

Consultee Comments for Planning Application DC/20/01438

Application Summary

Application Number: DC/20/01438

Address: Stonham Barns Pettaugh Road Stonham Aspal Stowmarket Suffolk IP14 6AT

Proposal: Full Planning Application - Change Use of land for the stationing of 5 holiday lodges.

Case Officer: Bron Curtis

Consultee Details

Name: Mrs Alison Green

Address: Granary Cottage, Mill Green, Stonham Aspal Stowmarket, Suffolk IP14 6DA

Email: sapc.clerk@yahoo.co.uk

On Behalf Of: Stonham Aspal Parish Clerk

Comments

Members unanimously agreed to object to this application on the grounds that it falls outside of the area previously agreed under the Master Plan for Stonham Barns. It contravenes national planning policy frame work in that it is not proportionate and sustainable (MSDC Chief Planning Officer has acknowledged that the development is unsustainable).

There is also a need for developments need to be carbon neutral and as all units are heated with and cook with gas this would not be the case.

The council members have concerns over the water supply which is possibly via un licenced boreholes. In addition, there are question marks over the robustness of the electricity and foul water infrastructure within the site, as evidenced during 2019 with onsite power outages and overflow of foul water into surrounding ditches and water courses

It also represents the loss of agricultural land.

Bron Curtis
Planning Case Officer
Planning Blue
Growth and Sustainable Planning
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

14 May 2020

Dear Sirs

*Your reference: **DC/20/01438** Application for planning permission for change of use of land for the stationing of five holiday lodges*

Location: Stonham Barns, Pettaugh Road, Stonham Aspal

Thank you for your email inviting the Parish Council to comment on the above application by 14 May 2020. The Parish Council wish to **OBJECT** to the application.

Whilst the Parish Council supports good growth and sustainable development, this latest application to provide five additional holiday lodges on protected greenfield land is yet another cynical and disingenuous attempt to circumvent and misuse the planning regime. In summary, the proposal is contrary to the development plan, it is an archetype of unsustainable development and there are no material considerations weighing in support of it. The piecemeal increase would result in material adverse effects and the cumulative effects would be significant adverse. The grounds of the Parish Council's objection as follows:

The Parish Council's assessment of the development proposal

The application site is outside the settlement boundary of Stonham Aspal, in planning policy terms it is countryside. Development in the countryside is restricted. One of the very limited exceptions to this prohibition is 'recreation and tourism' but even then leisure and tourism uses are only acceptable if they do not cause significant harm to residential amenity, highway safety, wildlife interests or the character and appearance of the landscape.

The planning permission reference 3150/15 issued on 12 October 2018 ('master planning permission') was hailed as a new chapter in this site's planning history encompassing and addressing all the matters considered outstanding at that time, covering both new development and the regularisation of all unauthorised development on the site. The various elements covered by the master planning permission have been carefully assessed and the conditions attached to it were imposed to minimise and mitigate the development's impact on the surrounding area, whether by reason of visual, amenity, highway safety, environmental, heritage etc. impacts. The location and number of the holiday lodges were a very important part of the planning balance. The number and location of the lodges were set by the masterplan for the whole site to ensure that there is no harmful overdevelopment at the site, that the development does not have unacceptable impacts,

for example, on the landscape and that the living conditions of those occupying the holiday lodges are not compromised.

The importance of the location and number of the holiday accommodation units was clear in the local planning authority's consideration of that application and the decision, as any intensification of use would have a significant adverse material effect. The Parish Council notes that the planning statement describes the proposed location as a 'gap' and the development as 'infilling an existing gap'. This is completely misleading and disingenuous. The proposed five additional units would be on open greenfield land, outside even of the limited visual shielding effect of the landscaping bund, a further unacceptable encroachment into the countryside landscape. It would lead to unacceptable visual impact in the locality as it is closer to and would be clearly visible from the highway adding to the clutter and visual intrusion at the site. It would also set a wholly unacceptable precedent.

The Parish Council considers that the proposed five additional holiday lodges would cause significant harm to visual amenity, residential amenity and the environment. It would also lead to the intensification of the use and would enable unacceptable overdevelopment on an already unsuitable site in the countryside outside the settlement boundary. Whilst the scale of the proposed development, at first glance, appears modest when considered in the context of the Stonham Barn site and with the cumulative impacts it would be a fully unsustainable development. Surely the applicant's continuing salami slicing tactics must be recognised for what they are. The proposed development is contrary to the statutory development plan.

