

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh 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:

Mr Mathew Blacoe
6 The Granary
Hadleigh IP7 5TJ

Applicant:

1
c/o 401 Elm Tree Court
Elm Tree Road
London NW8 9JT

Date Application Received: 09-Dec-19

Application Reference: DC/19/05710

Date Registered: 10-Dec-19

Proposal & Location of Development:

Application for Outline Planning Permission (some matters reserved - access to be considered)
- Erection of 1 No two storey dwelling, cart lodge, parking and vehicular access (re-submission of withdrawn application DC/19/03593).

Land South West Of, Sherbourne Street, Edwardstone, Sudbury Suffolk CO10 5PD

Section A – Plans & Documents:

This decision refers to drawing no./entitled 0519 03 received 09/12/2019 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:

Ecological Survey/Report July 2019 - Received 09/12/2019
Flood Risk Assessment - Received 09/12/2019
Land Contamination Questionnaire - Received 09/12/2019
Land Contamination Assessment GS-6195016 - Received 09/12/2019
Design and Access Statement 0519 - Received 09/12/2019
Ecological Survey/Report Additional letter - Received 03/02/2020
Defined Red Line Plan 0519 03 - Received 09/12/2019
Block Plan - Proposed 0519 03 - Received 09/12/2019
Site Plan 0519 01 Existing Layout - Received 09/12/2019
Proposed Site Plan 0519 02C - Received 09/12/2019
0519 04 Sight Line Study - Received 09/12/2019
Topographic Survey LS483/1 - Received 09/12/2019

Section B:

Babergh 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 proposed development is considered to result in a low-to-medium level of less than substantial harm to the significance of the grade II listed Edwardstone House. In accordance with the provisions of the NPPF, having consideration that the District is currently able to demonstrate a deliverable 5 year housing land supply, the limited public benefits of the proposal are not considered to outweigh the harm to the significance of the aforementioned Heritage Asset.

The application does not meet the requirements of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor the historic environment principles of the NPPF or the heritage policies of the Development Plan.

2. Insufficient information in relation to ecology issues has been provided and therefore the application fails to demonstrate that the site is suitable for housing in the context of identifying presence or otherwise of protected species. The site falls within 100m and 250m of a number of ponds and therefore may be suitable for Great Crested Newts. Further information is therefore required in order to assess mitigating measures and development as a whole that the proposal would need to have in relation to this protected species.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CN06 - Listed Buildings - Alteration/Ext/COU
NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CN01 - Design Standards
CR19 - Buildings in the Countryside - Residential
HS28 - Infilling/Groups of dwellings
TP15 - Parking Standards - New Development

NOTES:

1. 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 Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

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/19/05710

Signed: Philip Isbell

Dated: 19th February 2020

**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.