

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

**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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



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## **LISTED BUILDING CONSENT**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**  
**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1992**

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**Correspondence Address:**

Mr Les Edwards  
Optimum Architecture Ltd  
Nags Corner  
Nayland  
Nr Colchester  
CO6 4LT

**Applicant:**

Mrs J Lambert  
Post Office And Stores  
Park Street  
Stoke By Nayland  
Suffolk  
CO6 4SE

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**Date Application Received:** 12-Aug-23

**Application Reference:** DC/23/03802

**Date Registered:** 14-Aug-23

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**Proposal & Location of Development:**

Application for Listed Building Consent - Subdivision of property to provide living accommodation to serve existing post office and form separate 2-bed dwelling, re-positioning oil tank, condenser and siting EV charging point including creation of parking area and alterations to windows, doors and internal layout; demolition of part wall and roof of workshop..

Post Office And Stores, Park Street, Stoke By Nayland, Colchester Suffolk CO6 4SE

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 1405-01-01 received 12/08/2023 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:

Block Plan - Proposed 1405-01-03D inc Roof - Received 25/09/2023

Floor Plan - Proposed 1405-01-04C - Received 20/10/2023

Heritage Design and Access Statement 1405-01-HDAS Rev B - Received 20/10/2023

Photographic Appraisal 1405-01-HDAS Rev B - Received 20/10/2023

Defined Red Line Plan 1405-01-01 - Received 12/08/2023

Bat Survey / Further Bat Survey Report August 2023 - Received 12/08/2023

Bat Survey / Assessment June 2023 - Received 12/08/2023

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**Section B:**

Babergh District Council as Local Planning Authority, hereby give notice that **LISTED BUILDING CONSENT 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 works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. APPROVED PLANS & DOCUMENTS

The works 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 consent.

Reason - For the avoidance of doubt and in the interests of proper planning of the works.

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: SCHEDULE OF WORKS

Prior to the commencement of any works, a full schedule and specification of all works to the building related to the conversion (including manufacturer's details for any proposed materials) 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.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:  
SPECIFICATION - OUTBUILDING

Prior to the commencement of any works above slab level, manufacturers' specifications, including finish/colour, of external facing and roofing materials for the outbuilding 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.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: RAINWATER GOODS

Prior to the installation of new rainwater goods to the main building and outbuilding, manufacturer's details (including finish/colour) of proposed rainwater goods 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.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: EXTERNAL VENTS

Prior to the installation of external vents and/or mechanical ventilation, details (including manufacturer's literature and finish, and annotated photographs showing the proposed location) 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.

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

Prior to the installation of fenestration to the main building and outbuilding (including external and internal doors), elevation and section drawings (at an appropriate scale), materials, and finish of the proposed fenestration 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.

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: BUILD UP SPECIFICATION

Prior to the commencement of works above slab level, section drawings (through all ground floor materials, walls and ceilings) and manufacturer's literature of the proposed build-up, including internal finishes, of insulation materials 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.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: EXTERNAL HARD SURFACING

Prior to the commencement of any works above slab level, manufacturers literature of proposed external hard surfacing 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 and integrity of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: FENCING AND GATES

Prior to the commencement of works above slab level, manufacturers literature, including finish, of new fencing and gates 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 and integrity of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

11. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: EAVES AND VERGE DETAIL

Prior to the commencement of works above slab level, section drawings at an appropriate scale of the eaves and verges for the outbuilding 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 and integrity of the building and in the interests of visual amenity and principles of good design in accordance with the NPPF.

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

NPPF - National Planning Policy Framework  
CS15 - Implementing Sustainable Development  
CN06 - Listed Buildings - Alteration/Ext/COU

Emerging Joint Local Plan Policy  
LP19 - The Historic Environment

## NOTES:

### 1. **Listed Building Note**

This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this 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 to enforcement action and/or prosecution.

### 2. **Protected Species Note**

Certain species of animals are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to damage or destroy a breeding site or resting place of a European Protected Species even when they are not present or deliberately disturb any such animal.

As it has been identified that Common Pipistrelle and Brown Long-eared Bat day roosts will be impacted during works to the listed building, the LPA is obliged to advise that mitigation measures are finalised and/or the works are adjusted to reduce potential impacts to these animals during the construction phase. Mitigation measures to limit the harm to protected species MUST be in place prior to the commencement of any of the works subject to this consent. This is to ensure the conservation of protected and Priority species 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).

Failure to discharge this obligation may give rise to a criminal offence.

With evidence of the presence of bats in the listed building, works MUST NOT, under any circumstances, commence until such time as the landowner, relevant companies, individuals and/or employing organisations have secured either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

This is to conserve protected species under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

The penalty for breaches of the above legislative requirements by companies, individuals and/or the employing organisations an unlimited fine per incident and/or a 6-month

custodial sentence. As the Courts will decide whether the offence could reasonably have been avoided, assessment for the potential disturbance of protected species is essential before work is carried out.

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/23/03802

**Signed: Philip Isbell**

**Dated: 16th November 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/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.

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### Babergh District Council

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### Mid Suffolk District Council

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