

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Ms Marta Castrillo
Kay Pilsbury Thomas Architects
Honeylands
Radwinter
Saffron Walden
CB10 2TJ

Applicant:

Mr & Mrs Brocklebank
Giffords Hall
Giffords Hall Park
Stoke By Nayland
Suffolk
CO6 4SZ

Date Application Received: 28-Apr-22

Application Reference: DC/22/02251

Date Registered: 29-Apr-22

Proposal & Location of Development:

Householder Application - Construction of an outdoor natural pool with a hard surface edge. Erection of two brickwork pavilions to accommodate changing facilities, WC, a kitchenette and a terrace in between both. Erection of a lean-to bothy to host pool plant and garden furniture. To landscape around the pool and pavilions. To install an array of photovoltaic solar panels.

Giffords Hall, Giffords Hall Park, Stoke By Nayland, CO6 4SZ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2039.SD.100 Site Location Plan received 28/04/2022 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:

HERITAGE, DESIGN AND ACCESS STATEMENT March 2022 - Received 28/04/2022

Ecological Survey/Report T4 Ecology Ltd. July 2021 - Received 28/04/2022

Heritage Impact Assessment Recorded 06/09/2021 BJHC - Received 28/04/2022

Sectional Drawing 2039.PD.203A views A B & C - Received 28/04/2022

Sectional Drawing 2039.PD.203 pool section - Received 28/04/2022

Sectional Drawing 2039.PD.205 pavilions eaves - Received 28/04/2022

Sectional Drawing 2039.PD.206 plant room eaves - Received 28/04/2022

Fenestration Drawing 2039.PD.207 French door - Received 28/04/2022

Fenestration Drawing 2039.PD.208 bespoke joinery window - Received 28/04/2022

Proposed Plans and Elevations 2039.PD.209 garden gate - Received 28/04/2022

Defined Red Line Plan 2039.SD.100 Site Location Plan - Received 28/04/2022
Sectional Drawing ED4_0169GH_CWR rev C pool edge detail - Received 28/04/2022
Elevations - Proposed 00822-E1 +site plan - Received 28/04/2022
Elevations - Proposed 00822-E2 +site plan - Received 28/04/2022
Topographic Survey 00822-T1 - Received 28/04/2022
Floor Plan - Proposed 2039.PD.201B pavilions & plant room - Received 28/04/2022
Elevations - Proposed 2039.PD.202B pavilions & plant room - Received 28/04/2022
Block Plan - Proposed 2039.PD.200B - Received 28/04/2022

Section B:

Babergh 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. SPECIFIC RESTRICTION ON DEVELOPMENT: OCCUPATION RESTRICTION OF
COLLECTIVE GROUP OF BOTHY AND SWIMMING POOL PAVILION OUTBUILDINGS

This permission shall only authorise the use and occupation of the detached outbuildings constructed to serve as a pool pavilion as hereby approved for purposes incidental and ancillary to the principal dwelling known as Giffords Hall, and does not permit the use of the outbuilding as accommodation for a separate household.

Reason - The proposed outbuilding constitutes a physically separate unit of scale and accessibility capable of conversion to dwelling accommodation which would not be acceptable under the established policies of Local Plan and NPPF as unsustainable development within the countryside.

4. SPECIFIC RESTRICTION ON DEVELOPMENT: TREE PROTECTION

For 10 years following from the commencement of development, none of the retained trees as defined by the Topographic Survey Garden Area At Giffords Hall (drawing reference: 00822/T1) barring those numbered T1 through to T4 shown by the Proposed Block Plan (drawing reference: 2039/PO/200) on the site shall be felled, have their roots severed or be uprooted without the prior written approval of the Local Planning Authority. Any trees felled, uprooted, dying or being seriously damaged as a result of actions taken without such prior written approval shall be replaced in the next planting season (October - March inclusive) in the same siting with others of similar size and species.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity and the sites setting within the Dedham Vale Area of Outstanding Natural Beauty.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: INSPECTION AND AGREEMENT OF SAMPLE PANEL OF BRICKWORK

Prior to the construction of the walling, a sample panel of brickwork of not less than 1 metre square is to be constructed on site, with photographs provided and opportunity given to the Heritage Officer to inspect if considered appropriate. Once agreed, the panel is to be retained on site for the duration of the construction. All new walling is to match the approved panel.

Note: The Local Planning Authority requires 14 days written notice of materials being provided on site. If provision on site is not possible, please contact the Local Planning Authority to organise an alternative location. Materials will not be accepted at the council offices.

Reason - To secure an orderly and well-designed finish sympathetic to the character of the existing historic wall and in the interests of visual amenity and the character and appearance of the non-designated historic garden/park and setting of the grade I listed building.

6. ACTION REQUIRED PRIOR TO OCCUPATION/USE: LANDSCAPING SCHEME

Prior to the occupation/first use of the development hereby permitted details must be submitted to and approved, in writing, by the Local Planning Authority of a scheme of naturalistic perimeter landscape planting for the site with precise specification details to be provided in line with the recommendations given by Annex 4 - Recommended Enhancements of the Preliminary Ecological Appraisal Report prepared by T4 Ecology Ltd. received on the 28th April 2022. Which shall include any proposed changes in ground levels and also accurately identify spread, girth and species mix of all proposed trees, shrubs and hedgerows on the site and indicate any to be retained, removed, and replace in compensation for their loss.

Reason - In the interests of visual amenity and the character and appearance of the non-designated historic park and garden, the setting of Giffords Hall a grade I listed building and the wider public benefit ecological enhancement will offer to local biodiversity within the surrounding area.

7. ACTION REQUIRED: EXTERNAL LIGHTING RESTRICTION

Prior to the installation of any external lighting inside or around the hereby approved swimming pool, terrace, and pavilion outbuildings, details shall be submitted to and approved, in writing, by the Local Planning Authority. And then carried out in its entirety as approved.

Reason - In the interests of protecting residential amenity from unacceptable levels of light pollution and in the interests of biodiversity and visual amenity within the AONB.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS15 - Implementing Sustainable Development
CN01 - Design Standards
CR02 - AONB Landscape
CN06 - Listed Buildings - Alteration/Ext/COU
CR07 - Landscaping Schemes
CN14 - Historic Parks and Gardens - National
TP15 - Parking Standards - New Development
NPPG-National Planning Policy Guidance
CN15 - Historic Parks and Gardens - Local

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. **Building Control Note**

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.

3. **Listed Building Note**

The building to which this permission relates has been listed by the Secretary of State for Culture, Media and Sport as being of Special Architectural or Historic Interest. A separate Listed Building Consent is required in respect of the development hereby permitted and no development/works should take place until that consent has been obtained. The carrying out of work without listed building consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and/or contractors liable for enforcement action and/or prosecution.

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/22/02251

Signed: Philip Isbell

Dated: 15th July 2022

**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.