

**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 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:**

Mr C Beech  
Beech Architects Ltd  
Church Farm Barn  
The Street  
Thorndon  
IP23 7JR

**Applicant:**

Mirrorstoke Limited  
C/o Beech Architects  
Church Farm Barn  
The Street  
Thorndon  
IP23 7JR  
United Kingdom

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**Date Application Received:** 27-Mar-19  
**Date Registered:** 05-Apr-19

**Application Reference:** DC/19/01497

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**Proposal & Location of Development:**

Planning Application - Erection of single storey sustainable pavilion style dwelling with new vehicular access created to north boundary (to private drive) to fund refurbishment of Dukes Head Inn.

Land To The Rear Of The Dukes Head Inn, High Street, Coddendam, Suffolk

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled Site Location Plan 01B - Received 28/03/2019 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:

Site Location Plan 01B - Received 28/03/2019  
Topographic Survey 02 - Received 28/03/2019  
Elevations - Proposed 15A - Received 28/03/2019  
Block Plan - Proposed 16A - Received 28/03/2019  
Sectional Drawing 17A - Received 28/03/2019  
Plans - Proposed 18A - Received 28/03/2019

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**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. The proposal is refused on highways grounds as the context and constraints of the track are such that it would not provide an adequate access for the proposed dwelling and, although the proposal would be likely to generate a fairly small number of vehicle movements, it would nevertheless be detrimental to highway safety. The proposal would be contrary to Policies T10 and H3 of the Local Plan, which respectively state that regard will be had, amongst other things, to the provision of safe access to, and egress from, the site and that regard will be had to the effects on highway safety. It would also be contrary to Policy SB2 which states that development adversely affecting road safety will not be permitted. Moreover, whilst paragraphs 108 and 109 of the Framework state that development should only be prevented on transport grounds where residual cumulative impacts are severe, what is at issue here is not the effect on transport matters, but the adequacy and safety of the proposed access. The proposal would conflict with the statement, also at paragraphs 108 and 109, that decisions should take account of whether safe and suitable access to the site can be achieved for all people. As a result the proposal would pose a risk to the highway.

The incidence of, albeit limited, vehicular movements along the narrow access point close to existing dwellings would also result in a loss of amenity to those dwellings - contrary to Policies GP01 and H16 of the Local Plan.

The proposal therefore represents an inappropriate intervention upon the values of the NPPF, Policies CS05, GP01, H16 and SB2 of the Mid Suffolk Local Plan (1998) and policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012).

Given that the proposal is at variance with national and local planning policy and offers nothing in return other than the negligible benefit of one extra dwelling, the application is hereby refused.

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

CS01 - Settlement Hierarchy  
CS05 - Mid Suffolk's Environment  
E06 - Retention of use within existing industrial/commercial areas  
HB01 - Protection of historic buildings  
HB05 - Preserving historic buildings through alternative uses  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
SB02 - Development appropriate to its setting  
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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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/19/01497

**Signed: Philip Isbell**

**Dated: 26th March 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.