

**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:**

Mr Sebastian Blemings  
Cherry Tree Cottage  
Hitcham Road  
WATTISHAM  
IP7 7LD

**Applicant:**

Mr & Mrs A Hart  
Tiger Lodge  
Valley Lane  
Great Finborough  
Stowmarket  
Suffolk  
IP143BD  
UK

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**Date Application Received:** 14-Aug-23  
**Date Registered:** 22-Aug-23

**Application Reference:** DC/23/03826

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**Proposal & Location of Development:**

5 Full Planning Application - Rewilding project including provision of woodland, construction of a wetland lake and angling lake and erection of anglers boat house/tractor shed.

Valley Farm, Valley Lane, Great Finborough, Stowmarket Suffolk IP14 3BD

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 529-SL1 received 14/08/2023 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:

Planning Statement - Received 14/08/2023  
Flood Risk Assessment FRA Rev 1 - Received 22/08/2023  
Ecological Survey/Report Supplementary Ecology Statement - Received 01/11/2023  
Archaeological evaluation - Received 22/11/2023  
Biodiversity supporting statement Jul 23 - Received 14/08/2023  
Archaeological evaluation - Received 26/09/2023  
Ecological Survey/Report - Received 01/11/2023  
Site Plan 529.01 Rev J - Received 08/09/2023  
529-VS01 Visibility Splays - Received 08/09/2023

Flood Risk Assessment 529-FRA - Received 08/09/2023  
Topographic Survey 529-TS01 - Received 22/08/2023  
Block Plan - Proposed 529-01 Rev H - Received 22/08/2023  
Plans - Proposed 529-03 Rev B Lake Details - Received 22/08/2023  
Defined Red Line Plan 529-SL1 - Received 14/08/2023  
Block Plan - Existing 529-E01 - Received 14/08/2023  
Plans - Proposed 529-02 REV A Anglers Boathouse - Received 14/08/2023

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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. SPECIFIC REQUIREMENT WITH REGARDS TO ACCESS

No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. DM04 with an entrance width of 5 metres for a distance of 10 metres measured from the nearside edge of the metalled carriageway. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

4. PRIOR TO FIRST USE OF ACCESS REQUIREMENT : VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided as shown on Drawing No. 529 VS01 with an X dimension of 2.4 metres and aY dimension of 160 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

5. PRIOR TO FIRST USE OF ACCESS : ACCESS SURFACE MATERIALS

Prior to first use of access, it/the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge metallised carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

6. PRIOR TO FIRST USE OF ACCESS : DETAILS OF DISCHARGE OF SURFACE WATER

Before the access is first used, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

7. CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours (to include hours for delivery)
- Details of the scheduled timing/phasing of the development for the overall construction period
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- protection measures for footpaths surrounding the site
- Loading and unloading of plant and materials

- Wheel washing facilities
- Lighting
- Location and nature of compounds, portals and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Method of any demolition to take place, including the recycling and disposal of materials arising from demolition.
- Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling) and;
- Litter and waste management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Reason: to minimise detriment to nearby residential amenity

#### 8. 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 email from agent (17/11/2023), Ecology Appraisal (Supplementary Information) (Framlingham Environmental, October 2023), Response to Ecology consultation (September 2023), Preliminary Ecology Appraisal (Framlingham Environmental, July 2023) and the Biodiversity Supporting Statement (Framlingham Environmental, July 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include 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).

#### 9. PRIOR TO COMMENCEMENT: GREAT CRESTED NEWT NON-LICENSED PRECAUTIONARY METHOD STATEMENT

A Non-Licensed Great Crested Newt Precautionary Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt

during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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).

10. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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).

11. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING SCHEME

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing (if any present) shrubs and hedgerows on the site and indicate any to be retained.

Reason - In the interests of visual amenity and the character and appearance of the area.

12. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping/drawings details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

13. WILDLIFE MANAGEMENT PLAN

Before the development is first brought into use, a schedule of wildlife management plan, and maintenance for a period of 3 years shall be submitted to and approved in writing by the local planning authority. Management Plan shall include the following:

- The details of proposed footpath and safety measures with regards to 5m drop to the water's edge.
- Details of the bunding between the river and angling lake, marginal planting, details of inlets and outlets/interconnection of water bodies.
- Details and location of decking/launching a boat, from the angling lake or wetland lake.

Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme and in order to conform with the Local Plan and the National Planning Policy Framework.

14. SPECIFIC REQUIREMENT WITH REGARDS TO ANGLER'S BOAT BUILDING

The hereby approved anglers boat house/tractor shed as identified in drawings 02 REV A, 1 REV H & 01 REV J, shall only be used in connection and association to, and for the purposes of private use to the applicant and their dependants. (Mr & Mrs Hart, Tiger Lodge, Valley Lane, Great Finborough, Stowmarket, Suffolk, IP143BD, UK)

At no point there shall be any commercial use on this site, unless in pursuant of a planning permission granted specifically in that regard.

Reason : In order to maintain control of development and in the interest of tranquillity of the countryside.

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

- NPPF - National Planning Policy Framework
- NPPG - National Planning Policy Guidance
- SP03 - The sustainable location of new development
- SP10 - Climate Change
- LP15 - Environmental Protection and Conservation
- LP16 - Biodiversity & Geodiversity
- LP17 - Landscape
- LP23 - Sustainable Construction and Design
- LP25 - Energy Sources, Storage and Distribution
- LP26 - Water resources and infrastructure
- LP29 - Safe, Sustainable and Active Transport
- LP12 - Tourism and Leisure

## 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. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any 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. **Archaeology**

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service. SCC-Archaeology can offer guidance on the archaeological work required and will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Further details on SCC advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

### 3. **Highways**

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council must be contacted on Tel: 0345 606 6171. For further information go to: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-n-for-works-licence/> County Council drawings DM01 -DM14 are available from: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/> A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

### 4. **Public Path Orders**

To make a permanent change to the public rights of way network, is subject to a separate consent, you can apply to make a Public Path Order.

There are three types of Public Path Order:

- o A diversion order can alter the route of a footpath/bridleway/restricted byway
- o An extinguishment order can remove a footpath/bridleway/restricted byway from public use
- o A creation order can add a new footpath/bridleway/restricted byway

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/23/03826

**Signed: Philip Isbell**

**Dated: 7th 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.

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### Babergh District Council

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