In addition, the proposed development is not a sustainable development. The proposed development fails all three dimensions of the NPPF's sustainability test. The economic dimension, the jobs at Stonham Barns have been used over and over again by the applicant with scant evidence. Economic benefit (if any) from five additional units is minimal. The only visible full time equivalent job that appears to be supported by the developments is that of the planning agent. The social dimension is again completely lacking, and the environmental dimension is negative as the proposal will lead to further loss of greenfield land and adverse impact on the environment both natural and built.

Environmental Impact Assessment

The Parish Council considers that the development is potentially an EIA development because of the cumulative developments at the site. The Parish Council have been unable to locate on the planning register a copy of a screening submission. The Parish Council would be grateful for clarification.

Conclusion

The Parish Council objects to the above application and respectfully requests the local planning authority to refuse the application. The proposed development is contrary to the development plan, it is completely unsustainable and there are no material considerations to outweigh this.

Yours faithfully

Pettaugh Parish Council Planning

cc. Stonham Aspal Parish Council

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 15 April 2020 10:40
To: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>
Subject: DC/20/01438 Consultee Response

Dear Sir/Madam

Application ref: DC/20/01438
Our ref: 314306

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Julian Clarke
Consultations
Natural England
Hornbeam House, Electra Way
Crewe Business Park
Crewe, Cheshire CW1 6GJ

tel 0300 060 3900
email consultations@naturalengland.org.uk

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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Your Ref:DC/20/01438
Our Ref: SCC/CON/1432/20
Date: 24 April 2020



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Bronwen Curtis

Dear Bronwen

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/01438

PROPOSAL: Full Planning Application - Change Use of land for the stationing of 5 holiday lodges.

LOCATION: Stonham Barns, Pettaugh Road, Stonham Aspal, Stowmarket Suffolk IP14 6AT

ROAD CLASS:

We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. Therefore, the County Council as Highways Authority, does not wish to restrict the grant of permission.

Yours sincerely,

Samantha Harvey

Senior Development Management Engineer

Growth, Highways and Infrastructure

Mid Suffolk District Council
Planning Department
Endeavour House
Russell Road
Ipswich
IP1 2BX

Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Your Ref:
Our Ref: FS/F200936
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 22/05/2020

Dear Sirs

Stonham barns, Pettaugh Road, Stonham Aspal, Stowmarket IP14 6AT
Planning Application No: DC/20/01438/FUL

I refer to the above application.

The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

Suffolk Fire and Rescue Authority recommends the use of an existing area of open water as an emergency water supply (EWS).

Criteria appertaining to Fire and Rescue Authority requirements for siting and access are available on request from the above address.

/continued

OFFICIAL

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

Copy: info@philcobboldplanning.co.uk

Consultation Response Pro forma

1	Application Number	DC/20/ 01438	
2	Date of Response	29 April 2020	
3	Responding Officer	Name:	Dawn Easter
		Job Title:	Economic Development Officer
		Responding on behalf of...	Economic Development Team
4	Recommendation Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	<p>The Economic Development Team</p> <p>No Objection</p>	
5	Discussion Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>The tourism and visitor economy is a key sector for both this Council and the whole of Suffolk. The Babergh & Mid Suffolk ‘Open for Business Strategy’ works towards strengthening the visitor economy.</p> <p>In light of the planning history on this site, we recognise the need for planning conditions to ensure that tourism accommodation does not enable a residential type use. We therefore recommend the use of flexible occupancy restrictions that enable an all-year round use but protects it’s use for tourism visitors only, such as the recommended condition below.</p>	
6	Amendments, Clarification or Additional Information Required (if holding objection) If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate		
7	Recommended conditions	<i>No person/s shall occupy any of the units for more than 28 consecutive days or re-occupy any unit on the site at any time during the first 28 days following their most recent stay. The accommodation shall not be occupied as a person’s sole or main place of residence. The site</i>	

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

		<i>owners/operators shall maintain an up to-date register of the names of all occupants of the accommodation and of their main home addresses together with vehicle registration which shall be kept in a register, a copy of which shall be made available to the Local Planning Authority for inspection at any time.</i>
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Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>

Sent: 09 April 2020 09:32

To: Bron Curtis <Bron.Curtis@babberghmidsuffolk.gov.uk>

Subject: DC/20/01438. Land Contamination

Dear Bron

EP Reference : 274905

DC/20/01438. Land Contamination

Stonham Barns Leisure Complex, Stonham Barns, Pettaugh Road, Stonham Aspal, STOWMARKET, Suffolk, IP14 6AT.

