

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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Rees Pryer Architects
The Studio
Drinkstone Office Park
Kempson Way
Bury St Edmunds
IP32 7AR

Please ask for: Averil Goudy
Your reference:
Our reference: DC/21/05938
E-mail: planningyellow@baberghmidsuffolk.gov.uk
Date: 22nd December 2021

Dear Sir/Madam

PRIOR APPROVAL - AGRICULTURAL TO DWELLING - DC/21/05938

Notification under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015

Proposal: Application for prior approval of a proposed: Change of use of Agricultural Building to a Dwellinghouse (C3) and for building operations reasonably necessary for conversion. Town and Country Planning (General Permitted Development)(England) Order 2015 as amended Schedule 2, Part 3, Class Q - Conversion of agricultural barn to form 1no. dwelling including the partial removal of the adjacent lean-to element.

Location: Barn At Fasbourn Farm, Valley Lane, Buxhall, Suffolk IP14 3EB

Section A – Plans & Documents:

This decision refers to drawing no./entitled 21_1738_LOC received 20/12/2021 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:

Proposed Site Plan 21_1738_01 - Received 29/10/2021
Elevations - Proposed 21_1738_03 - Received 01/11/2021
Floor Plan - Proposed 21_1738_02 - Received 01/11/2021
Elevations - Existing 21_1738_EX - Received 29/10/2021
Floor Plan - Existing 21_1738_EX - Received 29/10/2021
Ecological Survey/Report 2177-GE-RP - Received 29/10/2021
Block Plan - Proposed 21_1738_BLOC - Received 20/12/2021
Defined Red Line Plan 21_1738_LOC - Received 20/12/2021
Structural Survey 3691-1 - Received 29/10/2021
Supporting Statement 1738 - Received 11/01/2021

Section B:

The **Mid Suffolk District Council** hereby give notice in pursuance of the above legislation:

- 1) That prior approval to the development is required
- 2) Prior approval has been **GIVEN** subject to the following conditions:
 1. **ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMPLETION TIME LIMIT**

The development hereby approved must be completed within a period of 3 years starting with the prior approval date.

Reason - To comply with the requirements of paragraph Q.2.-(3) of Part 3, of Schedule 2, of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).

2. **APPROVED PLANS & DOCUMENTS - PRIOR APPROVAL**

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 approval 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.

Reason - To comply with the requirements of paragraph W-(12) of Part 3, of Schedule 2, of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).

3. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Glaven Ecology Ltd, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environmental Act 2021.

4. **SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CONSTRUCTION TIMES**

Operations related to the construction (including site clearance and demolition) phases) of the permitted development/use shall only operate between the hours of 08.00 and 18.00hrs

Mondays to Fridays and between the hours of 09.00 and 13.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

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

5. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: FOUL DRAINAGE

Prior to the commencement of development final details of the foul drainage scheme to serve the development shall be submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building it would serve are commenced. Where package treatment plants are proposed, the applicant must provide confirmation in writing detailing how the proposal will meet the requirements of the updated General Binding Rules as outlined General binding rules: small sewage discharge to a surface water - GOV.UK (www.gov.uk).

No part of the development shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use. The foul water drainage scheme shall thereafter be maintained as approved.

Reason - To ensure that an adequate and satisfactory means of foul drainage is provided to avoid pollution, in the absence of a foul sewer.

6. ACTION REQUIRED PRIOR TO USE/OCCUPATION - HIGHWAYS: PROVISION OF PARKING

The use shall not commence until the area(s) within the site shown on Drawing No. 21_1738_BLOC for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.

NOTES:

The applicant is reminded that this approval is subject to the development being:-

In accordance with Class Q Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended);

1. If you have applied for a change of use only (class Q (a) only) before you begin development you must apply to the local planning authority to determine whether the prior approval of the authority will be required in relation to:
 - a) Highways impacts
 - b) Noise impacts
 - c) Contamination risks
 - d) Flooding risk
 - e) Whether the location and siting of the building makes it impractical or undesirable

The development under class Q (a) and (b) must be completed within a period of 3 years starting with the prior approval date.

Informative 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. Minimum requirements for dealing with unexpected ground conditions being encountered during construction:

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.

5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
 - o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or
 - o treatment of material on site to meet compliance targets so it can be re-used; or
 - o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

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

Yours faithfully

Philip Isbell

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 practise 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.