



Babergh District Council
 Endeavour House, 8 Russell Road,
 Ipswich, IP1 2BX
 Tel: 0300 1234000 option 5

*Making the area a
 better place to live and
 work for everyone*

Email: planning@baberghmidsuffolk.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	<input type="text"/>
Suffix	<input type="text"/>
Property Name	<input type="text" value="Model Farm"/>
Address Line 1	<input type="text" value="Whelp Street"/>
Address Line 2	<input type="text"/>
Address Line 3	<input type="text" value="Suffolk"/>
Town/city	<input type="text" value="Preston St Mary"/>
Postcode	<input type="text" value="CO10 9NJ"/>

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
<input type="text" value="595272"/>	<input type="text" value="249871"/>

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Reference number

Date of decision (date must be pre-application submission)

Please state the condition number(s) to which this application relates

Condition number(s)

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

Has the development been completed?

Yes

No

If Yes, please state when the development was completed (date must be pre-application submission)

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

The condition should be removed as there are no exceptional circumstances.

Model Farm is a replacement dwelling for the original bungalow and outbuilding that had been on the site since the 1950s. The bungalow served the farm and adjacent barns (that have since been demolished and a replacement dwelling built there too) and over the years parts of the original farm land have been sold off. As shown in the site location plan, the site now comprises c 1.5 acre, split roughly in half with a paddock and the remaining land garden and house.

The site had a range of fencing and metal and wooden gates when purchased. It's proximity to the road mean that for safety of any animals kept and children secure fencing and gates need to be in place. The nature of the building being originally a farm house mean that outbuildings are very much in keeping with the properties intended purpose. The requirement that planning permission should be required for fencing, gates, outbuildings, something that virtually any householder is allowed to do, is unreasonable.

Under the GPDO, householders can extend to the front, side and rear, and also at roof level, without needing planning permission, as long as any extension complied with strict criteria. The NPPF states that (para 52)

"...planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."

Planning Practice Guidance states : "Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances."

The categories of work that do not amount to 'development' are set out in section 55(2) of the Town and Country Planning Act 1990. These include, but are not limited to the following:

d)the use of any buildings or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;

In 2019 permission was granted for a new 4 bedroom property to replace the historic barns on the adjacent land (DC/18/03470), barns which were once in the curtilage of Model Farm. That permission has NOT restricted the PD rights, and there could be a greater argument for attempting to restrict them there as there was never a dwelling on that land.

Under these circumstances we feel that the restrictions imposed would not pass the necessity test and are certainly not of exceptional circumstances. The removal is inconsistent with our permission granted.

In our opinion the reason you have restricted our PDR is unfair. We also feel that having to apply for full planning permission for any minor alterations is unfair especially considering the cost of submitting drawings and fees could exceed the cost of the improvement.

The conditions that are not properly worded or are ambiguous and may therefore be considered unreasonable or unenforceable.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

The condition should be removed

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
 No

Is any of the land to which the application relates part of an Agricultural Holding?

- Yes
 No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- The Applicant
 The Agent

Title

Mr

First Name

Peter

Surname

Korwin

Declaration Date

14/05/2022

Declaration made

Declaration

I / We hereby apply for Removal/Variation of a condition as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Peter Korwin

Date

15/05/2022