Change Use of land for the stationing of 5 holiday lodges.

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk

Work: 07769 566988 / 01449 724715

websites: www.babergh.gov.uk www.midsuffolk.gov.uk



Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
 - re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment;
 - or
 - treatment of material on site to meet compliance targets so it can be re-used;
 - or
 - removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

From: David Harrold <David.Harrold@baberghmidsuffolk.gov.uk>

Sent: 21 April 2020 10:23

To: BMSDC Planning Mailbox <planning@baberghmidsuffolk.gov.uk>

Cc: Bron Curtis <Bron.Curtis@baberghmidsuffolk.gov.uk>

Subject: Plan ref DC/20/01438 Stonham Barns, Pettaugh Road, Stonham Aspal. Environmental Health - Noise/Odour/Light/Smoke.

Thank you for consulting me on the above application for the stationing of 5 holiday lodges.

I can confirm with respect to noise and other environmental health issues that I do not have any adverse comments and no objection to the proposed development.

David Harrold MCIEH
Senior Environmental Health Officer

Babergh & Midsuffolk District Councils
t: 01449 724718
e: david.harrold@baberghmidsuffolk.gov.uk

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>

Sent: 09 April 2020 09:20

To: Bron Curtis <Bron.Curtis@babberghmidsuffolk.gov.uk>

Subject: DC/20/01438. Air Quality

Dear Bron

EP Reference : 274907

DC/20/01438. Air Quality

Stonham Barns Leisure Complex, Stonham Barns, Pettaugh Road, Stonham Aspal, STOWMARKET, Suffolk, IP14 6AT.

Change Use of land for the stationing of 5 holiday lodges.

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that the scale of the development is not of a scale that is likely to adversely impact on the existing good air quality at the location and as such I have no objection to the proposed development.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk

Work: 07769 566988 / 01449 724715

websites: www.babergh.gov.uk www.midsuffolk.gov.uk



Philip Isbell - Corporate Manager
Growth & Sustainable Planning

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

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION

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

Correspondence Address:

Philip Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
Suffolk
IP11 9HB

Applicant:

Stonham Barns
Pettaugh Road
Stonham Aspal
Suffolk
IP14 6AT

Date Application Received: 02-Sep-15

Application Reference: 3150/15

Date Registered: 08-Jun-16

Proposal & Location of Development:

Hybrid application (full & outline planning permission). I. Variation of condition 2 of planning permission 655/02 to enable the existing showground (area outlined in yellow on the submitted plan) to operate between the hours permitted by the Licence granted by the Council on 10/10/2014; II. Outline planning for erection of new building as an indoor child play area (Class D2) on land adj to building No 24; III. Retention of a single storey extension to Unit 11 (Class A1); IV. Retention of retail pods (Class A1/A2/B1) in market square (buildings labelled A, B, C, D, E, PC7(G), PC5(E), PC4(D), PC1,2,3,4,5,6,7 (A,B,C) and PCF6(F) on submitted plan; V. Use of land for stationing of 51 static caravans for holiday use on land adj to west of dog training area (Identified as R1 to R51 on the submitted plan). VI. Use of land for stationing of 34 static caravans for holiday use (owner occupied) subject to restriction preventing occupation for one month of the year, on land west of Meerkat enclosure (identified as units 0 to 33 on the submitted plan); VII. Continued use of land for touring caravans (area outlined as orange on the submitted plan); VIII. Continued use of land as extension to the existing showground and/or for use as touring caravan site; IX. Continued use of land for car boot sales on Sundays (taking place at Car Park A, car Park B or the showground); X. Repositioning of earth bund on northern side of existing fishing lake No 1; XI. Use of land adj for stationing of 76 holiday lodges (owner occupied) with no occupation for one month of the year (identified as LO1 to LO45 and LO57 to LO86 on the submitted plan); XII. Use of land for stationing of 11 holiday lodges for rental (Lodges LO46 to LO56); XIII. Retention of alterations to existing field shelters to form stables; XIV. Use of land as Car Parks A & B and extension to hardstanding; XV. Retention of alterations and extension to permanent marquee on the showground to form events barn; XVI. Landscaping

