

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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REFUSAL OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Phil Cobbold Planning LTD
42 Beatrice Avenue
Felixstowe
IP11 9HB

Applicant:

Mr And Mrs Le Mar
Elgin Lodge
Barrells Road
IP31 3SF
Thurston
Bury St Edmunds
Suffolk

Date Application Received: 22-Aug-22

Application Reference: DC/22/04215

Date Registered: 24-Aug-22

Proposal & Location of Development:

Application for Outline Permission (All Matters Reserved) Town and Country Planning Act 1990 (as amended) - Erection of 3No. detached self build dwellings.

Land East Of Woodlands, Barrells Road, Thurston, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled Location Plan - Scale 1:2500 received 22/08/2022 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:

Planning Statement - Received 22/08/2022

Land Contamination Assessment - Received 22/08/2022

Defined Red Line Plan Location Plan - Scale 1:2500 - Received 22/08/2022

Section B:

Mid Suffolk 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. REASON(S) FOR REFUSAL - UNSUSTAINABLE LOCATION

The proposal is located in the countryside where the development of a new dwelling(s) would not materially enhance or maintain the vitality of the rural community. Future occupants would, moreover, be likely to be reliant upon the private car to access services, facilities and employment. The District Council has an evidenced supply of land for housing in significant excess of the 5 year minimum and has taken steps to significantly boost the supply of homes in sustainable locations.

On this basis, the proposal would not promote sustainable development and would be contrary to the adopted policies of the development plan which seek to direct the majority of new development to towns and key service centres listed in the Core Strategy 2008 with some provision to meet local needs in primary and secondary villages under policy CS1. In the countryside, development is to be restricted having regard to policy CS2 and it is considered that, in the circumstances of this application, the direction of new housing development to more sustainable locations is of greater weight than the delivery of one additional dwelling in a less sustainable location. Having regard to the significant supply of land for homes in the district, it is considered that the objectives of paragraph 60 of the NPPF are being secured and that, on the considerations of this application, the objective to significantly boost the supply of homes should be given reduced weight.

Whilst the NPPF presumption in favour of sustainable development is applicable to the application, it is considered that the development of this site would have adverse impacts on the proper planning of the district, having regard to the above-mentioned development plan objectives to secure planned development in more sustainable locations rather than piecemeal development in less sustainable locations which significantly and demonstrably outweigh the limited benefits of this development.

As such the proposal is not acceptable in principle, being contrary to paragraphs 8 and 11 of the NPPF (2021), Policy H7 of the Mid Suffolk Local Plan (1998), Policies CS1 and CS2 of the Mid Suffolk Core Strategy (2008), Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012), and Policy 1 of the Thurston Neighbourhood Plan (2019).

2. REASON(S) FOR REFUSAL - SAFE AND SUITABLE ACCESS

It is considered that insufficient information has been submitted to enable the Local Planning Authority to conclude, beyond all reasonable doubt, that safe access and egress, and an acceptable standard of highway visibility, could be achieved in relation to the proposed development.

The application has, therefore, failed to demonstrate that safe and suitable access to the site can be achieved for all users, contrary to the provisions of development plan policy T10 and NPPF paragraph 110.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

HB14 - Ensuring archaeological remains are not destroyed
NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
CS02 - Development in the Countryside & Countryside Villages
FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS07 - Brown Field Target
CS09 - Density and Mix
GP01 - Design and layout of development
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
RT12 - Footpaths and Bridleways
Thurston Neighbourhood Plan

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF) - In Principle Reason for Refusal**

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2. **Refused Plans and Documents**

The plans and documents assessed in determination of this application are listed at 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/22/04215

Signed: Philip Isbell

Dated: 18th October 2022

**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.