



Planning Department
Babergh District Council
Endeavour House
Russell Rd
Ipswich
IP1 2BX

8th December 2021

Dear Sirs

PLANNING APPLICATION – CHANGE OF USE OF LAND FROM AGRICULTURAL LAND TO RESIDENTIAL GARDEN TO 10 CATTSFIELD, STUTTON, AND ERECTION OF GARDEN ROOM/STORE (EXISTING BUILDING TO BE DEMOLISHED)

This letter is provided in support of an application for full planning permission for the change of use of land to garden land associated with 10 Cattsfild, Stutton, and the erection of a new garden room/store on this land. The content of this letter constitutes a Planning Statement dealing with the planning policy considerations and other material issues that require address in the consideration of this application.

Background and Constraints

The applicant is the owner of 10 Cattsfild. In 2008, he purchased a parcel of land registered as “*Land on the north side of Oak House, Bentley Lane, Stutton*” with the aim of utilising this as an extended garden to the property.

Despite using the land consistently since it’s purchase as garden land, including its maintenance, use for recreation and the removal of a small element of hedgerow to fully connect it to the existing garden, no application was made for the change of use of this land

and the applicant was not made aware by the conveyancing solicitor that planning permission was required.

It is now clear that the use of the land has not been the subject of a grant of planning permission. This application thereby seeks to regularise the use of the land and secure planning permission for the new garden room/store that is proposed to be sited upon it. An existing building on the land would be removed to facilitate this.

The site lies within the Built Up Area Boundary of Stutton and within a designated Special Landscape Area. It is otherwise unconstrained.

The Proposal

As detailed above, the proposal seeks planning permission for the continued use of land as residential garden to 10 Cattsfield and the erection of a new garden room/store on the land.

The new building has a footprint of 6.2m x 5.2m and a maximum height of 2.86m. It is proposed to be finished in Iron Grey Colour Hardie Plank boarding.

The application is supported by plans prepared by Medusa Design which detail the appearance of the new building and the land that is the subject of the change of use.

Planning Considerations

Saved policy CR10 of the Babergh Local Plan Alteration No.2 (2006) sets out a criteria based approach to considering the change of use of agricultural land to domestic gardens. These criteria are considered in turn below (the criteria in the policy are written in the negative tense, and set out criteria where permission will not be given);

The scale of the proposal would have an adverse impact on the landscape characteristics and biodiversity of the locality;

The proposal would not adversely affect the landscape characteristic of the locality, as it would square off the land with the boundary of the dwelling to the east. The provision of hedgerow

planting to the western boundary has ensures that the land is well-contained and this has established well over the time since it was planted.

This planting has provided biodiversity enhancements, whereas the previous cultivated nature of the land was not conducive to the encouragement of biodiversity on the land.

It would result in the loss of Best and Most Versatile Agricultural Land;

The land has now been in use for such a period of time as to be lawful. Therefore, irrespective of it's former classification, it is no longer agricultural land. Furthermore, no soil samples have been taken or investigated to clarify what the land was prior to use as garden.

The NPPF seeks to protect Best and Most Versatile Land. This proposal is not one which could be carried out anywhere else due to its relationship to the existing dwelling and, in any event, has not resulted in significant loss of such land. As such, this is not considered to weigh heavily against the proposal.

The site intrudes into the open countryside

The proposal would not intrude into open countryside, simply seeking to square off the land with the boundaries of the site of the adjacent dwelling to the east.

It threatens the viability of farm holdings due to the breaking up of agricultural land.

The area of land retained in agricultural use following the change of use appears to remain as a viable land parcel and has not been prejudiced by this proposal.

It can be seen, therefore, that this proposal complies with the provisions of saved policy CR10.

Turning to the new building, the building is of low scale and would not give rise to intrusion to neighbouring property. It is set away from the countryside boundary so as to be read as part of the built form of Cattsfield, where there are a number of other sheds and outbuildings in rear garden areas.

The proposal can thereby be seen to comply with saved policies CN01 and CR04 which, respectively, seek to provide appropriate design, protect amenity and preserve the setting of the Special Landscape Area.

In the absence of any planning policy weighing against this proposal, it is respectfully requested that the Council support this application and grant planning permission in the terms requested.

The applicants look forward to receiving the Council's decision in due course.

Yours faithfully

-

Ben Elvin MSc MRTPI

Ben Elvin Planning Consultancy Limited.