

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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REFUSAL OF OUTLINE PLANNING PERMISSION

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

Correspondence Address:

Philip Cobbold
42 Beatrice Avenue
Felixstowe
IP11 9HB
United Kingdom

Applicant:

David Black & Son Ltd
C/o Phil Cobbold Planning Ltd
42 Beatrice Avenue
Felixstowe
IP11 9HB
United Kingdom

Date Application Received: 03-Feb-22

Application Reference: DC/22/00594

Date Registered: 04-Feb-22

Proposal & Location of Development:

Application for Outline Planning Permission (Access points to be considered, Appearance, Landscaping, Layout and Scale reserved) Town and Country Planning Act 1990 - Erection of 7 dwellings (including 2 affordable homes) and new vehicular access.

Land To The South Of , Church Road, Westthorpe, Suffolk IP14 4SU

Section A – Plans & Documents:

This decision refers to drawing no./entitled received 03/02/2022 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 - Received 03/02/2022

Block Plan - Proposed 1203 02B Indicative - Received 03/02/2022

Plans - Proposed 1202 03 Visibility Splay - Received 03/02/2022

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE 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 would not provide a suitable location for housing in respect of satisfactory access to services and facilities, the proposal is not considered to constitute a sustainable development when assessed against the three objectives of sustainability as outlined within the NPPF paragraph 8. The proposal also conflicts with LP Policy H7, Policies CS1 and CS2 of the CS and Policies FC1 and FC1.1 of the Mid Suffolk Local Development Framework Core Strategy Focussed Review (CSFR).

These policies jointly seek, amongst other matters, to control development in the countryside, direct development to high order settlements which have a greater range of services and facilities and define the types of development that would be appropriate in the countryside and support the presumption in favour of sustainable development.

For the same reasons the proposal would fail to promote walking, cycling and public transport use as advocated by the Framework and would conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions whilst recognising that these will vary between urban and rural areas.

2. Paragraph 200 of the NPPF provides "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or form of development within its setting), should require clear and convincing justification" Para 202 of the NPPF provides "where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal," And Para 203 of the NPPF provides "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." The significance of the setting of a listed building is further reiterated by the local plan policy HB1. Legislation requires (Section 66 of the Planning, Listed Buildings and Conservation Areas Act 1990) that, when dealing with planning applications affecting listed buildings, the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal would adversely and unduly erode a part of the undeveloped agricultural setting of Street Farmhouse, which is considered to contribute to its significance. Given the absence of any meaningful public benefits to offset the identified harm (as per requirement of para. 202 of the NPPF), the proposal is not considered acceptable. The proposal is in conflict with the Local Development Plan Policies, Policies of the Core Strategy and the guidance contained with the NPPF, as such the application is hereby refused.

3. There is a lack of sufficient information with regards to ecological information because the survey submitted is over 28 months old and therefore contrary to CIEEM Guidance¹ and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity - Code of practice for planning and development 2013'. Additionally, the application requires an Impact Assessment and Conservation Payment Certificate (IACPC) document, countersigned by Natural England, as evidence of site registration prior to determination. Given the surrounding habitat potential it is considered there is significant risk of harm from the development in this regard and the likely impacts to priority species and habitats are unknown. As a result, the proposal has failed to demonstrate compliance with its statutory

duties, including its biodiversity duty under s40 NERC Act 2006. The proposal is contrary to the Local Planning Policies, the Core Strategy and the guidance contained within the NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
HB01 - Protection of historic buildings
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
T09 - Parking Standards
T10 - Highway Considerations in Development
H07 - Restricting housing development unrelated to needs of countryside
H16 - Protecting existing residential amenity
CL08 - Protecting wildlife habitats
CS05 - Mid Suffolk's Environment
H04- Proportion of Affordable Housing

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/22/00594

Signed: Philip Isbell

Dated: 1st April 2022

**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.