

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Mr Tristan Kent And Miss Donna Woodburn
8 Tudor Rose Way
Harleston
Norfolk IP20 9QH

Applicant:

Mr Tristan Kent And Miss Donna Woodburn
8 Tudor Rose Way
Harleston
Norfolk IP20 9QH

Date Application Received: 14-Jan-20

Application Reference: DC/20/00144

Date Registered: 10-Feb-20

Proposal & Location of Development:

Full Planning Application - Change of Use from Agricultural Barn/Business Store to 1No Dwelling.

Christmas Tree Barn, Mill Lane, Weybread, Diss Suffolk IP21 5TP

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2019/106/02 received 14/01/2020 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 2019/106/02 - Received 14/01/2020

Proposed Plans and Elevations 2019/106/02 - Received 14/01/2020

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. This application seeks planning permission for the conversion of a shed under policy H9.

Policy H9 is favourable for the conversion of 'rural' buildings whose existing character is in keeping with their surroundings, retaining any important architectural features. Throughout policy H9 there is a clear direction of conversion for rural buildings that offer a character that is worth keeping.

The subject building is a basic mass and shape with a mono-pitched roof and timber frame on a thin concrete pad, with cement sheeting on the roof and clad in plywood sheets with no openings other than a double door of plywood on hinges. The proposal relates to a building that has no character that would be desirable to be retained. Its form, bulk and design are modest in scale but offer no personality or charm. Furthermore, policy H9 requires that 'new openings should be kept to a minimum to retain the existing form', as the existing building only has a door the proposal requires 8 new openings and bi-folding doors would extend across one whole elevation.

The building offers no desirable character to justify its conversion and therefore does not meet the standards and criteria of policy H9 and offers a large number of new openings.

The shed's form, bulk and general design is considered to be out of keeping with its surroundings, lacking character and architectural merit that would justify its conversion under policy H9.

2. The proposal is considered to represent unsustainable development in a countryside location, contrary to the provisions of policies CS01, CS02 and H07 of the adopted Development Plan. The development does not represent one of the listed exceptions of allowable development within countryside locations as set out within these policies.

Whilst paragraph 11 of the NPPF provides a presumption in favour of sustainable development, the proposal has been assessed to be unsustainable under paragraph 8 of the NPPF. The limited benefits to the scheme during the construction, economically, and socially, the provision of one new dwelling in the presence of a five year land supply that the council can evidence, is outweighed by the proposal's heavy reliance on a motor vehicle to access to services and facilities.

As such the proposal is unsustainable and is contrary to the NPPF and the Local plan.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

H07 - Restricting housing development unrelated to needs of countryside

H09 - Conversion of rural buildings to dwellings

H15 - Development to reflect local characteristics

NPPF - National Planning Policy Framework

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/20/00144

Signed: Philip Isbell

Dated: 3rd April 2020

**Chief Planning Officer
Sustainable Communities**

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.