

**Philip Isbell – Chief Planning Officer**  
**Sustainable Communities**

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

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



---

## **PLANNING PERMISSION**

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

---

**Correspondence Address:**

Last And Tricker Partnership  
3 Lower Brook Mews  
Lower Brook Street  
Ipswich  
Suffolk  
IP4 1RA

**Applicant:**

Mr And Mrs C Stewart  
C/O Agent

---

**Date Application Received:** 19-Mar-20

**Application Reference:** DC/20/01243

**Date Registered:** 27-Mar-20

---

**Proposal & Location of Development:**

Planning Application - Erection of new gate lodge together with external works.

Buxhall Vale, Purple Hill, Buxhall, Stowmarket Suffolk IP14 3DH

---

**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 5546 3 received 19/03/2020 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:

Proposed Site Plan 5546 1 H - Received 27/05/2020

Proposed Plans and Elevations 5546 4 A - Received 27/05/2020

Flood Risk Assessment IE20/005/FRA/REVB - Received 03/08/2020

Ecological Survey/Report Protected Species Assessment (Skilled Ecology Ltd, April 2020) - Received 19/03/2020

Ecological Survey/Report Landscape Ecological Management Plan (Skilled Ecology Consultancy Ltd, April 2020) - Received 29/05/2020

Ecological Survey/Report Method statement (Derek Gow, July 2020) - Received 14/07/2020

Defined Red Line Plan 5546 3 - Received 19/03/2020

---

**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 TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

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 IN ACCORDANCE WITH A SPECIFIC TIMETABLE: DETAILS OF EAVES AND VERGES

Before any works are commenced to the eaves and verges of the building/s, detailed large scale drawings of the eaves and verge detail of the building/s shall be submitted to and approved, in writing, by the Local Planning Authority and shall be implemented and completed entirety as approved.

Reason - In the interests of the character, integrity and preservation of the building/s. This condition is required to be agreed prior to the commencement of such works to ensure matters of historic interest are considered and approved early to avoid damage or lost. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to such assets.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF ROOFING MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: FENESTRATION

Prior to the commencement of any works to alter fenestration of the hereby approved development, detailed large appropriately scale drawings which shall include details of materials, finishes, method of opening, glazing and colour of all new or replacement windows, roof lights and doors and their surrounds to be installed shall be submitted to and approved, in writing, by the Local Planning Authority and shall thereafter be entirely implemented as approved.

Reason - In the interests of the character, integrity and preservation of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF. (Note: The large scale drawings should be of appropriate scale to clearly show the detailing of the fenestration and you are advised to discuss these with the Local Planning Authority in advance.)

6. ACTION REQUIRED AND SPECIFIC RESTRICTION ON DEVELOPMENT: PAINT/FINISH OF ESTATE RAILING & RETAINED IN THE ORIGINAL APPROVED COLOUR

Notwithstanding the provision of Article 3, Schedule 2 Part 2 Class C of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), prior to the application of paint/finish to the proposed estate railings, details of finish to proposed estate railings, to include paint colour/manufacturer's details of products as relevant, shall be submitted to and approved, in writing, by the LPA and Heritage team and shall thereafter be implemented as approved, unless the Local Planning Authority has agreed otherwise pursuant to an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over such works in order to ensure that the essential character of the building is retained and respects a traditional Suffolk appearance.

7. ACTION REQUIRED AND SPECIFIC RESTRICTION ON DEVELOPMENT: INSTILATION OF TURNING HEAD FEATURE/PLANTING BED

Prior to the installation of the turning feature/planting bed, manufacturer's details of materials to be used in its construction and section drawing through it, at 1:20, as relevant, shall be submitted to and approved, in writing, by the LPA and Heritage team and shall thereafter be implemented as approved, unless the Local Planning Authority has agreed otherwise pursuant to an application made in that regard.

Reason - In the interests of the character, integrity and preservation of the setting of the listed building.