Stonham Barns, Pettaugh Road, Stonham Aspal, IP14 6AT

Section A – Plans & Documents:

This decision refers to drawing no./entitled 0416/051/01 received 20/02/2017 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 0416/051/01 - Received 20/02/2017
Bund Section 477/2 - Received 18/05/2016

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. **FULL PLANNING PERMISSION - FOR THE AVOIDANCE OF DOUBT, THE FOLLOWING CONDITIONS TWO TO TWENTY-FOUR RELATE SOLELY TO THE FULL ELEMENT OF THIS HEREBY APPROVED DEVELOPMENT.**
2. The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. SUBMISSION OF DETAILS: EXTERNAL LIGHTING SCHEME

The use of land hereby permitted shall cease and all equipment, caravans/lodges and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within six months of the date of this decision an external lighting scheme which provides details (location, make, model, luminance level) of lighting to be provided throughout the site to aide pedestrian access and any new lighting to be provided to the car parks (A and B) and lodges in the eastern field and surrounding the fishing lake (LO1 to LO80 as shown on the approved masterplan 0416/051/01) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of pedestrian safety throughout the site and to ensure lighting levels for the car park and lodges do not harm the interests of protected species.

4. SUBMISSION OF DETAILS: SCHEME OF FLOODLIGHTING TO SHOWGROUND

The use of land hereby permitted within the yellow line on the approved masterplan (0416/051/01) shall cease to be used as a showground and any equipment brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within six months of the date of this decision a flood lighting scheme which provides details of operation in connection with events (frequency/hours of use, location, make, model, direction of luminance and level) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of visual and residential amenity (as also required under consent 655/02).

5. SUBMISSION OF DETAILS: SCHEME FOR PROVISION OF FIRE HYDRANTS

The site shall cease to be used for any of the uses hereby approved and any equipment brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within six months of the date of this decision a scheme for the provision of fire hydrants shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of public safety, to ensure that adequate water supplies can be accessed in the event of a fire on the premises.

6. SUBMISSION OF DETAILS: EVENT MANAGEMENT PLAN

The use of land for car boot sales and/or any uses in connection with events held on the show ground or events barn hereby approved (activities in car parks A and B, the Events

Barn and land within the yellow and orange lines as shown on approved master plan no. 0416/051/01 received 20th February 2017) shall cease and all equipment and materials brought onto the land for the purposes of such uses shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within six months of the date of this decision an Events Management Plan shall be submitted to the LPA for approval to include the following:
 - details of how vehicular access/egress will be managed,
 - how activities such as ticket collections which may affect the free flow of traffic through the site will be managed
 - the details of internal circulation routes for smaller events, event days (events which involve +500 persons in attendance)
 - events held in the event barn and as car boot sales.
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved plan shall be implemented from the next event following the date of approval by the LPA and shall be carried out and completed in accordance with the approved timetable.

Reason: To ensure the proposal is implemented in accordance with the Event Management Plan to ensure amenity is safeguarded and the overall aim of reducing the potential for congestion occurring to the A1120.

7. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: DISPOSAL OF SURFACE WATER

Within three months of the date of this permission, or within an alternative timetable agreed in writing by the Local Planning Authority, details of the strategy for the disposal of surface water on the site and timetable for implementation shall have been submitted to in writing to the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

8. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: MAINTENANCE & MANAGEMENT STRATEGY

The strategy submitted under condition 7 for the disposal of surface water on the site shall be implemented and thereafter managed and maintained in accordance with the details as may be approved by the Local Planning Authority.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

9. DETAILS OF SUSTAINABLE URBAN DRAINAGE SYSTEM

Within three months of the date of this permission details of all Sustainable Urban Drainage System components and piped networks shall have been submitted, in an approved form, for approval in writing by the Local Planning Authority and inclusion on the

Lead Local Flood Authority's Flood Risk Asset Register. The details shall be carried out as agreed within three months of approval.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

