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

Correspondence Address:
Armstrong Rigg Planning
The Exchange, Colworth Science Park
Sharnbrook
Bedford
MK44 1LQ

Applicant:
Hopkins Homes
Melton Park House
Melton
Woodbridge
Suffolk
IP12 1TJ

Date Application Received: 10-Oct-16
Date Registered: 13-Oct-16
Application Reference: B/16/01365

Proposal & Location of Development:
Erection of residential development comprising 100 dwellings (including 35 affordable units) with associated vehicular access from Days Road, landscaping, open space, car parking and pedestrian links.

Land North And West Of Capel Community Church, Days Green, Capel St Mary,

Section A – Plans & Documents:
The plans and documents recorded below are those upon which this decision has been reached:

Plans and Documents as set out in Schedule of supporting documents prepared by Armstrong Rigg Planning received 14th July 2017.

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. The proposed development, including the erection of 100 dwellings, would be contrary to policies CS2 and CS11 of the Babergh Local Plan Core Strategy, which states that development will only be permitted in the countryside, in exceptional circumstances...
subject to a proven justifiable need and that the scale and location of the development will depend upon the local housing need and the capacity of existing physical and social infrastructure to meet forecast demands (CS2) and that for proposals within Core Villages the cumulative impact of development in the area in respect of social, physical and environmental impacts have been addressed to the satisfaction of the local planning authority.

The proposal has not adequately addressed the exceptional circumstances or the proven justifiable need for the development in this location contrary to policy CS2. Furthermore, the proposal would be contrary to policy CS11 having an unacceptable effect and cause harm to local health infrastructure, due to insufficient capacity with no prospect of expansion of the doctors surgery on existing site. In addition, increasing traffic movements along Days Road to the detriment of the locality, due to insufficient provision of footpaths and the impact on existing residents who currently walk or travel along Days Road. The impact on the physical and social infrastructure of the village (schools, healthcare and increased traffic within the village core), which would not secure a good standard of amenity for existing and future occupants of land and buildings.

2. The proposed development, would be contrary to policy CS15 of the Babergh Local Plan Core Strategy, and policies CN01 and CR07 of the Babergh Local Plan, Alteration No. 2 which states that development must respect the local context and character of the district and should make a positive contribution to the local character of the area (CS15) and if planning permission is granted for development in the countryside a high standard of landscaping will be required (CR07) and that proposals must create interesting and attractive public and private spaces in and around the development (CN01). The development would lead to parking on green areas outside of the proposed dwellings, due to the lack of surfaced pavements along unadopted roads.

3. The development fails to secure a good standard of amenity for occupiers of the proposed dwellings contrary to paragraph 17 of the NPPF because there is an unacceptable risk of air pollution as a result of potential odours from the neighbouring Capel Mushroom Farm.

4. The development would represent a significant development of Grade 2 agricultural land contrary to the principles of the NPPF paragraph 112, which states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, and that consideration should be given to use areas of poorer quality land in preference to that of a higher quality.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS18 - Mix and Types of Dwellings
CS19 - Affordable Homes
CS21 - Infrastructure Provision
HS31 - Public Open Space (1.5 ha and above)
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
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: B/16/01365

Signed: Philip Isbell                                      Dated: 21st July 2017

Corporate Manager
Growth & Sustainable Planning
Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council’s website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.
Appeals to the Secretary of State:

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- As 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 [reference], 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 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*

- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.*

- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.*

- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority’s decision then you must do so within 8 weeks of the date of receipt of this notice.*

- If you want to appeal against your local planning authority’s decision then you must do so within 6 months of the date of this notice.*

- Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.