

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

**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.babergh.gov.uk](http://www.babergh.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:**

Mr P Branton  
Wincer Kievenaar Architects Ltd  
2 Market Place  
Hadleigh  
IP7 5DN

**Applicant:**

Hollow Trees Farm Ltd.  
Hollow Trees Farm  
Hadleigh Road  
Semer  
Hadleigh  
IP7 6HX

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**Date Application Received:** 03-Dec-20

**Application Reference:** DC/20/05533

**Date Registered:** 04-Dec-20

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**Proposal & Location of Development:**

Full Planning Application - Erection of new farm trail kiosk & education room and handwashing/WC block. Relocation of existing vehicular access to car park.

Hollow Trees Farm Ltd, Hadleigh Road, Semer, Ipswich Suffolk IP7 6HX

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 5563 LP\_01 received 03/12/2020 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 5563 LP\_01 - Received 03/12/2020  
Proposed Plans and Elevations 5563 PA\_01 - Received 03/12/2020  
Site Plan 5563 PA\_02 - Received 03/12/2020  
Proposed Site Plan 5563 PA\_03 - Received 03/12/2020  
Proposed Site Plan 5563 PA\_04 - Received 03/12/2020  
Arboricultural Assessment - Received 03/12/2020

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**Section B:**

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:  
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. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: STOPPING UP

The new access hereby approved shall be completed in all respects in accordance with Drawing PA04 and all aspects shall be available prior to first use of the access. Thereafter it shall be retained in its approved form. Prior to first use of the hereby approved access, details of stopping up all other existing means of accesses along the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all other existing means of access within the frontage of the application site shall be permanently and effectively "stopped up" in accordance with the details approved by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: ACCESS SURFACE

Prior to first use of the new access hereby approved, details of the access surface materials to be used in construction shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall show that the access is properly surfaced with a bound material for a minimum of 15 metres from the edge of the metalled carriageway. The details as approved by the Local Planning Authority shall then be implemented and retained.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SURFACE WATER DISCHARGE

Prior to development commencing on the new hereby approved access, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE AND RESTRICTION: VISIBILITY

Prior to first use of the access, clear visibility at a height of 0.6 metres above the adjacent carriageway level shall be provided and thereafter permanently retained in the area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension). Visibility shall be provided at a distance of 215 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension) in accordance with plan PA\_04.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

7. ACTION REQUIRED IN ACCORDANCE WITH ARBORICULTURAL SURVEY

All works and protection measures on and around the trees on site shall be done in accordance with submitted Arboricultural Survey, AIA and Protection Plan (LSDP 1581.01)

Reason: In the interests of protecting trees for visual amenity and ensuring all arboricultural works are carried out appropriately.

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: HANDWASH AND WC BLOCK

Prior to any works on the handwash and WC block, elevation and floor plans, which shall include labelled dimensions and materials to be used in the constructed shall be submitted to and approved in writing by the Local Planning Authority. The handwash and WC block shall then be implemented entirely as approved.

Reason: To secure a sympathetic and appropriate form of development on site.

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

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS03 - Strategy for Growth and Development  
CS15 - Implementing Sustainable Development  
CS17 - The Rural Economy  
CN01 - Design Standards  
CR07 - Landscaping Schemes  
EM20 - Expansion/Extension of Existing Employment Uses  
TP15 - Parking Standards - New Development  
NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance

## **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. SCC Highways provided the following notes:

The proposal will require the piping of a ditch.

As the proposal requires work affecting an ordinary watercourse, including a ditch, whether temporary or permanent, then consent will be required from Suffolk County Councils' Flood and Water Management Team. Application forms are available from the SCC website: <http://www.suffolk.gov.uk/environment-and-transport/planning-and-buildings/land-drainage>.

Applications for consent may take up to 8 weeks to determine and will incur an additional fee.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right 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 the County Council or its agents at the applicant's expense.

The County Council's Central Area Manager must be contacted on Telephone: 0345 6066171. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

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 proposed 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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/05533

**Signed: Philip Isbell**

**Dated: 14th January 2021**

**Chief Planning Officer  
Sustainable Communities**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

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.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

## 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.