

Planning Team
Babergh District Council
Endeavour House
Russell Road
Ipswich
Suffolk

24th September 2023

Dear Sirs

RESUBMISSION OF APPLICATION UNDER CLASS 1 OF THE GPDO 2015 – PRIMROSE HILL FARM, HEMINGSTONE

I am instructed to make a further submission under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to a development at Primrose Hill Farm Hemingstone, described as:

“Application to determine if Prior Approval is required for a proposed Change of Use of Agricultural Buildings to Dwellinghouses (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 to form 1No dwelling”.

The application is a resubmission of application DC/23/02241 which was refused by notice dated 6th July 2023 for reasons cited as:

“Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions.”

Details as submitted in the Preliminary Ecological Survey denote that the agricultural building is of moderate roost potential and that 'two bat surveys are required for the disused piggery. These surveys must be carried [out between] May and September with at least one survey between May and August'. To date, no further surveys have been submitted. Place Services as the Councils Ecological Consultant advise that these two surveys are required prior to determination, as required by Para. 99 of the Government Circular: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System (2005).

With the above in mind, insufficient evidence with regard to Priority and/or Protected species has been provided to satisfy the Local Planning Authority. In the absence of sufficient ecological information, the Local Planning Authority adopts a precautionary approach to the proposed conversion as the statutory duties for a public body to conserve biodiversity as set out under section 40 of the Natural Environment and Rural Communities Act 2006 and Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 cannot be discharged with any certainty and appropriate mitigation.

The proposal is refused on this basis”.

This letter should be read alongside the Supporting Statement that accompanies the application, and is provided as an addendum to that statement.

The decision to refuse prior approval under Dc/23/02241 forwards no other reasons for refusing that proposal. As such, this application is resubmitted with the requisite information provided to satisfy the biodiversity requirements. As the submitted Bat Roost Characterisation and Mitigation Report confirms that there are no constraints relating to roosting bats, and as no other reasons were forwarded previously as to why this proposal was unacceptable, it is considered that this proposal has now fully demonstrated compliance with the provisions of Class Q.

Yours sincerely

Ben Elvin

Ben Elvin Planning Consultancy Limited.