

**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 Matthew Devoy  
Owl Cottage  
The Street  
Great Waldingfield  
SUDBURY  
CO10 0TN

**Applicant:**

Mr Matthew Devoy  
Owl Cottage  
The Street  
Great Waldingfield  
SUDBURY  
CO10 0TN

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**Date Application Received:** 06-Feb-23

**Date Registered:** 07-Feb-23

**Application Reference:** DC/23/00573

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**Proposal & Location of Development:**

Application for Listed Building Consent - Internal works - to bedroom 4 replace plaster with timber battens plasterboard and plaster skim, install vent between chimney stack and plasterboard; to garage, remove plasterboard and re-point brickwork with lime mortar, re-instate chimney and install hearth stone, double lined flue and wood stove, install ventilation brick if necessary. Install stud wall with insulation behind double garage doors, works to electrics. Replace/repair lathes and lime plaster to wall opposite northwest chimney. External works - remove impermeable paint from external Northwest wall, repoint with lime mortar and repaint with permeable paint in matching colour. All works as detailed in Design and Access Statement

Owl Cottage, The Street, Great Waldingfield, Sudbury Suffolk CO10 0TN

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled TL9143NW received 06/02/2023 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:

Defined Red Line Plan TL9143NW - Received 06/02/2023

Floor Plan - Existing 393544 - Received 06/02/2023

Design & Access Heritage Statement - Received 06/02/2023

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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 FOR DESIGNATED ASSET

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 consent.

REASON: For the avoidance of doubt and in the interests of proper planning of the development.

NOTES FOR CONDITION:

Any indication found on the approved plans to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

3. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF LIME PLASTER AND TIMBER LATHS

Prior to internal re-plastering of the hereby approved works; manufacturer's literature and/or mix specification for lime plaster and timber lath backing materials to be used, shall be submitted to and approved, in writing, by the Local Planning Authority, before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF LIME MORTAR AND BRICKS

Prior to repairs to brickwork of the hereby approved works; manufacturer's literature and/or mix specification for lime mortar, and manufacturer's literature or photos (detail and context) of bricks, to be used, shall be submitted to and approved, in writing, by the Local Planning Authority, before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

5. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: BRICKWORK CLEANING DETAILS

Prior to the removal of paint from brickwork of the hereby approved works; manufacturer's literature and methodology for the removal of paint shall be submitted to and approved, in writing, by the Local Planning Authority, before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

6. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF EXTERNAL PAINT OR LIMEWASH FINISHES

Prior to re-painting the exterior of the building of the hereby approved works; manufacturer's literature and/or mix and specification of finishes, including colours, shall be submitted to and approved, in writing, by the Local Planning Authority, before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF HEARTH MATERIALS

Prior to the installation of the hearth of the hereby approved works; manufacturer's literature of hearth materials to be used, shall be submitted to and approved, in writing, by the Local Planning Authority, before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

8. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: VENTILATION BRICKS

Prior to the installation of ventilation bricks of the hereby approved works; manufacturer's specification of the ventilation bricks, and annotated photographs (context and detail) of the proposed internal and external location of each vent, 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/s.

9. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF CHIMNEY BRICKS, MORTAR AND POT

Prior to the raising of the chimney of the hereby approved works; manufacturer's literature and/or photos (detail and context) of bricks, mortar specification and chimney pot to be used, shall be submitted to and approved, in writing, by the Local Planning Authority, before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

10. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: CHIMNEY DETAIL

Prior to the raising of the chimney of the hereby approved works; detailed large scale (1:10, 1:5) elevation and section drawings of the chimney stack to be built, shall be submitted to and approved, in writing, by the Local Planning Authority before the continuation of said works which shall be implemented in their entirety as may be approved.

Reason - In the interests of the character, integrity and preservation of the building/s.

**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

CN06 - Listed Buildings - Alteration/Ext/COU

CN08 - Development in/near conservation areas

**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. **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.

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/23/00573

**Signed: Philip Isbell**

**Dated: 31st March 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.