10. SUBMISSION OF DETAILS: LANDSCAPING

The use of land for stationing of lodges numbered LO1 to LO80 (Lodges sited in the field to the east and around the fishing lakes) and the use of land for car boot sales and car parking hereby permitted shall cease and all equipment, lodges and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within six months of the date of this decision a landscaping scheme which: a) confirms retention or replacement of the hedgerow to the southern boundary of the eastern field in order to provide additional visual screening; b) details improvements to the hedgerow to the north of the eastern field, and improvements to the hedgerow to the north of Car Parks A and B in order to provide additional visual screening; c) details additional landscape planting to the bund shown on the approved plans to the north and west of lodges LO4 to LO22; d) details additional landscaping within the eastern field to visually screen lodges LO23 to LO80 (inclusive); e) provides confirmation of proposed ecological mitigation measures (including location of bird and bat boxes), and details of trees to be retained and their protection in all areas within the site east of the main access road/driving range; and f) details the additional landscaping around lodges L80 to L86; shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of visual amenity; to ensure the landscaping measures are delivered to mitigate the undesirable visual effects of the lodges and car parking in views from the A1120.

11. SPECIFIC REQUIREMENT: RETENTION OF LANDSCAPING

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing as approved in connection with condition 10 of this consent), which die, are removed, become seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species for the duration that any of the land continues to be used for the stationing of holiday lodges (lodges LO1-LO80 & L80 - L86) as shown on approved masterplan no. 0416/051/01 dated 20/02/2017).

Reason: In the interest of visual amenity; to ensure that the holiday lodges continue to be screened whilst the land is being used for the stationing of them.

12. PRIOR TO INSTALLATION: DETAILS OF HARD SURFACING TO CAR PARKS A AND B

Prior to the installation of any hard surfacing to Car Parks A and B, the details of the location, construction, materials to be used and any strategy for surface water drainage for these areas only shall have been submitted to, and approved in writing by, the local planning authority.

Reason - In the interests of visual amenity and protection of the local environment; to ensure the hard surfacing is acceptable in appearance and does not exacerbate surface water flooding issues.

13. SPECIFIC RESTRICTION UPON USE: CAR BOOT SALES

Notwithstanding the submitted details, and the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015, Part 4 (temporary uses of land), (or any Order revoking and re-enacting that Order with or without modification) the use of the land defined as car parks A and B, as shown on the approved masterplan, in connection with car boot sales shall only occur:

- on Sundays and;
- between the hours of 7.30am and dusk and;
- between 1st March to 31st October inclusive.

Outside of these days/times no members of the public or their vehicles and/or equipment shall be present on the land defined as car parks A and B, as shown on the approved masterplan, in connection with the hereby approved use for car boot sales.

Reason: in the interests of highway safety and residential amenity.

14. SPECIFIC RESTRICTION UPON USE: HOURS OF NOISE GENERATED BY SHOWGROUND USE

Any amplified sound or music based entertainment noise shall only be generated within the yellow line (as shown on drawing number 0416/051/01 received 20th February 2017) between 09.00 hours and 23.00 hours daily and there shall be no amplified sound or music based entertainment noise generated outside of these hours except in the following instances unless otherwise submitted to and agreed in writing with the Local Planning Authority:

- a. Christmas Eve - the hours of use shall be 08.00am to 00.00am (Midnight)
- b. Saturday and Sunday of a bank holiday weekend - the hours of use shall be 08.00am to 00.00am (Midnight)
- c. New Year's Eve - the hours of use shall be 08.00am to 01.30am.

Reason: To ensure that noise from the combined newly extended showground use and longer hours of the existing showground hereby permitted do not harm the residential amenity of occupants of nearby residential properties over the course of a day.

15. SPECIFIC RESTRICTION UPON USE: NOISE PRIOR TO 21:00 HRS

Prior to 21.00 hours on any day the LAeqT of the amplified sound or music based entertainment noise generated within the area defined by the yellow line (as shown on drawing number 0416/051/01 received 20th February 2017) shall not exceed by more than 10 dB(A) the representative background noise LA90 (without entertainment noise) at 1metre from the façade of any neighbouring noise sensitive dwelling or premises and shall

not exceed 52 dB LAeqT at the western boundary of the site. Time period T will be 15 minutes.

Reason: To ensure that noise from the combined newly extended showground use and longer hours of the existing showground hereby permitted do not harm the residential amenity of occupants of nearby residential properties over the course of a day.

