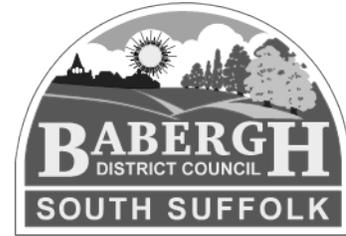


Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



REFUSAL OF PLANNING PERMISSION

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

Correspondence Address:

Mr Ben Elvin
122 Constable Road
IPSWICH
IP4 2XA

Applicant:

Mr G Becker
The Forge, Church Street
Groton
CO10 5HD

Date Application Received: 29-Jul-21

Application Reference: DC/21/04249

Date Registered: 30-Jul-21

Proposal & Location of Development:

Full Planning Application - Erection of a single storey detached dwelling (following demolition of existing garage).

The Forge, Church Street, Groton, Suffolk CO10 5HD

Section A – Plans & Documents:

This decision refers to drawing no./entitled 4062-05C received 29/07/2021 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 4062-05C - Received 29/07/2021
Site Plan 4062-01 inc garage - Received 29/07/2021
Block Plan - Proposed 4062-21C - Received 29/07/2021
Plans - Proposed Plans and Elevations 4062-22 - Received 29/07/2021

Section B:

Babergh 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. REASON FOR REFUSAL - UNACCEPTABLE IN PRINCIPLE

The proposal fails to accord with the requirements for development permitted within the countryside, contrary to Policy CS2 of the Babergh Core Strategy (2014) and fails to comply with Paragraph 8 of the NPPF with the proposed development being sited in a location with limited services, connections, sustainable transport links and therefore constitutes unsustainable development. The proposed dwelling is located on land outside of any settlement boundary within the Babergh Local Plan (2006), or the emerging Joint Local Plan, and would be remote from essential services and facilities such that future occupants would be almost entirely reliant on private motor vehicle use and would not promote healthy or sustainable transport contrary to Policy CS15 of the Babergh Core Strategy. The proposal fails to achieve requirements (ii) Make a positive contribution to the local character, failing to reflect the surrounding context of dwellings in the area, (xviii) Seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars, thus improving air quality; there are no services of note within walking distance that would meet the day to day needs of the future occupants, such that the majority of trips would be facilitated by private motor vehicle. Furthermore, the proposal does not offer benefits to any other facet of CS15 to outweigh this. As such the proposal is contrary to CS15 and Paragraph 8, 11, 92 and 124 of the NPPF.

2. REASON FOR REFUSAL - LAND CONTAMINATION

The application fails to demonstrate the site is suitable for the proposed end use with no Phase 1 Desk Study submitted. The previous use of the site presents risks of land contamination and the lack of appropriate information provided warrants refusal of the application, failing to demonstrate compliance with the requirements of paragraph 174 and 183 of the NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development
CN01 - Design Standards
HS28 - Infilling/Groups of dwellings
TP15 - Parking Standards - New Development
NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance

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.

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/21/04249

Signed: Philip Isbell

Dated: 24th September 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.