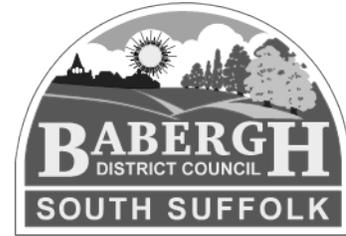


Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.babergh.gov.uk



REFUSAL OF PLANNING PERMISSION

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

Correspondence Address:

Mr Mathew Blacoe
Embrace Architecture Ltd
6 The Granary
Hadleigh
IP7 5TJ

Applicant:

Mr & Mrs Alex Nevill
Holt
School Green
Edwardstone
CO10 5PJ

Date Application Received: 13-Oct-21

Application Reference: DC/21/05627

Date Registered: 14-Oct-21

Proposal & Location of Development:

Planning Application - Conversion of existing tack room, potting shed & store area to holiday let.

Holt, School Green, Edwardstone, Suffolk CO10 5PJ

Section A – Plans & Documents:

This decision refers to drawing no./entitled received 13/10/2021 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:

Proposed Plans and Elevations 2221-02A - Received 13/10/2021
Block Plan - Proposed 2221-03 +site plan - Received 13/10/2021
Defined Red Line Plan - Received 13/10/2021

Section B:

Babergh 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. Principle of development unacceptable

The proposal represents a separate independent C3 planning unit. The proposal is rural, detached, and remote, which is a form of isolation in the wider sense of the rural countryside location. Therefore, necessary to have regard to paragraph 80 of the NPPF (July 2021) insofar as, development such as separate and independent C3 use should avoid isolation in the countryside. Criteria 'd' of paragraph 80 considered the subdivision of an existing residential building an exceptional circumstance. The issues of have two separate independent C3 uses in such close proximity to one another gives rise to disturbance through frequent comings and goings unrelated to one another. Especially as the building in question is at the back of the existing dwelling, intensification of the site through separate independence, separate travelling by private modes by two C3 uses impacting on the environment and climate crisis, affect tranquillity of this area. Furthermore, as assessed in this report the proposal has failed to demonstrate alternative uses or that the location makes it suitable for other separate independent C3 use. There is no clear or convincing reason why the existing use is not acceptable or the best alternative use. There is no evidence, marketing, or convincing reason to prove a holiday let would be viable in this location long term. There is also lack of convincing evidence in what the holiday let would be serving, supporting or how it is expected to operate given the private residential dwelling adjacent and the remote and detached location from any service, facility, or attraction. Contrary to local policy CR19.

The proposal is tantamount to separate independent residential planning unit in the remote and detached rural countryside. Which is unsustainable as the mutually supportive social, economic, and environmental objectives set out within paragraph 8 of the NPPF (July 2021) are not proportionally balanced. Consequently, permanent independent C3 development is not in the right place, not appropriately located or coordinated for the end use and there is no reasonable access to services, facilities, or attractions to adapt to climate change in this location. The location for this type of development is not best placed any future tourist occupant would have to travel frequently by private vehicle, as there is nothing significant in the immediate vicinity that is going to attract or sustain tourists interests to stay in this location for the duration of a holiday (which is often a week or few). The proposal is contrary to local policies CR19 and section 6, 9 and 14 and paragraphs 8, 80, 84 and 85 NPPF (July 2021).

2. Residential amenity

There is a conflict between the operation of the existing C3 dwelling house (Holt) and this proposed C3 holiday let conversion that would subdivide the use creating a separate independent planning unit. Which would be located at the back of the existing one residential dwelling. And creates a separate independence different to the existing dwelling house. Consequently, creating frequent comings and goings different to the existing dwelling. This is disturbance to neighbouring amenity, which is a poor form of back land intensified separate use. Affecting tranquillity of this area, which has remained relatively undisturbed by noise or separate use. This proposal would intensify the site by its separate use. Contrary to paragraph 185 of the NPPF (July 2021).

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

- CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
- CS02 - Settlement Pattern Policy
- CS15 - Implementing Sustainable Development
- CS17 - The Rural Economy
- CS21 - Infrastructure Provision

HS33 - Extensions to Existing Dwellings
CN01 - Design Standards
CR19 - Buildings in the Countryside - Residential
TP15 - Parking Standards - New Development
CR18 - Buildings in the Countryside - Non Residential
NPPF - National Planning Policy Framework

NOTES:

1. The decision notice should be read in combination with the delegated report to fully understand context and reasoning of this decision.
2. 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/21/05627

Signed: Philip Isbell

Dated: 9th December 2021

**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.