

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council

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REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

KHA Architectural Design
Mayflower Hall
Hall Street
Long Melford
CO10 9JT

Applicant:

Mr P Butler
The Long House
The Green
Monk Soham
Woodbridge
Suffolk
IP13 7EU

Date Application Received: 18-Apr-19

Application Reference: DC/19/01935

Date Registered: 30-Apr-19

Proposal & Location of Development:

Planning Application - Renovation and change of use of an outbuilding/garage into 1no. dwelling. Erection of fence separating the grounds of The Long House

The Long House, The Green, Monk Soham, Woodbridge Suffolk IP13 7EU

Section A – Plans & Documents:

This decision refers to drawing no./entitled 627/19/001A received 18/04/2019 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 627/19/001 A - Received 18/04/2019

Heritage Statement - Received 18/04/2019

Design and Access Statement - Received 18/04/2019

Plans - Proposed 627/19/001 A - Received 18/04/2019

Land Contamination Assessment Phase 1 Report - Received 19/06/2019

Section B:

Mid Suffolk 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. REASON FOR REFUSAL - UNSUSTAINABLE LOCATION

The proposal, which seeks the renovation and change of use of an outbuilding/garage to one dwelling represents an unsustainable form of residential development in the countryside for which no essential justification for agricultural or similar land use need as required by Policy H10 of the Mid Suffolk Local Plan (September 1998) and Policies CS1 and CS2 of the Mid Suffolk Core Strategy (September 2008) has been provided.

The application site is located in the countryside outside of a housing settlement boundary where new housing is restricted in accordance with the provisions of Policy H7 of the Local Plan and the National Planning Policy Framework ('the Framework'). The proposed development does not accord with these policies in that the proposed dwelling would not constitute one of the exceptions to the restrictions on new housing in the countryside as detailed in Policy H10 of the Local Plan or paragraph 79 of the Framework. Accordingly, the provision of a new dwelling in this countryside location where, in the interests of protecting the existing intrinsic character of the countryside, there will be strict control over new housing proposals and in a location away from essential facilities which would involve reliance on the private motor car, with no benefits resulting from other strands of sustainable development to outweigh the harm created. As such, is therefore, contrary to the sustainability objectives of Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (December 2012) and the Framework (paragraphs 7, 8, 11, 38, 124, 130, 78 and 79).

2. REASON FOR REFUSAL - HARM TO HERITAGE ASSET(S)

The application proposal affects the character, setting and significance of the Grade II listed Long Farmhouse. The proposed development relates to inappropriate subdivision of the site, which would result in harm the character, setting and significance of this heritage asset. The public benefit of providing 1 no. additional dwelling, in support of the district's housing supply, is not considered to outweigh the harm identified to the significance of the heritage asset.

The application proposal is, therefore, considered contrary to the provisions of paragraphs 185, 193, 194, 195 and 196 of the NPPF and development plan policies CS5 and HB1 which seek to conserve, and where possible enhance the historic environment and protect the character, setting and significance of heritage assets.

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
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards

HB01 - Protection of historic buildings
H03 - Housing development in villages
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics

NOTES:

1. REFUSED PLANS & DOCUMENTS

The drawings/documents considered by the Local Planning Authority in determination of this application are listed under Section A above.

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/19/01935

Signed: Philip Isbell

Dated: 5th September 2019

**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.