

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council
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REFUSAL OF PLANNING PERMISSION

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

Correspondence Address:

Earlswood Homes
The Old Mill
Kings Mill Lane
South Nutfield
RH1 5NB
UK

Applicant:

Earlswood Homes
The Old Mill
South Nutfield
RH1 5NB

Date Application Received: 11-Oct-19

Application Reference: DC/19/04807

Date Registered: 12-Oct-19

Proposal & Location of Development:

Planning Application - Erection of 6no. dwellings (following demolition of existing bungalow)

10 Ipswich Road, Debenham, Stowmarket, Suffolk IP14 6LB

Section A – Plans & Documents:

This decision refers to drawing no./entitled PL1000 received 11/10/2019 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 PL1000 - Received 11/10/2019
Topographic Survey - Received 11/10/2019
Proposed Plans and Elevations PL1002 - Received 11/10/2019
Proposed Plans and Elevations PL1003 - Received 11/10/2019
Proposed Plans and Elevations PL1004 - Received 11/10/2019
Proposed Plans and Elevations PL1005 - Received 11/10/2019
Proposed Plans and Elevations PL1006 - Received 11/10/2019
PROPOSED ACCESS PLAN PL1010 - Received 11/10/2019
PL2008 - Received 26/11/2019
Distances - Received 26/11/2019

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the development proposed in the application in accordance with the particulars and plans listed in section A for the following reasons:

1. This application seeks the development of six new dwellings, that, if approved, would result in a significant loss of amenity by reason of an overbearing and intrusive impact from plot 6 on numbers 1, 2 and 3 Cherry Tree Close and an impact on the existing residential amenity enjoyed at 12, 14 and 16 Ipswich Road from the proposed dwellings at plots 1, 2 and 3. Local Plan policy H16 seeks to oppose development which materially reduces the amenity and privacy of adjacent dwellings while Local Plan policy GP01 seeks to refuse planning permission for proposals which fail to maintain or enhance the character and appearance of their surroundings. Policies DEB2 of the Debenham Neighbourhood Plan has a similar aim to that of GP01 while policy DEB16 seeks development to address issues of overlooking and enclosure to avoid detrimental impacts on neighbouring dwellings. These issues are supported within the NPPF at paragraph 127 which seeks to secure a high standard of amenity for existing and future users as well as paragraph 130 which is clear that planning permission should be refused where poor design would create unacceptable impacts. On this basis the development is contrary to Local Plan policies H16 and GP01 as well as policies DEB2 and DEB16 of the Debenham Neighbourhood Plan.
2. Plots 1, 2 and 3 of the proposed are all 2.5 storeys in height with living accommodation provided within their roof spaces. Neighbourhood Plan policy DEB2 specifically seeks to avoid the development of residential dwellings over two storeys in height and further seeks to limit accommodation within the roof space of a building unless it is apparent within the surrounding area. No such evidence can be found within the immediate area. On this basis the development is considered to be contrary to paragraphs 127 and 130 of the NPPF as well as policy DEB2 of the Debenham Neighbourhood Plan.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards

T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
Debenham Neighbourhood Plan

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

This relates to document reference: DC/19/04807

Signed: Philip Isbell

Dated: 12th June 2020

**Chief Planning Officer
Sustainable Communities**

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.