

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

**Mid Suffolk District Council**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

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



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## **PLANNING PERMISSION**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)**  
**ORDER 2015**

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**Correspondence Address:**

Miss Chloe Hewitt  
Bellrope View  
Rectory Road  
Shelfanger  
IP22 2DQ  
United Kingdom

**Applicant:**

Paul Carroll & Helen Melhuish  
Hillview Farm  
Laxfield Road  
Fressingfield  
Suffolk  
IP21 5PY

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**Date Application Received:** 26-May-23

**Application Reference:** DC/23/02505

**Date Registered:** 28-Jun-23

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**Proposal & Location of Development:**

Full Planning Application - Conversion of an agricultural barn to form holiday accommodation including 17No solar panels to south facing roofslope.

Hillview Farm, Laxfield Road, Fressingfield, Eye Suffolk IP21 5PY

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled Existing Location Plan 1025-01B received 28/06/2023 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:

Land Contamination Questionnaire - Received 31/05/2023  
Homecheck Environmental Land Contamination Report - Received 31/05/2023  
Design and Access Statement - Received 26/05/2023  
Countersigned IACPC - Received 21/11/2023  
Structural Appraisal Weybreads Ltd - Received 26/05/2023  
Countryside Tourist Accommodation Justification Statement - Received 30/11/2023  
Existing Location Plan 1025-01F - Received 01/12/2023  
Proposed Site Plan 1025-01F - Received 01/12/2023  
Biodiversity Enhancement Statement - Received 28/11/2023  
Sustainability Statement - Received 28/11/2023

Application Form - Received 28/06/2023  
Manufacturer Specification Solar Panels - Received 28/06/2023  
Ecological Survey/Report Norfolk Wildlife Services 2022.315 - Received 28/06/2023  
Proposed Plans and Elevations 1025-04 - Received 26/05/2023  
Access Plan 1025-02 - Received 26/05/2023  
Existing Plans and Elevations 1025-03 - Received 26/05/2023  
Defined Red Line Plan Existing Location Plan 1025-01B - Received 28/06/2023

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### **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. PRE COMMENCEMENT CONDITION: PROVISION OF ACCESS

No other part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Drawing No. 1025-02 Rev. A; with an entrance width of 4 metres for a shared access and surfaced with a bound material for a minimum distance of 5 metres from the nearside edge of the carriageway. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

4. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - PARKING PROVISION

The use shall not commence until the area(s) within the site shown in Drawing No. 1025-01 Rev. B 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.

5. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - REFUSE AND RECYCLING PROVISION

Before the development is occupied, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

6. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - SURFACE WATER DISCHARGE

The use shall not commence until the infrastructure within the site shown in Drawing No. 1025-02 Rev. A for the purposes of preventing surface water from falling onto the highway and it being discharged appropriately within the site has been provided, and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - EV CHARGING AND ELECTRIC CYCLE STORAGE PROVISION

Prior to works above slab level, details of secure, lit and covered cycle storage and electric cycle charging and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

8. SPECIFIC RESTRICTION ON SITE: WORKING HOURS

Operations related to the construction (including site clearance and demolition) phases) of the permitted development/use shall only operate between the hours of 07.30 and 18.00hrs Mondays to Fridays and between the hours of 08.00 and 13.00hrs on Saturday.

There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no HGVs arriving at or departing the site outside of these approved hours.

Reason: to minimise detriment to nearby residential amenity

9. ON GOING REQUIREMENT OF DEVELOPMENT/USE: PROHIBITION ON BURNING

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

Reason: to minimise detriment to nearby residential amenity

10. PRE COMMENCEMENT CONDITION: FOUL DRAINAGE

Prior to the commencement of development final details of the foul drainage scheme to serve the development shall be submitted to and approved, in writing, by the Local Planning Authority. Where package treatment plants are proposed, the applicant must provide confirmation in writing detailing how the proposal will meet the requirements of the updated General Binding Rules General binding rules: small sewage discharge to a surface water - GOV.UK ([www.gov.uk](http://www.gov.uk))

No part of the proposed development shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use. The foul water drainage scheme shall thereafter be maintained as approved.

Reason: To ensure the foul drainage does not cause unacceptable detriment to neighbouring amenity or the environment.

11. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT

Prior to any works on the hereby approved development commencing, one of the following shall be submitted to and approved in writing with the Local Planning Authority:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; 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.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

12. ONGOING 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 Biodiversity Enhancement Statement (KFD Architecture, November 2023), Existing Location Plan and Proposed Site Plan Rev D Drawing No. 1025-01 (KFD Architecture, November 2023) and the Ecological Impact Assessment (Norfolk Wildlife

Services, June 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

In addition, this will include good practice measures for mobile species and 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).

13. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to occupation of the hereby approved holiday unit, a lighting design scheme for biodiversity based on GN: 08/23 shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To 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).

14. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AIR SOURCE HEAT PUMP

Prior to the installation of any proposed Air Source heat pump, the applicant shall provide full details of all Air Source heat pump plant associated with the proposed development. A full acoustic assessment relating to the air source heat pump noise from the site shall be undertaken in accordance with "MCS 020 - MCS Planning Standards for permitted development installations of wind turbines and air source heat pumps on domestic premises".

This assessment shall be carried out by a competent person and confirmation of the findings of the assessment and any recommendations shall have been submitted to the Local Planning Authority and agreed prior to the installation.

Reason: to minimise detriment to nearby residential amenity.

15. ON GOING REQUIREMENT OF DEVELOPMENT: TIME RESTRICTION ON HOLIDAY LET USE

The unit hereby approved shall not be occupied other than for holiday purposes and shall not be used as residential dwelling/s, including any use within Class C3 of the Town and

Country Planning (Use Classes) Order 1987 (as amended). No person/s shall occupy the unit for a continuous period exceeding 28 days. Details of the name, permanent home address, vehicle registration of all lettings shall be kept in a register, a copy of which shall be made available to the Local Planning Authority for inspection at any time.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a unit for holiday purposes in the interests of contributing to tourism and the economy of the area.

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

NPPF - National Planning Policy Framework  
SP03 - The sustainable location of new development  
LP16 - Biodiversity & Geodiversity  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP13 - Countryside Tourist Accommodation  
LP17 - Landscape  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP29 - Safe, Sustainable and Active Transport  
Fressingfield Neighbourhood Plan  
LP04 - Replacement Dwellings and Conversions

## **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. 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 geoenvironmental 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](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/23/02505

**Signed: Philip Isbell**

**Dated: 1st December 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.