plan 16 I - Received 15/07/2019  
Block Plan - Proposed 17 I - Received 15/07/2019  
Proposed basement and section 18G - Received 15/07/2019  
Elevations - Proposed 19 F - Received 15/07/2019  
Elevations - Proposed 20 D - Received 15/07/2019  
3D/Axonometric Drawings 21 C - Received 15/07/2019  
Proposed visuals 22 C - Received 15/07/2019  
Roof Plan - Proposed 23 C - Received 15/07/2019

Village context 24 A - Received 15/07/2019  
Landscaping Plan 18134-D3-01 04 - Received 15/07/2019  
Landscaping Plan 18134-D3-02 04 - Received 15/07/2019  
Landscaping Plan 18134-D3-05 04 - Received 15/07/2019  
Landscaping Plan 18134-D3-06 04 - Received 15/07/2019  
Application Form - Received 15/07/2019  
Heritage Statement Version 5.0 9th July 2019 - Received 15/07/2019  
Heritage Statement Version 6.0 29th August 2019 - Received 02/09/2019  
Design and Access Statement - Received 15/07/2019  
Supporting Statement - Received 15/07/2019

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## **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 proposal to develop the site would extend development to the south, into undeveloped land. It would impinge upon this land which is currently flanked by historic and listed buildings which positively contribute to the setting of many nearby listed buildings and the rural context in which they stand.

Views through and across the land, also experienced via public footpaths, would be commuted, reducing the experience and appreciation of both the Church and the intervisibility of many of the listed buildings flanking the site. The site's character as an undeveloped field is fundamental to its contribution to the setting of many of the listed buildings, and as such the principle of the proposal is not supported.

In terms of the NPPF, the scheme is considered to cause a medium level of less than substantial harm to the designated heritage assets and this level of harm is not considered to be outweighed by the limited public benefit of a single dwelling. The harm is not supported by any clear or convincing justification. The scheme would not preserve the settings of the nearby listed buildings.

The proposal is contrary to the requirements of the National Planning Policy Framework 2018, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Policy HB1 of the Mid Suffolk Local Plan 1998 and Policy CS5 of the Core Strategy 2008.

## **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  
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  
T09 - Parking Standards  
CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering 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. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any 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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/19/03352

**Signed: Philip Isbell**

**Dated: 1st October 2019**

**Chief Planning Officer  
Sustainable Communities**

## 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.