

7th March 2024
Our ref: C05237

West Suffolk Council
West Suffolk House,
Western Way,
Bury St Edmunds,
IP33 3YU



Dear Sir/Madam,

Re: Certificate Of Lawfulness Applications for EV Charger at Rushbrooke Arms, Sicklesmere, Bury Saint Edmunds IP30 0BU

Please find enclosed the following documentation in relation to a proposal to install an EV charging point within the existing car park serving the Rushbrooke Arms Public House which is a listed building.

Application form for Certificate of Lawfulness of Proposed Use or Development (CLOPUD)

Drawings:

- Site Location Plan
- Existing and Proposed Block Plan
- Existing and Proposed Detail Plan
- Charger Plans/Elevations

Planning fee (£353) paid by BACS transfer

Application form for a Certificate of Lawfulness of Proposed Works to a Listed Building

The Proposed CLOPUD application seeks confirmation that the proposed EV charger is permitted development in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, more specifically to confirm that the charger is located outside the curtilage of the Rushbrooke Arms Public House which is a listed building.

The Certificate of Lawfulness application for proposed works to a listed building is sought to confirm that the works to run cabling underground through the carpark and along the exterior of the building to reach the internal fuse box (referred to as the Point of Supply) does not require Listed Building Consent.

The Planning CLOPUD

The proposed work associated with the above application includes:

“Installation of 1no. electric vehicle charging station and installation of associated cabling to internal point of supply”.

Development does not in all instances require a planning application to be made for permission to carry out certain works. The circumstances where this may apply are set out under ‘The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)’ hereafter referred to as ‘the GDPO’.

Schedule 2, Part 2, Class E of the GDPO states that planning permission is not required for the installation of an upstand with an electrical outlet mounted on it for recharging electric vehicles, within an area lawfully used for off-street parking. The application site is located within an existing surface level car park associated with Rushbrooke Arms Public House, therefore the site is lawfully in use as a car park.

Development is not permitted by Class E if the upstand and the outlet would:

- (a) exceed 1.6 metres in height from the level of the surface used for the parking of vehicles;
- (b) be within 2 metres of a highway;
- (c) be within a site designated as a scheduled monument;
- (d) be within the curtilage of a listed building; or
- (e) result in more than 1 upstand being provided for each parking space.

In assessing the proposed development against the requirements of the GDPO, we can confirm that:

- a) The proposed charging stations are 1.43m in height, so do not exceed 1.6m;
- b) The proposed charging stations are not within 2m of a highway. They will be circa 19.5m away from the public road (A134);
- c) The application site is not designated as a scheduled monument;
- d) The Rushbrooke Arms Public House is a Grade II listed building (Ref: 1230272). According to Historic England's Listed Building and Curtilage Advice Note 10¹, the curtilage of a building is in general terms any area of land and other buildings that is around and associated with that principal building.

Whilst the proposed charger is located within one of the car parks serving the public house, this car park is well separated from the listed building and is a later extension to the overall site and as such is not considered to be within the curtilage of the listed building.

The Historic England website when discussing the listed building states:

“Public House, mid C16 core with alterations of several periods. 1 1/2 storeys and attics. Timber-framed and rendered with C20 pargetting in panels. Thatched roof with thatched gabled casement dormers; C17 axial chimney of red brick with saw-tooth pattern flues. C20 small-pane 3-light casements and glazed panelled entrance doors. The 2-cell C16 core is in two phases; the jettied west gable-end now exposed within the later public bar has arch-braced close-studding and simple crownpost roof; the second phase has a coupled rafter roof. Open fire-places inserted back-to-back in C17. A timber-framed cell added to the east end C18. The

¹ <https://historicengland.org.uk/images-books/publications/listed-buildings-and-curtilage-advice-note-10/>

public bar added to west end early C19; flint walling now rendered, C20 small-pane cross-windows. Known in the C19 as "The Waggoner".

It is clear from the above text that the importance lies within the building itself rather than the car park. Our consideration is that the curtilage of the listed building would (at most) end as shown on the aerial image below with an orange line. The lands north of the orange line should be considered as within the curtilage of the listed building. The lands to the south appear as an extension rather than part of the original listing. The proposed charger would be located circa 80m away from the listed building. On that basis, we do not consider the proposed works to take place within the curtilage of the listed building.



Figure 1: Aerial Image of site

(e) The proposed development comprises the erection of 1no. CP6000 charger and creates 2no. electric vehicle charging bays. Therefore, the proposed works do not result in more than 1 upstand being provided for each parking space.

With the above in mind, we consider that permitted development rights are available under Schedule 2, Part 2, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the proposed development does not require planning permission or listed building consent.

The Certificate of Lawfulness of Proposed Works to a Listed Building

In addition to the proposed charging station, the proposed works also include the provision of cabling underground through the carpark and along the exterior of the building to reach the internal fuse box (referred to as the Point of Connection).

The cabling location and trench details can be found on the submitted drawings, specifically Drawing 098 D 03. This drawing also includes site images with a dashed orange line indicating the location of any above ground cabling.

As can be seen by the images, there are a few locations where the cabling will need to be provided on or nearby the existing listed building. The proposed cabling will not result in any alterations to the existing listed building or have any adverse impact on the listed building. The proposed above ground cabling is minor in scale and only 22mm in diameter. The cabling can also be painted to match the exterior of the building. It is considered that the proposed development does not affect the fabric of the listed building and will preserve the special character of the heritage asset. As the proposed works do not affect the character of the listed building, we consider that listed building consent is not required.

We would be grateful if the Council could confirm the same in the determination of this application. Should you have any queries or require any further information, please do not hesitate to contact this office.

Kind Regards,



Lisa Shannon

Gravis Planning