16. SPECIFIC RESTRICTION UPON USE: NOISE AFTER 21:00 HRS

After 21.00hrs in the evening the LAeqT of the amplified sound or music based entertainment noise generated within the area defined by the yellow line (as shown on drawing number 0416/051/01 received 20th February 2017) shall not exceed by more than 5 dB(A) the representative background noise LA90 (without entertainment noise) at 1 metre from the façade of any neighbouring noise sensitive dwelling or premises and shall also not exceed 52dB LAeqT as measured at any point on the western boundary of the site. Time period T will be 15 minutes

Reason: To ensure that noise from the combined newly extended showground use and longer hours of the existing showground hereby permitted do not harm the residential amenity of occupants of nearby residential properties over the course of a day.

17. SPECIFIC RESTRICTION UPON USE: SHOW GROUND USE

The use of the site as a show ground shall only take place within the area contained within the yellow line on the approved drawing no. 0416/051/01 received 20th February 2017 and such use shall not occur outside of this area.

Reason: In the interests of residential amenity, to control the extent of the use and its subsequent effects such as traffic and noise.

18. SPECIFIC RESTRICTION UPON USE: TOURING CARAVAN USE

The touring caravan use shall only operate within the yellow and orange lines as shown on approved drawing no. 0416/051/01 (received 20th February 2017) and no caravan shall remain on the site for more than 28 days or return to the site (land shown within the red line) within 28 days of their last stay.

Reason: In the interests of tourism and the local economy; to ensure the caravans are used as bona fide holiday accommodation.

19. SPECIFIC RESTRICTION UPON USE: BREAK PERIOD FOR LODGES/STATICS

Notwithstanding the submitted information, the static caravans hereby approved (labelled 0-33 and R1-R46 on the approved masterplan) and the holiday lodges hereby approved (labelled LO1-LO80 & L80-L86) on the approved masterplan) shall not be occupied at all, or used as holiday accommodation, between 31st December and 1st February inclusive in any calendar year.

Reason: In order to ensure the caravans/lodges are used as bona fide holiday accommodation in the interests of amenity, tourism and the local economy.

20. SPECIFIC RESTRICTION UPON USE: REGISTER OF BOOKINGS

The static caravans, touring caravans or holiday accommodation uses hereby approved (the extent of which is described in conditions 18 and 19 of this consent) shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence. The owners/operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/lodges/holiday accommodation on the entire site (as shown within the red line), and their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason - In order to ensure that holiday accommodation is used as such in the interests of amenity, promoting tourism and the local economy.

21. SPECIFIC RESTRICTION UPON USE: OVERALL NUMBERS AND LOCATIONS OF STATIC CARAVANS AND LODGES

The static caravans hereby approved (labelled 0-33 and R1-R46 on the approved masterplan) and the holiday lodges hereby approved (labelled LO1-LO80 & L80-L86) on the approved masterplan) shall only be located as shown on drawing number 0416/051/01 (the approved masterplan received 20th February 2017) and shall not be relocated, resited or overall numbers increased beyond that shown on this plan.

Reason: In the interests of residential amenity, visual amenity and protection of the local environment; to ensure the impacts do not increase and remain sufficiently mitigated.

22. SPECIFIC RESTRICTION UPON USE: RETAIL, PROFESSIONAL SERVICES & LIGHT INDUSTRIAL ONLY

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 Part 3 (or any Order revoking and re-enacting that Order with or without modification) the units located in the market square (buildings labelled A, B, C, D, E, PC7(G), PC5(E), PC4(D), PC1,2,3,4,5,6,7 (A,B,C) and PC6(F) on approved drawing number 0416/051/01) shall only be used for A1 (retail), A2 (professional services) and/or B1 (light industrial) use and shall not be used for any other purpose.

Reason - In order that the local planning authority may retain control of the uses operating from the units, in the interests of residential amenity and to ensure the uses remain consistent with the requirements of local and national policy.

23. SPECIFIC RESTRICTION UPON USE: MAIN ACCESS ONLY

Vehicular access to the site shall only be via the existing junction as identified on approved drawing number 0416/051/01 (received 20th February 2017) as lying between Car Park A and Unit 27.

The emergency access (approved under application reference 655/02) at the western boundary of the site shall not be open to public use or used for any purpose unless an emergency.

