

Philip Isbell – Chief Planning Officer  
Sustainable Communities

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:

Mr Ben Elvin  
122  
Constable Road  
IPSWICH  
IP4 2XA

### Applicant:

Retreat East Ltd  
Brick Kiln Farm, Sandy Hill  
Hemingstone  
IP6 9QE

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**Date Application Received:** 10-Mar-20

**Application Reference:** DC/20/01073

**Date Registered:** 11-Mar-20

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### Proposal & Location of Development:

Full Planning Application - Change of Use of the Great Barn for wedding functions and use of the farmhouse garden for wedding ceremonies.

Brick Kiln Farm, Sandy Hill, Hemingstone, Ipswich Suffolk IP6 9QE

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### Section A – Plans & Documents:

This decision refers to drawing no./entitled 102. SK43 received 11/03/2020 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 102. SK43 - Received 11/03/2020  
Planning Statement - Received 10/03/2020  
Block Plan - Proposed 102.SK15 F - Received 10/03/2020  
Plans - Existing & Proposed 102. SK39 A - Received 10/03/2020  
Floor Plan - Proposed - Received 10/03/2020  
Plans - Proposed Farmhouse Garden Block Plan - Received 10/03/2020

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### Section B:

Mid Suffolk 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. NO CHINESE LANTERNS OR FIREWORKS- ONGOING REQUIREMENT

No Chinese lanterns or fireworks shall be released in association with the use of the premises for any event.

Reason - In the interests of local amenity and to prevent distress to animals within the proximity of the application site and to prevent a potential fire risk.

4. ON GOING REQUIREMENT OF USE: RESTRICTION ON OPERATION TIMES

The hereby permitted wedding functions/wedding ceremonies use shall start no earlier than 09:00 hours and cease by 24:00 hours on Fridays and Saturdays and no earlier than 09.00 hours and cease by 23:00 hour on Sundays to Thursdays.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

5. ON GOING REQUIREMENT OF USE: RESTRICTION ON OPERATING TIMES FOR  
AMPLIFIED MUSIC

The hereby permitted use of amplified music in association with any event shall start no earlier than 09:00 hours cease by 24:00 hours on Friday and Saturday and no earlier than 09.00 hours and cease by 22:30 hours on Sunday to Thursday.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity and to protect the occupiers of noise sensitive dwellings from adverse impacts of music entertainment noise.

6. SPECIFIC RESTRICTION ON DEVELOPMENT: NOISE RESTRICTION ON AMPLIFICATION

No equipment for the amplification of sound and/or the playing of music shall be operated from outside the barn.

Reason - In the interest of the amenity of neighbouring residents

7. ACTION REQUIRED PRIOR TO FIRST USE OF DEVELOPMENT: SCHEME OF NOISE CONTROL

Prior to the first use of the hereby approved development, a scheme shall be submitted to and approved, in writing, by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The said scheme shall be implemented, carried out in full and thereafter retained prior to the first use of the development.

Reason - In the interest of the amenity of neighbouring residents.

8. SPECIFIC RESTRICTION OF DEVELOPMENT: NOISE PREVENTION MEASURES

Prior to the use of the premises for any event involving amplified music a sound limiting device must be fitted to a dedicated music and public address system and set at a level approved by an authorised officer of the Local Planning Authority (typically Environmental Health Officer). The operation panel or control mechanism of the noise limiter shall be secured by an agreed method. Access thereafter shall be prohibited and only authorised by the owner or premises licence holder. Once set, the maximum operating internal music entertainment level shall be measured, documented and reported to the Local Planning Authority prior to the use of the premises.

Reason - To protect the occupiers of noise sensitive dwellings from adverse impacts of music entertainment noise.

9. ON GOING REQUIREMENT OF DEVELOPMENT: NOISE RESTRICTIONS

The LAeqT of any music based entertainment taking place in association with the hereby approved use shall not exceed the background noise LA90 (without entertainment noise) at the boundary of any noise sensitive dwelling or premises. Time period T will be 15 minutes.

The publicly accessible verge at the entrance to the site may be used to verify compliance with this requirement when entertainment noise is occurring. The music based entertainment noise level, in any event, shall not exceed 45dB LAeqT at this point. Time period T will be 15 minutes.

Reason - In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

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

NPPF - National Planning Policy Framework  
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  
H16 - Protecting existing residential amenity  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
HB01 - Protection of historic buildings  
HB05 - Preserving historic buildings through alternative uses

## **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.

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/20/01073

**Signed: Philip Isbell**

**Dated: 5th May 2020**

**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.