

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: N65
To: Planning Committee	Date of Meeting: 16 October 2013

PLANNING PERFORMANCE – 1 JULY 2013 TO 30 SEPTEMBER 2013

1. Purpose of Report

- 1.1 This report provides an overview of the number of planning applications and appeals which were considered by Development Management and an indication of performance against national indicators for the period 1 July 2013 – 30 September 2013.

2. Recommendation

- 2.1 That the information contained within this report be noted.

3. Financial Implications

- 3.1 There are no financial implications arising directly from the content of this report.

4. Risk Management

- 4.1 There are no significant risks arising directly from the content of this report.

5. Consultations

- 5.1 In view of the content of this report consultation has not been undertaken.

6. Equality Analysis

- 6.1 There are no Equality implications arising directly from the content of this report.

7. Shared Service/Partnership Implications

- 7.1 There are no Shared Service/Partnership Implications arising directly from the content of this report with the exception of the following:-

- The Babergh and Mid Suffolk Development Management service is transforming and has been designed on a “One Service Model”. Integration is taking place with a new shared Operational Delivery team in place from the 1st July 2013 onwards, with staff working flexibly to address workload needs across both Councils. However the sovereignty of both Councils and the Local Planning Authority status remain separate.

8. Key Information

- 8.1 This quarterly report shows the performance of Development Management against National Performance Indicator 157: The Determination of Planning Applications and the former BVPI 204: Planning Appeals, which has been retained as a local performance indicator.
- 8.2 Government performance indicators require all local planning authorities to determine:
- 60% of major applications within a period of 13 weeks (16 weeks when accompanied by an Environmental Statement). Since 1 April 2008 the major category has been divided into large-scale and small-scale major developments but for the purposes of this report, they are combined. (A large-scale major application is defined as a development comprising 200 or more dwellings whereas a small-scale major application is defined as a development comprising 10 or more dwellings up to 199 dwellings);
 - 65% of minor residential and commercial applications within a period of 8 weeks. (i.e. up to 9 dwellings or 1000 sq metres of floor space); and,
 - 80% of other applications (which are mainly householder applications) within a period of 8 weeks.
- 8.3 Local Planning Authorities were also required to monitor the number of appeals allowed against the authority's decision to refuse permission and express it as a percentage of the total number of appeals against the refusal of permission. An acceptable threshold was deemed to be 30% as it provided a useful indicator as to whether more applications were being refused in order to meet performance targets. Babergh has retained this indicator to monitor the outcome of appeal decisions.

Applications Received and Determined

- 8.3 Table 1 provides an overview of the number of planning applications that were on hand at the beginning of the quarter, the number that were received during the quarter, withdrawn, on hand at the end of the quarter, and actually determined. Table 1A also shows how many applications were determined in accordance with the Scheme of Delegation expressed as a percentage of all decisions. A commonly held to be a measure of good practice for delegated decisions is 90%. (As Members will be aware the Protocol for both Councils' Scheme of Delegation changed in April 2013 and are now identical). The second quarter's figures are 91.95% compared with the first quarter's which was 88.4%. The preceding four quarter figures are also detailed for comparison purposes.

TABLE 1	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	1.07.13 to 30.9.13
Number of applications on hand at beginning of quarter ¹	309	282	332	248	256	219
Number of applications received during quarter	299	304	242	302	298	264
Number of applications withdrawn	24	18	20	25	18	27

TABLE 1A	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	1.07.13 to 30.9.13
Number of applications on hand at end of quarter	280	336	242	257	206	195
Number of applications determined during quarter	304	232	312	268	330	261
Percentage of delegated decisions	88.4%	88.36%	91.6%	85%	88.4%	91.95%

Source: General Development Control PS1 Return

Performance Against Target

8.5 Table 2A shows the number of planning applications that were determined during the quarter in each of the three categories defined by NI 157. Table 2B shows how many of these planning applications were determined within the prescribed period as a percentage of all decisions within the relevant category. Table 2C shows the performance achieved for the period 1 April 2012 to 31 March 2013 in comparison with the national target. It also provides an indication of the achievement against the national target.

