

Philip Isbell – Acting Chief Planning Officer
Growth & Sustainable Planning

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:

Mr R Lacey
Monksfield
The Green
Monk Soham
IP13 7EX

Applicant:

Mr R Lacey
Monksfield
The Green
Monk Soham
IP13 7EX

Date Application Received: 28-Oct-18

Date Registered: 06-Nov-18

Application Reference: DC/18/04743

Proposal & Location of Development:

Full Planning Application - Erection 1no. dwelling

Land Adjacent Monksfield, The Green, Monk Soham, Woodbridge Suffolk IP13 7EX

Section A – Plans & Documents:

This decision refers to drawing no./entitled Site Location Plan received 28/10/2018 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 Site Location Plan - Received 28/10/2018

Proposed Plans and Elevations 21078/01 B - Received 01/11/2018

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. The distance of the proposed development would be more than 2km from services resulting in the likely reliance on private motor vehicle use and increase in traffic, less integrated communities leading to poor social cohesion and failure to take opportunities to design for functional communities. Furthermore, all routes to leave the site area are not suitable by reason of lack of lit footways leading to potential conflict with traffic and further reliance of private motor vehicle use resulting in the increase in traffic and less integrated communities. The rural character of the area is considered and in some instances walking along unlit area or areas without footways is accept, the route to services in this case would lead to travel along roads not suitable for such travel given road speeds and nature of the road network. There is insufficient access to public transport alternatives available within short walking distance from the site to otherwise outweigh other considerations of the location and poor access to services outlined. The proposed development and location fails to enhance or maintain the vitality of a community and the surrounding rural communities through supporting any services and facilities. On this basis the development is considered contrary to Local Plan Policies H7, Core Strategy Policies CS1 , CS2, CS5, Focus Review Policies FC1 and 1.1 and provisions of the NPPF.

2. The proposed location is within open countryside and fails to be within or suitably near to adjacent existing development to form an integrated development. As a result the development would be intrusive to the rural character that underpins the quality of the landscape. While there are dwellings within the area, these are of a sporadic nature and not of a built form that can be expanded without being an illogical unnatural extension contrary to the rural character. Furthermore the NPPF says Dwelling/s should not cause light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The proposed development by reason of its design, scale and layout would likely result in significant light pollution within an area of no other source of artificial light resulting in detriment and harm. On this basis the development is considered contrary to Local Plan Policies H7, Core Strategy Policies CS1 , CS2, CS5, Focus Review Policies FC1 and 1.1 and provisions of the NPPF.

3. The development would by reason of its "lodge" low pitch and cladded appearance would fail to contribution to local character and distinctiveness and be a uncharacteristic dwelling out of keeping with the area and without design merit to otherwise find exceptional. On this basis the development is considered contrary to Local Plan Policies H7, GP1, Core Strategy Policies CS1 , CS2, CS5, Focus Review Policies FC1 and 1.1 and provisions of the NPPF in respect of refusing poor design.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CL09 - Recognised wildlife areas
 CL08 - Protecting wildlife habitats
 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
 H03 - Housing development in villages
 H07 - Restricting housing development unrelated to needs of countryside
 H16 - Protecting existing residential amenity
 T10 - Highway Considerations in Development
 NPPF - National Planning Policy Framework

NOTES:

1. Note:

During the course of the application Suffolk County Highways objected to the access arrangements. This has not been put forward as a refusal as the Local Planning Authority considers at this time it is reasonable to consider that this issue may be resolvable via a planning condition, but maintains the position this may form a reason for refusal for any future applications or appeal should it not be demonstrated suitable access can be achieved.

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/18/04743

Signed: Philip Isbell

Dated: 20th March 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.