

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

**Babergh District Council**

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**Please ask for:** Harry Goodrich  
**Your reference:**  
**Our reference:** DC/22/02141  
**E-mail:** [planninggreen@baberghmidsuffolk.gov.uk](mailto:planninggreen@baberghmidsuffolk.gov.uk)  
**Date:** 28th June 2022

Dear Mr John Pearce

**PRIOR APPROVAL - AGRICULTURAL TO DWELLING - DC/22/02141**

**Notification under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015**

**Proposal:** Application to determine if Prior Approval is required for a proposed Change of Use of Agricultural Buildings to Dwellinghouses (C3) and for building operations reasonably necessary for conversion. Town and Country Planning (General Permitted Development)(England) Order 2015 as amended Schedule 2, Part 3, Class Q - Change of use of agricultural buildings to form 1No dwelling.

**Location:** Land And Buildings At, Daisy Green, Groton, Suffolk

**Section A – Plans & Documents:**

This decision refers to drawing number Site Location Plan received 22/04/2022 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 Site Location Plan - Received 22/04/2022  
Elevations - Proposed 0738.20.05 - Received 22/04/2022  
Floor Plan - Proposed 0738.20.04 - Received 22/04/2022  
Site Plan 0738.20.03 - Received 22/04/2022  
Roof Plan - Proposed 0738.20.03 - Received 22/04/2022  
Elevations - Existing 0738.20.02 - Received 22/04/2022  
Sectional Drawing 0738.20.01 - Received 22/04/2022  
Floor Plan - Existing 0738.20.01 - Received 22/04/2022

## Section B:

The **Babergh District Council** hereby give notice in pursuance of the above legislation:

- 1) That prior approval to the development is required
- 2) Prior Approval has been **REFUSED** for the following reasons:

1. REASON(S) FOR REFUSAL - NON COMPLIANCE WITH LEGISLATION

The proposed works involve the potential for the introduction of new structural elements, such as foundation repairs to accommodate the additional weight of the dwelling and its additional materials. The works extend beyond the scope of Class Q of the Town and Country Planning (General Permitted Development) 2015 (Order) as amended. It is considered that the proposal does not accord with the limitations and conditions of Class Q classes (a) and (b) and therefore does not constitute permitted development.

2. REASON(S) FOR REFUSAL - TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT

Whilst the proposed means of access to the proposal has been demonstrated on the submitted plans, it is considered that the access as it currently exists is not provided to current standards as required by the Local Highway Authority. There is also deemed to be insufficient information to assess the impact of the proposal on achieving safe access and egress from the site.

The proposal is not considered to accord with Q.2 (1) (a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 3, Class Q.

## Informative 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. Refused Plans and Documents

The plans and documents assessed in determination of this application are listed at 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)

Yours sincerely

**Philip Isbell**

*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 practise 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.