TABLE 2A	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	1.07.13 to 30.9.13
Total number of MAJOR applications determined	9	9	8	6	13	9
Total number of MINOR applications determined	75	38	79	59	68	48
Total number of OTHER applications determined	220	185	225	203	229	204
Total number of applications determined during quarter	304	232	312	268	310	261

Source: General Development Control PS2 Return

¹ The number of applications on hand at the beginning of the quarter may be less than those on hand at the end of the previous quarter if the status of an application has changed after registration.

TABLE 2B	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	1.07.13 to 30.9.13
Percentage of MAJOR applications determined on time	44	33	37.5	66.67	69.2	71.43
Percentage of MINOR applications determined on time	60	50	46.84	59.32	60.29	66.67
Percentage of OTHER applications determined on time	72	61.08	59.11	75.37	85.49	81.86

Source: General Development Control PS2 Return

TABLE 2C	Previous Year 2011/12	End of Year 2012/13	National Target	01.04.13 to 30.06.13	01.07.13 To 30.09.13	Direction of Travel
Percentage of MAJOR applications determined on time	60	42.4	60	69.2	71.43	Positive (and exceeds national target)
Percentage of MINOR applications determined on time	59.27	53.75	65	60.29	66.67	Positive (and exceeds national target)
Percentage of OTHER applications determined on time	78.80	66.71	80	85.49	81.86	Positive (and exceeds national target)

Source: General Development Control PS2 Return/Departmental Records

8.6 As will be noted the performance within all three categories (major, minor and others) exceeded the national target for the second quarter of this year and is:-

- a percentage improvement on majors from the first quarter to the second quarter (from 69.2% to 71.43%)
- a percentage improvement on minors from the first quarter to the second quarter (from 60.29 to 66.67%)
- a slight percentage decrease in the second quarter of 2013 from the first quarter (from 85.49% to 81.86%)

However, the important fact is that planning performance now exceeds national targets in all three categories. Furthermore, all three categories show a marked improvement compared with the year ends 2012/13 and 2011/12. All these improvements should be viewed against the restructuring of the Operational Development Team in Development Management (Tier 5) and changes to planning legislation.

- 8.7 In addition as Members will be aware during the quarter 1/4/13 to 30/6/13, Planning Committee have considered a number of significant ‘major’ planning applications including Guilford Europe Great Cornard, Carsons Drive Great Cornard, Solar Park Tattinstone, 51 dwellings at Long Melford and the residential development at Armorex in Lavenham. Determination of some of these cases and those in the second quarter will ultimately result in an increase in the supply of housing land and jobs. In addition, during the second quarter 1/7/13 to 30/9/13 further significant “major” planning applications have been considered by Planning Committee including 30 dwellings at Sproughton, the Prolog case at Churchfield Road, Chilton and Tesco’s in Hadleigh and a care home extension at Little Waldingfield.
- 8.8 Some of the decision notices for the above major cases will be issued within the quarter 1/10/13 – 31/12/13 because of the need to complete S106 Obligations. This is likely to result in a drop in performance against the Major category for the third quarter of this year. However the focused approach towards the timely delivery of ‘major’ applications to Planning Committee will continue.

Planning Fees

- 8.9 Table 3 provides an overview of the income received from fee generating applications during the last quarter against the projected position for the quarter. It therefore excludes listed building and conservation area consent applications which do not attract a fee.
- 8.10 It was estimated that some £379,500 would be received in planning fees during 2012/13. However as will be noted below, £412,327 has been received in total which is more than the anticipated position.
- 8.11 In addition to the income received from fee generating applications for the year 2012/13, a further £19,060 has been received from the administration of non-material amendments to existing planning applications and submissions relating to the approval of information required by planning conditions against a revised budget estimate of £15,000.
- 8.12 For the second quarters of this year the number of fee generating applications which were received is slightly lower than the immediately preceding quarter. Whilst the amount of fee income was significantly lower in the first quarter, this has now risen in the second quarter and is above the projected fee income (cumulative) for the second quarter (see Table 3 below).

TABLE 3	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.08.13
Number of fee applications received	232	215	203	230	243	223
Cumulative fees received	155,453	218,919	331,102	412,327	77,924	201,728.50
Projected fee income (cumulative)	94,875	189,750	284,625	379,500	94,875	189,750

Source: Departmental Records

Appeals

- 8.13 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. The previous 5 quarters are shown for comparison purposes.

