

Philip Isbell - Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.midsuffolk.gov.uk



PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990

Correspondence Address:

Mrs Sarah Roberts
Roberts Molloy Architects
3 Church Lane
Bressingham
Diss
IP22 2AE
United Kingdom

Applicant:

Mr M Lambert
c/o Agent
Roberts Molloy Architects
3 Church Lane
Bressingham
IP22 2AE

Date Application Received: 10-Jun-21

Application Reference: DC/21/03350

Date Registered: 11-Jun-21

Proposal & Location of Development:

Application under S73 of the Town and Country Planning Act for - Variation of Condition 2 (Approved Plans and Documents) of DC/19/04895 dated 04/12/2019 (Conversion of 3No agricultural barns into 3No dwellings with associated internal and external alterations, vehicular accesses, new detached garage, partial removal of old farm shed and rebuilding of north addition to barn 1.) To allow new scheme and phasing.

Dashes Farm, Low Road, Wortham, Suffolk IP22 1SQ

Section A – Plans & Documents:

This decision refers to drawing no./entitled WDF 01E received 10/06/2021 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:

Application Form - Received 10/06/2021
Block Plan - Proposed WDF 16F - Received 16/08/2021
Defined Red Line Plan WDF 01E - Received 10/06/2021
Proposed Plans and Elevations (Car port) WDF 07 - Received 16/08/2021
Floor Plan - Proposed WDF 12G - Received 22/07/2021
Elevations - Proposed WDF 13H - Received 22/07/2021

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 SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than the expiration of 16/11/21.

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 - IMPROVEMENT TO EXISTING ACCESS

No other part of the development hereby permitted shall be occupied until the existing vehicular accesses have been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 4.5m (Barns 1 and 2) and 3m (Barn 3).

Thereafter, the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

4. ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - REMOVAL OF PD RIGHTS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) there shall be no gates within a minimum distance of 5 metres from the edge of the carriageway. Should any gates be erected on site, these shall only open into the site and not over any area of the highway or the minimum distance stated.

Reason: In the interests of road safety.

5. ACTION REQUIRED PRIOR TO OCCUPATION - HIGHWAYS: PROVISION OF PARKING

The use shall not commence until the areas within the site shown on drawings listed under Section A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

6. ACTION REQUIRED PRIOR TO FIRST USE - REFUSE BINS AND COLLECTION AREAS

Prior to first use, details of the areas to be provided for presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

7. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR BATS

The following works to convert the barns and outbuildings with evidence of bat presence, identified within the Protected Species Survey (Finnermore Associates, August 2015) and Ecological Survey (jp Ecology, April 2018), shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

8. PRIOR TO COMMENCEMENT: ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

The Ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Protected Species Survey (Finnermore Associates, August 2015) and Ecological Survey (iP Ecology, April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

9. PRIOR TO COMMENCEMENT: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy containing the details and locations of the reasonable enhancement measures for bats, Spotted Fly Catcher and Barn Swallow proposed within the Protected Species Survey (Finnermore Associates, August 2015) shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species) and paragraph 118 of the NPPF.

10. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT: DETAILS OF SCREEN WALLS AND FENCES

Prior to the first occupation of the development precise details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and approved in writing by the Local Planning Authority. The screen walls and fences as may be approved shall be erected prior to the dwelling/s to which they relate being first occupied and thereafter be retained in the approved form.

Reason - In the interests of visual amenity and the character and appearance of the area.

11. ACTION REQUIRED PRIOR TO OCCUPATION OF DEVELOPMENT: LANDSCAPING SCHEME

Prior to occupation of the hereby approved development details shall be submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction.

Reason - In the interests of visual amenity and the character and appearance of the area.

12. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting

within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

13. SPECIFIC RESTRICTION OF DEVELOPMENT - RETENTION OF VOID SPACE

The void space comprised within the conversion of the timber framed barn hereby approved shall be provided, completed and thereafter retained in all respects in accordance with the drawings and details hereby approved or such amendments as may be approved, in writing, with the Local Planning Authority prior to the building being first occupied.

There shall be no alteration and change to the internal walls and/or no additional walls or floors added that would decrease the approved void space except pursuant to the grant of planning permission on an application made in that regard.

Reason - In the interests of the character, integrity and preservation of the historic barn building.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
GP01 - Design and layout of development
H09 - Conversion of rural buildings to dwellings
H16 - Protecting existing residential amenity
HB01 - Protection of historic buildings
HB05 - Preserving historic buildings through alternative uses
CL08 - Protecting wildlife habitats
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

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

This relates to document reference: DC/21/03350

Signed: Philip Isbell

Dated: 17th August 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.