

**Philip Isbell – Acting Director of Planning  
Planning and Building Control**

**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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## **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:**

Ms Kim Lockwood  
Pru House, The Street  
Fornham St. Martin  
Suffolk  
IP31 1SW

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**Applicant:**

Dream Care Farm CIC  
Land At Beyton Road  
Thurston  
Suffolk  
IP31 3RA

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**Date Application Received:** 18-Jul-24

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**Application Reference:** DC/24/03199

**Date Registered:** 19-Jul-24

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**Proposal & Location of Development:**

Full Planning Application - Creation of access off Beyton Road. Stopping up of existing access onto Pepper Lane. (Retention of)

Land At, Beyton Road, Thurston, Suffolk

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled received 19/07/2024 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 - Received 19/07/2024  
Highway Access Plan - Received 19/07/2024  
Topographic Survey - Received 20/08/2024  
Site Plan Visibility - Received 29/08/2024

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. COMPLIANCE REQUIRED: VISIBILITY SPLAYS TO BEYTON ROAD ACCESS

Before the access hereby permitted is first used, vehicular visibility splays shall be provided as shown on Drawing No. 100 with an X dimension of 2.4 metres and a Y dimension of 90 metres in the North-West direction and 120 metres in the South-East direction to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

4. DISCHARGE REQUIRED: ACCESS TO BE LAID OUT IN ACCORDANCE WITH STANDARD DRAWINGS AND PREVIOUS ACCESS FROM PEPPERS LANE TO BE STOPPED UP

No other part of the development hereby permitted shall be occupied until the new vehicular access has been laid out and completed in broad accordance with Suffolk County Council's standard access drawing DM04 (with concrete overrun strips); with an entrance width of 5 metres for a distance of 10 metres measured from the nearside edge of the carriageway. Thereafter, it shall be retained in its approved form. Within 3 months from the date of this permission, a scheme which would serve to close off all other means of vehicular access into the site from Pepper Lane shall be effectively stopped up and closed in complete accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway and to avoid multiple accesses that would be detrimental to highway safety.

5. DISCHARGE REQUIRED: BOUND SURFACE MATERIAL TO BE AGREED

Prior to the development hereby permitted being first occupied, the new vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

6. COMPLIANCE REQUIRED: ACCESS BARRIERS/GATES

Gates or any other means of obstruction to the access shall be set back a minimum distance of 10 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

## **COMPLYING WITH YOUR CONDITIONS**

The conditions listed above require you to either; submit additional details (Discharge Required), carry out something in accordance with plans/ documents already submitted with your planning application (Compliance Required), or they restrict your development (Restriction Imposed).

For 'Discharge Required' conditions you can submit the required details via our website: [Application for approval of details reserved by condition - Authority - Babergh and Mid Suffolk Self Service \(achieveservice.com\)](http://Application%20for%20approval%20of%20details%20reserved%20by%20condition%20-%20Authority%20-%20Babergh%20and%20Mid%20Suffolk%20Self%20Service%20(achieveservice.com))

For a phased development some conditions may be submitted in part in relation to a specific phase, but the phase must be specified when applying.

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

SP03 - The sustainable location of new development

SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP27 - Flood risk and vulnerability  
LP29 - Safe, Sustainable and Active Transport

Thurston Neighbourhood Plan

NPPF - National Planning Policy Framework  
PPG- Planning Practice Guidance

## **IMPORTANT NOTES:**

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

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. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. **BNG EXEMPT**

Biodiversity Gain Condition exempt

Based on the information available this permission is one where statutory exemptions or transitional arrangements are considered to apply in line with paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Therefore, the Biodiversity Gain Condition does not apply.

3. **Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Rights of Way, without the permission of the Highway Authority.**

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing, all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense. Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information, go to: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-developmentadvice/application-for-works-licence/>  
Suffolk County Council preliminary drawings are available from:  
<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-developmentadvice/development-design-and-specification>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to the proposed development.

Note: Suffolk County Council's highway apparatus appears to be affected by this proposal. The applicant must contact Suffolk County Council, telephone 0345 606 6067 to agree any necessary alterations to be carried out at the expense of the developer.

## **BIODIVERSITY GAIN CONDITION**

Please read the Important Notes section above which will confirm whether this development is required to deliver a minimum of 10% biodiversity net gain (BNG). If your development is exempt you do not need to read on, if it is required to deliver BNG please read the following:

In accordance with Schedule 7A (13) of The Town and Country Planning Act 1990 no development shall commence until:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

In order to formally submit the Biodiversity Gain Plan to Babergh District Council/ Mid Suffolk District Council please submit a Discharge of Conditions application.

It is recommended that you complete and submit the template on the following link as part of your Biodiversity Gain Plan: [www.gov.uk/government/publications/biodiversity-gain-plan](http://www.gov.uk/government/publications/biodiversity-gain-plan)

A Biodiversity Gain Plan submission should include the following (where relevant):

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values
- b) Pre and post development plans drawn to an identified scale and showing the direction of north
- c) Legal agreement
- d) Commitment to deliver and maintain BNG for a minimum of 30 years from the date of completion of the development
- e) Habitat Management and Monitoring Plan (HMMP) in line with the HMMP template or HMMP checklist. The HMMP must be produced in line with any landscape plans and landscape management plans
- f) Compensation plan (if affecting irreplaceable habitats)
- g) BNG register reference numbers (if using off-site units)
- h) Proof of purchase (if buying statutory biodiversity credits)

If you are carrying out a phased development the following applies:

- a) A statement showing how the development will proceed in phases must be submitted alongside an Overall Biodiversity Gain Plan before any development can commence.

b) No development can then commence within each specified phase until a [Phase Biodiversity Gain Plan](#) for that phase has been submitted and approved.

If you are looking for land to deliver off-site BNG it is recommended you contact the Council's Biodiversity Officer: [biodiversity@babberghmidsuffolk.gov.uk](mailto:biodiversity@babberghmidsuffolk.gov.uk)

### **AMENDING YOUR PLANNING PERMISSION**

Amendments to the plans or conditions imposed on your planning permission can be made by submitting an application for either a Non-Material Amendment under Section 96A of the Town and Country Planning Act 1990 (as amended), or a Material Amendment under Section 73 of the Town and Country Planning Act 1990 (as amended). The type of application required will be dependent on the level and scope of the amendments proposed.

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

This relates to document reference: DC/24/03199

**Signed: Philip Isbell**

**Dated: 4th October 2024**

**Acting Director of Planning**

## **COMMUNITY INFRASTRUCTURE LEVY**

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. You are responsible for submitting the relevant CIL forms to our Infrastructure Team, telling them who will pay CIL and when the development will commence. However, you will receive a Liability Notice including the amount to be paid and what you must do. Please ensure the Infrastructure Team have your correct contact details. If you have any questions, please contact the Infrastructure Team direct on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk) or telephone 01449 724563.

Alternatively, you can find more information about CIL on our websites here: [CIL in Babergh](#) and [CIL in Mid Suffolk](#)

## **BUILDING CONTROL**

The project may be subject to the requirements of the Building Regulations 2010. Advice and assistance can be obtained from our Building Control Team by visiting our websites here: [Building control in Babergh](#) and [Building control in Mid Suffolk](#)

Alternatively you can email the Building Control Team: [building.control@baberghmidsuffolk.gov.uk](mailto:building.control@baberghmidsuffolk.gov.uk) or telephone 01449 724510. They will work with you offering competitive fee quotations and pre-application advice upon request.

## 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

\*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.

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### **Babergh District Council**

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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.

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