TABLE 4	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.04.13 to 30.09.13
Number of appeals allowed.	8	7	0	4	1	5
Total number of appeals.	14	17	7	11	11	15
Percentage of appeals allowed.	42.86	41.18	0	36.36	9.09	33.33%

- 8.14 Within the first quarter, one of the appeals received was an appeal against the Carsons Drive development in Great Cornard. This is an 8 day Public Inquiry and is taking place in November 2013. Within the second quarter, an appeal has been lodged in respect of the Fleetwood Caravan site in Long Melford. This is a 3-4 day Public Inquiry which is scheduled to take place in January 2014.
- 8.15 There are two awards of costs against the Council in respect of a proposal for a Vets at Pinewood and a development at Aldi in Sudbury. Both of these costs were determined as part of two allowed appeals within the preceding year 2012-13; both awards are still currently being scrutinized and challenged. However, an outcome is expected shortly.
- 8.16 The Appendix gives information relating to all the appeal decisions within this quarter, with the opportunity for Members to access the application details and the appeal decision using hyperlinks.

Source: Departmental Records

9. Appendices

Title	Location
Appeal Decisions 1 July to 30 September 2013	Attached

10. Background Documents

- 10.1 None

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Development Control Appeals Decided DC and EC

Version 6

Between 1-Jul-13 and 30-Sep-13

Development Control

Total Number of DC Appeals Allowed - Permission Granted:	5
Total Number of DC Appeals Dismissed:	8
Total Number of DC Appeals No further action on appeal:	1
Total Number of DC Appeals Withdrawn:	1
Total Number of DC Appeals Decided:	15
Percentage of appeals allowed	33.33%
Total Number of DC Appeals Outstanding:	21

Enforcement Control

Total Number of EC Appeals :	
Total Number of EC Appeals Decided:	
Total Number of EC Appeals Outstanding:	

Development Control

Number of Written Representations	13	Granted:	4
Number of Informal Hearings	1	Granted:	1
Number of Public Enquiries	0	Granted:	0

Allowed - Permission Granted

Final Decision: Allowed - Permission Granted

Application No: B/12/00211 LBC **Appellant:** Professor E Higgs & Ms Crosbie

Application decision: Development Committee **Appeal Decision Date:** 30-Aug-13

Appeal Procedure: Written Representations **Appeal Type:** Non-determination within time allowed

Location: Little Manor, Church Hill, Kersey, IPSWICH, IP7 6DZ

Proposal: Application for Listed Buildings Consent- Internal and external works.

Appeal Notes: Key Issue(s): The effect of the proposals on the appeal building.

The proposal is for internal and external repairs to a Grade II* listed building comprising external brickwork and render repairs; work to the sole plates; blocking off door opening in rear wall, reconstruction of partition walls; additional section of mid rail to rear wall and sections of floor joists; replacement window in rear dormer; secondary glazing; replacement of softwood treads and risers in the stair between the front wall and the chimney; and external redecoration to match the existing appearance.

The appeal also sought to address the reconstruction of brick piers to a fireplace (to address unauthorised works).

For the most part the works are not contentious. The main concern lies with treatment of the ground floors. The Council's view is that the hall floor in particular, which dates from the nineteenth century, ought to be retained and that insufficient evidence has been produced to justify lifting it.

Although the Council maintained that further investigation and review is needed, the Inspector felt would not be desirable to continue further investigation, perhaps for up to a year, in view of the continuing effect on the vacant property.

The Inspector acknowledged the necessity to have regard to the desirability of preserving the special architectural or historic interest of the listed building, and the substantial public benefit in preserving the Grade II* listed building as a sound and useful heritage asset. It was acknowledged that it was an exceptional building and the scheme of work that proposed in this appeal was desirable, as a whole. The works would not undermine the qualities of the building but, on the contrary, would help to safeguard its long term future.

The alterations to the building (especially the works to the ground floor), would have no effect on the setting of the listed building, in themselves, except, perhaps, inasmuch as the long term retention of the building and would preserve the setting and the Kersey Conservation Area.

The Inspector recognised that conditions are necessary to define the listed building consent and to ensure that quality is maintained and has imposed a general condition, requiring details of the different elements of the works (including drawings at appropriate scales where applicable) to be submitted to and approved in writing by the Local Planning Authority.

