

**Philip Isbell – Chief Planning Officer**  
**Sustainable Communities**

**Mid Suffolk District Council**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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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**

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**Correspondence Address:**

Mrs Kathy Thurman  
The Stables  
Bonds Farm  
Bedfield  
Woodbridge  
Suffolk IP13 7HJ

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**Applicant:**

Mr M Tawn  
Greenhaven  
Low Street  
Oakley  
Suffolk IP21 4AP

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**Date Application Received:** 21-Jan-20

**Application Reference:** DC/20/00250

**Date Registered:** 30-Jan-20

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**Proposal & Location of Development:**

Full Planning Application - Erection of 2no. detached dwellings and garaging (following demolition of existing dwelling and 6no. Sheds/Garages)

Oak Cottage, The Green, Monk Soham, Woodbridge Suffolk IP13 7EX

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 1:1250 received 21/01/2020 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 1:1250 - Received 21/01/2020  
Proposed Plans and Elevations T495/1 A - Received 30/01/2020  
Proposed Plans and Elevations T495/2 - Received 21/01/2020  
Proposed Site Plan T495/3 - Received 21/01/2020  
Proposed Plans and Elevations T495/3 - Received 21/01/2020

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**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. Paragraph 194 of the NPPF provides "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or form of development within its setting), should require clear and convincing justification." Paragraph 196 of the NPPF provides "where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." Paragraph 197 of the NPPF provides "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." The significance of the setting of a listed building is further reiterated by the local plan policy HB1. Legislation (Section 66 of the Planning, Listed Buildings and Conservation Areas Act 1990) requires that, when dealing with planning applications affecting listed buildings, the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal would adversely impact setting of the adjacent Grade II listed The Oak, which contributes to its significance. Given the absence of any meaningful public benefits to offset the identified harm (as per requirement of para.134 of the NPPF), the proposal is not considered acceptable. The proposal is in conflict with the Local Development Plan Policies, Policies of the Core Strategy and the guidance contained within the NPPF, as such the application is hereby refused.

2. The development would be in a location away from essential facilities which would involve reliance on the private motor car, 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 National Planning Policy Framework (NPPF) when assessed against the three strands of sustainability.

The application site is located in the countryside outside of a settlement boundary where new housing is restricted in accordance with the provisions of Policy H7 of the Local Plan and the NPPF. The proposed development does not accord with these policies in that the proposed dwellings 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 78 & 79 of the NPPF.

On this basis the development would be contrary to Policies GP1, H7 & H15 of the Mid Suffolk Local Plan 1998 and Policy CS1, CS2 & CS5 of the Mid Suffolk LDF Core Strategy 2008, and the National Planning Policy Framework (paragraphs 7, 8, 11, 78 and 79) and the harm of approving is not considered to be outweighed by the benefits that one additional dwelling would offer.

## **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework

HB01 - Protection of historic buildings

H07 - Restricting housing development unrelated to needs of countryside

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

H13 - Design and layout of housing development

H16 - Protecting existing residential amenity

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
T09 - Parking Standards  
T10 - Highway Considerations in 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 deemed the proposal unacceptable in principle therefore 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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/00250

**Signed: Philip Isbell**

**Dated: 20th March 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.