8. ACTION REQUIRED AND SPECIFIC RESTRICTION ON DEVELOPMENT: ACCESS SIGNAGE

Prior to the installation of any signage, detailed elevation drawings of the signage, at 1:20, and confirmation of materials to be used, shall be submitted to and approved, in writing, by the LPA and Heritage team and shall thereafter be implemented as approved, unless the Local Planning Authority has agreed otherwise pursuant to an application made in that regard.

Reason - In the interests of the character, integrity and preservation of the setting of the listed building.

9. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to F and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-  
- no enlargement, improvement, insertion of new openings or other alteration of the gate lodge shall be carried out,  
- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness and the setting of the listed building.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION RESTRICTION

This permission shall only authorise the use and occupation of the accommodation for purposes incidental and ancillary to the principal dwelling known as Buxhall Vale; and does not permit the use of the accommodation for a separate household.

Reason - The proposed annexe constitutes a physically separate unit of dwelling accommodation which would not be acceptable under the established policies of Local Plan and NPPF and having regard to its particular relationship with the principal dwelling and the potential for noise, activity and disturbance detrimental to the amenity of that principal dwelling were the development to be occupied as an unrelated dwelling.

11. ACTION REQUIRED AND SPECIFIC RESTRICTION ON DEVELOPMENT: ACCESS SIGNAGE

Before the development relating to the new driveway, bridge and improvements to the existing access is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to manage the traffic within the site to gain access to the highway known as Rectory Road. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent vehicles exiting the 'In Only' access point.

12. RESTRICTION OF DEVELOPMENT: FINISHED FLOOR LEVEL OF THE GATELODGE.

Prior to first use, the hereby approved gate lodge shall have a finished floor level (FFL) set at 450mm above surrounding ground levels. Flood resilient construction techniques will

then be incorporated to a height of 600mm above FFL to reduce the potential impact of flooding during an extreme event. These include non-absorbent construction/insulation materials within the floor and wall construction, non-return drainage valves, demountable flood boards installed on all external openings, plasterboard to be laid horizontally internally. Thereafter such works shall be fully implemented prior to the first occupation/use of the building.

Reason: In order to reduce the risk of internal flooding.

13. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE - SUDS WATER DRAINAGE DETAILS

No development to the Gate Lodge shall commence until details of a construction surface water management plan, detailing how surface water and storm water will be managed on the site during construction and during the lifetime of the development, are submitted to and agreed in writing by the local planning authority. No part of the development shall be first occupied or brought into use until the agreed method of water drainage has been fully installed and is functionally available for use unless alternative timing for installation is otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall thereafter be maintained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

14. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR WATER VOLE

The following works to create the new bridge 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 the Wildlife & Countryside Act 1981 (as amended) 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 protected species and Priority Species and allow the LPA to discharge its duties the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

15. PRIOR TO COMMENCEMENT: BIODIVERSITY METHOD STATEMENT

No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority, following the details contained within the Preliminary Ecological Appraisal (Skilled Ecology Consultancy Ltd, November 2019), Protected Species Assessment (Skilled Ecology Ltd, April 2020) and the Method statement (Derek Gow, July 2020).

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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)

#### 16. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL RECOMMENDATIONS

All compensation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Landscape Ecological Management Plan (Skilled Ecology Consultancy Ltd, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance Priority Habitats and allow the LPA to discharge its biodiversity duty under s40 of the NERC Act 2006 (Priority habitats & species).

#### **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

H18 - Extensions to existing dwellings  
H19 - Accommodation for special family needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
CS05 - Mid Suffolk's Environment  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
CL02 - Development within special landscape areas  
CL08 - Protecting wildlife habitats

#### **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. In this case the applicant took advantage of the Council's pre-application service prior to making the 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. Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.

3. The granting of planning permission is separate to any consents that may be required in relation to Public Rights of Way, including the authorisation of gates. These consents are to be obtained from the Public Rights of Way & Access Team at Suffolk County Council, as the Highway Authority.

To apply to carry out work on the Public Right of Way or seek a temporary closure, visit <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-of-way> or telephone 0345 606 6071.

To apply for structures, such as gates, on a Public Rights of Way, visit <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 6066071.

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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/20/01243

**Signed: Philip Isbell**

**Dated: 4th August 2020**

**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.