

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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Website: 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:

Mr Jack Wilkinson
Wilkinson Planning Ltd
Bury Lodge
Bury Road
Stowmarket
Suffolk
IP14 1JA

Applicant:

Miss L Hillyard
Grove Farm
Lower Somersham
Ipswich
Suffolk
IP8 4PU

Date Application Received: 17-May-23
Date Registered: 21-Aug-23

Application Reference: DC/23/02326

Proposal & Location of Development:

Full Planning Application - Change of use of agricultural land to equestrian use, including erection of associated stable block and construction of manège.

Land East Of, Pettaugh Lane, Gosbeck, Ipswich Suffolk IP6 9SE

Section A – Plans & Documents:

This decision refers to drawing no./entitled Promap 1:25000 received 16/08/2023 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 Layout Plan 173-03-P5 - Received 21/09/2023
Flood Risk Assessment V3 dated August 2023 - Received 20/09/2023
Planning Statement dated April 2023 - Received 21/08/2023
Ecological Survey/Report Patrick McKenna dated 12.07.2023 - Received 19/07/2023
Traffic Survey Data recorded from 21st June 2023 - Received 06/07/2023
Defined Red Line Plan Promap 1:25000 - Received 16/08/2023
Proposed Plans and Elevations 173-04-P4 - Received 19/05/2023
Existing Site Plan 173-02-P3 Site Layout - Received 19/05/2023

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. CLARITY ON SCOPE OF PERMISSION: EXTENT OF EQUESTRIAN LAND

For the avoidance for doubt, the change of use from agricultural land to equestrian land sought by this application is denoted by the red line shown on the approved drawing Defined Red Line Site Plan Promap scale 1:25000 received 16th August 2023.

Reason: In the interests of clarity and proper planning

4. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON USE

The hereby approved land used for the keeping of horses shall be solely used for private equestrian purposes incidental to the landowner and shall not be used for any commercial riding, breeding or training purposes including livery or riding school activities except pursuant to the grant of planning permission on an application made in that regard.

Reason - To protect neighbouring amenity from disturbance and mitigate against potential highway impacts.

5. ON GOING REQUIREMENT OF DEVELOPMENT: STORAGE OF JUMPS AND OTHER EQUESTRIAN EQUIPMENT

No jumps or other equestrian equipment shall be left in the open grazing paddock land when not in use.

Reason - In the interests of the amenities of the locality

6. SPECIFIC RESTRICTION OF DEVELOPMENT: PROHIBITION OF HORSE MANURE BURNING ON SITE

No burning of horse manure or other waste shall be carried out on site.

Reason - To protect neighbouring amenity.

7. ACTION REQUIRED PRIOR TO FIRST USE : WASTE MANAGEMENT PLAN

Prior to the first use of the development, a waste management plan for storage and removal of horse manure shall be submitted to and approved in writing by the Local Planning Authority.

The waste management plan for storage and removal of horse manure shall include details on:

- o A scaled site plan showing positioning of muck heap and/or muck trailer. Any muck heap must be on a dedicated area of non permeable hardstanding.
- o Details of the construction of any muck pads and surrounding structures.
- o Frequency and method of muck removal off site and details of where waste is taken.
- o Pest control arrangements for waste to minimise the potential for flies, rats and or mice to include frequency of checks, frequency and nature of preventative treatments and actions in the event of becoming aware of the presence of pests.

The approved Waste Management Plan shall be implemented in full. Any change in method shall be subject to submission and approval in writing by the Local Planning Authority prior to implementation of the change.

Reason: to minimise detriment to nearby residential amenity

8. 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 Assessment Amphibian Assessment (Eco-Planning UK, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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).

9. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

10. ACTION REQUIRED PRIOR TO FIRST USE OF ACCESS: PROVISION OF ACCESS

Prior to first use of the access hereby permitted, clear vehicular visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 100 metres in the North direction and 78 metres in the South direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

11. ACTION REQUIRED PRIOR TO FIRST USE/CONSTRUCTION OF MANEGE OR STABLE BLOCK: PROVISION OF ACCESS FIRST

No other part of the development hereby permitted OR use of the hereby permitted equestrian land shall commence until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM01, with a minimum entrance width of 4.5 metres for a distance of 10 metres. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

12. ACTION REQUIRED PRIOR TO FIRST USE: HIGHWAYS - ACCESS SURFACE TREATMENT

Prior to the first use of the hereby permitted equestrian land, the new accesses onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

13. SPECIFIC RESTRICTION ON DEVELOPMENT: ACCESS DRIVEWAY GRADIENT

The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

14. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: SURFACE WATER DISCHARGE

Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. 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 hazards caused by flowing water or ice on the highway. This is a pre-commencement condition because insufficient details have been submitted at planning stage.

15. ACTION REQUIRED PRIOR TO FIRST USE : PROVISION OF PARKING/MANOEUVRING AREA

Prior to first use of the hereby approved equestrian land, the area(s) within the site shown within Drawing No. 173-03 Rev. P4 and for the purposes of 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 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.

16. SPECIFIC RESTRICTION OF DEVELOPMENT : ILLUMINATION RESTRICTION

No external lighting shall be installed and/or operated on/at the hereby approved equestrian land until such time as a scheme of proposed lighting including operational hours and automatic cut-off has been submitted to and agreed in writing to the satisfaction of the Local Planning Authority.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL21 - Facilities for Horse Riding
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
SP03 - The sustainable location of new development
LP24 - Design and Residential Amenity
LP16 - Biodiversity & Geodiversity
LP20 - Equestrian or similar other animal land based uses
LP29 - Safe, Sustainable and Active Transport
LP17 - Landscape

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. Unexpected Ground Conditions

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

This relates to document reference: DC/23/02326

Signed: Philip Isbell

Dated: 21st September 2023

**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/appeal-planning-decision>.

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.