

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

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

Website: www.babergh.gov.uk



Nick Peasland Architectural Services
2 Hall Cottages
Assington Park
Assington
Sudbury
CO10 5LQ

Please ask for: Katherine Hale
Your reference:
Our reference: DC/19/01915
E-mail: planningblue@baberghmidsuffolk.gov.uk
Date: 4th June 2019

Dear Mr Peasland

PRIOR APPROVAL - AGRICULTURAL TO DWELLING - DC/19/01915

Notification under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015

Proposal: Notification for Prior Approval under Schedule 2, Part 3, Class Q (a) and (b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 - Conversion of agricultural building to 1no. dwelling

Location: Quicks Barn, Priory Green, Edwardstone, Sudbury Suffolk CO10 5PP

Section A – Plans & Documents:

This decision refers to drawing number 2616/02 received 17/04/2019 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 2616/02 - Received 17/04/2019
Planning Statement - Received 17/04/2019
Land Contamination Assessment - Received 17/04/2019
Block Plan - Proposed 2616/05 - Received 17/04/2019
Plans - Proposed 2616/04 - Received 17/04/2019
Plans - Existing 2616/03 - Received 17/04/2019
Block Plan - Existing 2616/01 - Received 17/04/2019

Section B:

The **Babergh District Council** hereby give notice in pursuance of the above legislation:

- 1) That prior approval to the development is required
- 2) Prior Approval has been **REFUSED** for the following reasons:

1. In accordance with paragraph w(3) of the Order the Local Planning Authority may refuse an application where it considers that the proposal does not comply with any conditions, limitations, or restrictions specified in Part 3. In this case as a matter of planning judgement it is considered that the building would not be capable of functioning as a dwelling without extensive intervention and construction, tantamount to a re- or fresh build contrived from the building as it presently exists. The works that would be necessary to facilitate a conversion would, as a matter of judgement, go well beyond what could reasonably be described as conversion. The submission also fails to include sufficient evidence and information to satisfy the Council that the proposal constitutes permitted development when assessed against criteria (a), (e) and (f) of Part 3, Class Q - Q.2.

It must then be concluded that the works necessary to create a dwelling from the structure/building would not fall within the scope of those permissible under Class Q. Q.2 (1) (sub sections as above).

The proposal does not therefore constitute permitted development and the Authority exercises its right to refuse the application.

2. Based on the definitions of curtilage (Interpretation of Q(a) at Paragraph X, Part 3 of the Town and Country Planning General Permitted Development Order 2015), and the site as drawn it is considered that permitted development rights do not apply. The curtilage defined in the site location plan is not compliant with the definition of curtilage detailed in section X, Part 3 of the Town and County (General Permitted Development) Order (2015) as it exceeds the size of the agricultural building.

The proposal does not therefore constitute permitted development and the Authority exercises its right to refuse the application.

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

Yours sincerely

Philip Isbell

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 practise 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.