There shall be no vehicular entry to the site via the accesses marked on drawing number 0416/051/01 (received 20th February 2017) labelled as Access 1, Access 2 and Access 3.

Reason - In the interests of public safety, highway safety and the avoidance of doubt concerning what has been approved.

Note: Emergency is defined as a serious, unexpected, and/or dangerous situation that poses an immediate risk to health and/or life needing immediate action. The emergency access should not be planned to be used at any time.

24. SPECIFIC RESTRICTION UPON USE: USE OF NORTH/EASTERN FIELD WHERE LODGES LO23-LO50 TO REMAIN AGRICULTURAL

Notwithstanding the submitted details, the land within the red line that is located to the north and east of lodges LO23-LO50 (as shown on the approved masterplan no. 0416/051/01) shall remain in agricultural use only unless otherwise permitted through the grant of planning permission.

Reason: For the avoidance of doubt concerning what has been approved; a change of use of the remaining field outside of where the holiday lodges are immediately located has not been authorised.

25. **OUTLINE PLANNING PERMISSION - FOR THE AVOIDANCE OF DOUBT, THE FOLLOWING CONDITIONS TWENTY-SIX TO THIRTY-TWO RELATE SOLELY TO THE OUTLINE ELEMENT OF THIS HEREBY APPROVED DEVELOPMENT.**

26. The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

27. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the indoor children's play area building (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

28. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved

matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

29. SPECIFIC RESTRICTION UPON USE: CHILDRENS INDOOR PLAY AREA ONLY

Notwithstanding the provisions of Article 3, Schedule 2, Part 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved children's indoor play area shall be used as such and for no other purpose including any other purpose in Class D2 (assembly and leisure) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

30. SPECIFIC RESTRICTION UPON DEVELOPMENT: SIZE OF BUILDING

The floor area of the indoor children's play area building hereby approved shall not exceed 280m square overall and the maximum ridge height shall not exceed 5m unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and protection of the setting of the adjacent listed building Brambly Hedge.

31. SPECIFIC RESTRICTION UPON DEVELOPMENT: MATERIALS

The external materials applied to the hereby approved indoor children's play area building shall only be black stained weatherboarding to the walls and red pantiles to the roof unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and protection of the setting of the listed building, Brambly Hedge; to ensure the materials are traditional and in keeping with their surroundings.

32. ACTION REQUIRED PRIOR TO COMMENCEMENT OF BUILDING WORKS:
LANDSCAPE PROTECTION

Prior to the construction of the Indoor Childrens Play Area building the existing tree/s on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping that is submitted concurrently with the reserved matters, shall be protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been approved, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first available planting season, or in accordance with such other arrangement as may be approved, in writing,

with the Local Planning Authority up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

Reason - For the avoidance of damage to protected tree/s around the play area included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
CL11 - Retaining high quality agricultural land
CL12 - The effects of severance upon existing farms
CL14 - Use of materials for agricultural buildings and structures
T09 - Parking Standards
T10 - Highway Considerations in Development
H16 - Protecting existing residential amenity
E06 - Retention of use within existing industrial/commercial areas
E08 - Extensions to industrial and commercial premises
E09 - Location of new businesses
E11 - Re-use and adaption of agricultural and other rural buildings
E12 - General principles for location, design and layout
RT11 - Facilities for informal countryside recreation
RT16 - Tourism facilities and visitor attractions
RT17 - Serviced Tourist Accommodation
RT18 - Touring Caravan and Camping Sites
RT19 - Static Caravans and Holiday Chalets
SB02 - Development appropriate to its setting
GP01 - Design and layout of development
E10 - New Industrial and commercial development in the countryside
New Industrial and commercial development in the countryside
NPPF - National Planning Policy Framework

NOTES:

1. DRAINAGE NOTE

Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991

Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution

Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act

Outline planning application for the erection of new building to be used as an indoor children play area (Class D2) on land adjacent to building No24. - SCC require a surface water drainage strategy for this element of the application if the new building is 1000sqm or more.

2. SECTION 106 NOTE

This planning permission has been granted having regard to a related Section 106 planning obligation. Reference should be made to that planning obligation in conjunction with this decision notice.

3. STATEMENT OF 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: 3150/15

Signed: Philip Isbell

Dated: 12th October 2018

**Corporate Manager
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

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.