

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

**Mid Suffolk District Council**

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



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## **REFUSAL OF OUTLINE 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:**

Planning Direct  
The Furnace  
The Maltings  
Princes Street  
Ipswich  
IP1 1SB

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**Applicant:**

Mr And Mrs Alex And Anna Rowe  
C/O Agent

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**Date Application Received:** 27-May-21

**Application Reference:** DC/21/03467

**Date Registered:** 28-May-21

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**Proposal & Location of Development:**

Outline Planning Application (all matters reserved) - Erection of 1no. self build dwelling

Land To The South Of Post Office Cottage , Monk Soham, IP13 7EX,

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 0719\_01 Rev 1 received 27/05/2021 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 0719\_01 Rev 1 - Received 27/05/2021  
Block Plan - Existing 0719\_02 Rev 1 - Received 27/05/2021  
Proposed Site Plan Indicative Only 0719\_03 Rev 1 - Received 27/05/2021  
Planning Statement JC/0719 - Received 27/05/2021  
Land Contamination Questionnaire - Received 27/05/2021  
Ecological Survey/Report May 2021 - Received 27/05/2021  
Land Contamination Assessment AEL-4832-SRE-1018177 - Received 27/05/2021

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE 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. REASON(s) FOR REFUSAL - UNSUSTAINABLE DEVELOPMENT

The proposed development would be located approximately 1 mile from Monks Soham and Bedfield which both have limited services, resulting in the likely reliance on private motor vehicle use and increase in traffic, the development would lead to a less integrated community leading to poor social cohesion and represents a failure to take opportunities to design for functional communities. There are insufficient public transport alternatives available within short walking distance from the site to otherwise outweigh other considerations of the location and poor access to services outlined. Whilst the self-build nature of the scheme is acknowledged and holds some weight, on balance, the benefits attributed to one self-build dwelling is limited and not considered to outweigh the significant environmental harms identified with particular regards to the lack of services and facilities and reliance on the private vehicle.

In conclusion with consideration of the above, the NPPF states that decision-taking authorities should approve development proposals that accord with the development plan without delay, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

As such the proposal is not acceptable in principle, being contrary to NPPF (2021), Policies CS1, CS2 and CS5 of the Core Strategy (2008), Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012) and Policies H7 of the Mid Suffolk Local Plan (1998). In all circumstances the LPA is of the opinion that no residential development would be supported on this site.

## 2. REASON(s) FOR REFUSAL - INSUFFICIENT ECOLOGY INFORMATION

Insufficient information in relation to ecology issues has been provided and therefore the application fails to demonstrate that the site is suitable for the proposal in the context of identifying presence or otherwise of protected species. The site and associated habitats have the potential to be suitable for Great Crested Newts. Further information is therefore required in order to assess mitigating measures and development as a whole that the proposal would need to have in relation to these protected species. The proposal is considered contrary to Local Plan Policy CL8 and prevents the LPA from discharging their statutory duties to ecology under S40 NERC Act 2006.

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

NPPF - National Planning Policy Framework

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

CS06 - Services and Infrastructure

FC01 - Presumption In Favour Of Sustainable Development

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

GP01 - Design and layout of development

H03 - Housing development in villages

H07 - Restricting housing development unrelated to needs of countryside

H13 - Design and layout of housing development

H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
SB02 - Development appropriate to its setting  
T09 - Parking Standards  
T10 - Highway Considerations in Development

## **NOTES:**

1. 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 Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

## **2. REFUSED PLANS & DOCUMENTS**

The drawings/documents considered by the Local Planning Authority in determination of this application are listed under Section A above.

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/21/03467

**Signed: Philip Isbell**

**Dated: 25th November 2021**

**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.