

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

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:

BJB Architectural And Planning Services
Autumn Meadow
Church Lane
Bedfield
Woodbridge
IP13 7JJ

Applicant:

Mr & Mrs R and G Mutton
Mill House Farm
Bedfield Road
Earl Soham
Woodbridge
IP13 7SL

Date Application Received: 22-Nov-18

Date Registered: 23-Nov-18

Application Reference: DC/18/05170

Proposal & Location of Development:

Outline Planning Application (All Matters Reserved) - Erection of up to 5no. dwellings with vehicular accesses, garaging and site infrastructure/services.

Land Opposite 1-8 Oakfield, Monk Soham Green, Woodbridge, IP13 7EY

Section A – Plans & Documents:

This decision refers to drawing no./entitled 1703/02 received 22/11/2018 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 1703/02 - Received 22/11/2018

Site Plan 1703/06 - Received 22/11/2018

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. This application seeks outline permission for the erection of five new residential dwellings at Monk Soham Green, a small rural settlement largely bereft of facilities. The site in question is currently laid to field and with trees on its fringe. There are some houses nearby, but relatively few. The only physical association the proposal site has with other buildings is the row of eight dwellings opposite, with the next nearest being a group of farm buildings approximately 100 metres to the south and a farmhouse and group of farm holdings approximately the same distance to the north, with up to half a dozen sprawling farmhouses, generally with farm buildings between 200 and 400 metres further north. The development would, therefore, appear out of keeping with its rural surroundings which can, at best, be described as a loose scattering, the incongruity is exacerbated by the northern edge of the site, which intrudes further into the countryside than the group of houses opposite.

Saved Core Strategy policy CS01 identifies the application as failing within the countryside and Saved Local Plan policy H7 requires strict control over the development of new housing within the countryside. This is supported by Core Strategy policy CS02.

Paragraph 10 of the NPPF requires that sustainable development is undertaken in a positive manner in line with the presumption in favour of sustainable development which is further elaborated upon by Paragraph 11. In assessing the site, no positive benefits are found such that the negative weight applied to the application by the policies above is outweighed.

2. Paragraph 78 of the NPPF requires, that in rural areas, housing be located where it will enhance or maintain the vitality of rural communities. Further '...planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services...'

The nearest facilities to the site are located in the neighbouring village of Bedfield, with other facilities located some four miles to north in Debenham, or 10 miles to the east in Framlingham. None of the facilities noted lie within a realistic walking distance of the application site and any journey would be made down rural roads without the benefit of hardened footpaths or wide verges. While it is acknowledged that the site is served by the High Suffolk Bus Service, however, this is a sporadic service running only on given days within the month and further, it not an established bus service, but one run as a charitable endeavour. It is therefore considered unlikely that any of these facilities would be accessed by anything other than the private motor vehicle which would run contrary to the aims of sustainability 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

CS05 - Mid Suffolk's Environment

H07 - Restricting housing development unrelated to needs of countryside

CL08 - Protecting wildlife habitats

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/18/05170

Signed: Philip Isbell

Dated: 31st January 2019

**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 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.