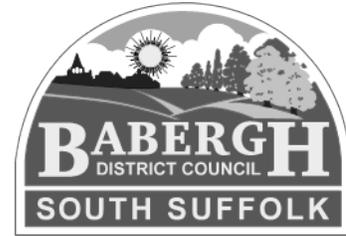


Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



REFUSAL OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Mr Anthony Palmer
21 Wilmslow Drive
Ipswich
IP2 9XX

Applicant:

Mr Clinton Lord
Farmside, Main Road
Shotley
IP9 1EY

Date Application Received: 20-Apr-21

Application Reference: DC/21/02350

Date Registered: 12-May-21

Proposal & Location of Development:

Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of up to 4No dwellings, new vehicular access and improvements to landscaping. (following demolition of pre-fabricated building and associated ancillary buildings).

Farmside, Main Road, Shotley, Suffolk IP9 1EY

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2103_100 received 20/04/2021 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:

Defined Red Line Plan 2103_100 - Received 20/04/2021
Block Plan - Proposed 2103_101 Indicative - Received 20/04/2021
2103_102 Access - Received 20/04/2021

Section B:

Babergh 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. The application site is located in open countryside away from the nearest defined settlement and associated services and facilities. This lack of functional relationship means that occupants would likely be reliant on private cars for day to day living. Babergh Council can demonstrate a 6.74 year housing land supply and the proposed development will place additional strain on infrastructure that has not been planned for in this rural location. The proposed development conflicts with the overarching objective of achieving sustainable development in the NPPF and policy CS15.
2. The development would have an unacceptable visual impact on the local distinctiveness of the which has an open and rural character. The development would unduly urbanise and overdevelop the site creating incongruous development with no significant benefits as a departure proposal. The proposal is therefore contrary to Local policies CS2, CS11 (i, ii, iii, iv, v, vi), CS15 (i, ii, iv), CN01, HS05 and HS28 and sections 12 and 15 of the NPPF.
3. The submitted documents fail to demonstrate that adequate visibility splays, as required by The Design Manual for Roads and Bridges (DMRB), can be achieved. The proposal is therefore contrary to Section 9 of the NPPF.
4. The application documents fail to provide sufficient information to enable the planning authority to discharge its statutory duties in respect of the Conservation of Habitats and Species Regulations 2017. determine the impacts of the development on sites of potential ecological importance (especially including the demolition of a pre-fabricated building and ancillary buildings). The application therefore fails to comply with section 15 of the NPPF.
5. The application documents fail to provide sufficient information to demonstrate the safety of the users of the proposed development in terms of potentially contaminated land and is therefore contrary to Paragraph 178 of the NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CS15 - Implementing Sustainable Development

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CN01 - Design Standards

CR02 - AONB Landscape

HS05 - Replacement Dwellings

HS28 - Infilling/Groups of dwellings

NPPF - National Planning Policy Framework

TP15 - Parking Standards - New Development

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/21/02350

Signed: Philip Isbell

Dated: 7th July 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.