

Philip Isbell – Chief Planning Officer
Planning and Building Control

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:

Wincer Kievenaar Architects Ltd
2 Market Place
Hadleigh
IP7 5DN

Applicant:

Hitchcock
Chapel Farm,
Stowmarket Rd,
Ringshall,
Stowmarket
IP14 2JA

Date Application Received: 06-Mar-24

Application Reference: DC/24/01146

Date Registered: 12-Mar-24

Proposal & Location of Development:

Full Application - Conversion of former coachhouse to form 1No dwelling.

Greshams Barn, Stowmarket Road, Ringshall, Stowmarket, Suffolk, IP14 2HZ

Section A – Plans & Documents:

This decision refers to drawing no./entitled 5692_LP_01 received 06/03/2024 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 5692_LP_01 - Received 06/03/2024
Existing Plans and Elevations 5692_SU_01 - Received 06/03/2024
Block Plan - Existing 5692_SU_02 - Received 06/03/2024
Proposed Site Plan 5692_PA_03A - Received 06/03/2024
Proposed Plans and Elevations 5692_PA_01 - Received 06/03/2024
5692_PA_04 Curtilage Plan - Received 06/03/2024
Bat Survey MHE Consulting, June 2023 - Received 06/03/2024
Design and Access Statement 5692_DAS - Received 06/03/2024
Ecological Survey/Report MHE Consulting, June 2023 - Received 06/03/2024
Land Contamination Assessment 294471559_1_1 - Received 06/03/2024
Flood Risk Assessment IE22/058 December 2022 Rev. 00 - Received 06/03/2024
Heritage Statement NKF Planning Consultancy Ltd, March 2024 - Received 02/05/2024

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 for the following reasons:

1. REASON FOR REFUSAL - HERITAGE HARM AND UNSUSTAINABLE LOCATION

The proposed development would result in fragmentation of the former grounds of the listed hall and barn, introducing an unrelated planning unit. This intrusive, unrelated development would be harmful to the setting of these buildings through the subdivision of their curtilage.

As such, it is considered to result in a low level of less than substantial harm to the significance of Grade II Ringshall Hall and Grade II* Greshams Barn. In accordance with the provisions of the NPPF [paragraph 208], the public benefits are of very limited weight, particularly where the building is currently in its optimum viable use, and are not considered to outweigh the considerable weight attached to the identified harm to the heritage assets.

Owing to the low level of less than substantial harm, the proposal would not enhance its setting contrary to Policy LP04 limb 2 and subsequently would also be contrary to Policy SP03 as it would not comply with an exception policy listed under Table 5 of Policy SP03.

The application does not meet the requirements of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies SP03, SP09, LP04 and LP19 of the Babergh and Mid Suffolk Joint Local Plan (2023), nor Chapter 16 of the NPPF (2023).

2. REASON FOR REFUSAL - INSUFFICIENT FLOOD RISK INFORMATION

The site is vulnerable to pluvial flooding (where the risk is low to moderate). Environment Agency (EA) mapping shows the site to be in Flood Zones 2 and 3, albeit flooding modelling has confirmed that the risk of fluvial flooding is low to negligible. Given the inconsistency with the EA mapping, the EA should confirm the technical acceptability of the FRA prior to the grant of consent.

There is insufficient information available to the LPA to assess whether the development will be safe for its lifetime and would not increase flood risk elsewhere. The FRA has failed to demonstrate that future users of the development will not be placed in danger from flood hazards throughout its lifetime. It has also not been demonstrated that safe access and egress is achievable, especially for emergency vehicles.

The proposal is contrary to policies SP10 and LP27 of the Babergh and Mid Suffolk Joint Local Plan (2023) and paragraph 165 of the NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

- SP03 - The sustainable location of new development
- SP09 - Enhancement and Management of the Environment
- SP10 - Climate Change
- LP04 - Replacement Dwellings and Conversions
- LP15 - Environmental Protection and Conservation

LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport

NPPF - National Planning Policy Framework

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

This relates to document reference: DC/24/01146

Signed: Philip Isbell

Dated: 7th June 2024

Chief Planning Officer

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.