Two elements of the work require more specific conditions, because of their special significance, namely the corrective works to the unauthorised works to the fireplace in the "hall", or "living room" and the works to construct the new limecrete ground floor. An archaeological investigation requires to be undertaken before they are affected by the work required to create a new floor.

Conclusion:

The Inspector found that while there was uncertainty about the impact of the works on the building he was persuaded that the appeal scheme offers the best opportunity to end the continuing deterioration of the building and to provide it with a long term future.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00211)

Appeal Decision: http://planning.babergh.gov.uk/doldp/107088_1.pdf

Final Decision: Allowed - Permission Granted

Application No: B/12/00445 LBC **Appellant:** Mr Wilson

Application decision: Delegated **Appeal Decision Date:** 29-Jul-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of Listed B/Con Area consent
Location: Maynscroft, Church Square, Bures St Mary, BURES, CO8 5AB

Proposal: Application for Listed Building Consent - Proposed removal of existing kitchen window and installation of patio doors and internal alterations. As amended by drawing no. 09A received on 27/6/12 to show revised design of patio doors.

Appeal Notes: Key Issue(s): The effect of the proposed works on the appeal building.

Conclusion: The double glazing of the proposed new patio doors would not harm the listed building, provided that the scheme is carried out with sufficient attention to detail and care in execution. Hence, the proposals would not be in conflict with the statutory duty in relation to listed buildings or with the Development Plan, in principle.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00445)

Appeal Decision: http://planning.babergh.gov.uk/doldp/98461_2.pdf

Final Decision: Allowed - Permission Granted

Application No: B/12/00592 OUT **Appellant:** Thorcross Builders Ltd

Application decision: Development Committee **Appeal Decision Date:** 16-Sep-13

Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission
Location: Land west of The Drift, The Street, Capel St Mary

Proposal: Outline - Erection of 7 no. dwellings and 1 no. bungalow, with garages, parking, amenity areas, access and related infrastructure. As amplified by agents letter dated 5 October 2012.

Appeal Notes: Key Issue(s): a) whether the proposed development would be in accordance with the development plan for the area; b) the effect of the proposed development on the character and appearance of the area; and, c) the need for affordable housing and the effect of the proposal on local infrastructure.

Conclusion: a) the appeal site is outside the built up area boundary and the proposed development of housing would therefore be against policy objectives which seek to protect the countryside by strictly limiting housing within it. b) the development of this site through the loss of its open nature would cause a moderate amount of harm to the character and appearance of the countryside, and to that extent some local landscape harm. This harm would not be overcome by the site only being readily visible in medium distance views from the north or the south, or the potential for an attractively designed development. The urbanisation of this land would be contrary to a core principle of the Framework and policies CR01, HS02 and HS04 of the Local Plan. c) a signed unilateral undertaking was submitted in relation to the provision of 2 affordable dwellings and payment of a contribution towards public open space. All provisions of the section 106 agreement were considered to be reasonably related to the development and necessary.

In terms of other matters identified by the Inspector, it was concluded that a significant factor in favour of the development was that it would be sustainable development. Housing land supply and deliverability were assessed and the Inspector calculated that regardless of whether Chilton or HMS Ganges is deliverable, the Council does not have a 5 year housing land supply and the appeal site would contribute towards this housing shortfall. Furthermore, the Inspector found more than a limited degree of conflict between the NPPF and the approach of the development plan on issues of residential development and housing land supply and in these circumstances, full weight may not continue to be given to relevant policies of the development plan. Overall, it was concluded that the adverse impacts of the proposal were limited and did not significantly and demonstrably outweigh the benefits.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00592)

Appeal Decision: http://planning.babergh.gov.uk/doldp/97321_5.pdf

Final Decision: Allowed - Permission Granted

Application No: B/12/01083 ROC **Appellant:** Mr J Merriweather

Application decision: Delegated **Appeal Decision Date:** 19-Aug-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: The Granary, Tower House, Freston Park, Freston, IPSWICH, IP9 1AD

Proposal: Application under section 73 of the Town and Country Planning Act (1990) to remove condition 2 attached to P. P. B/08/01464/FUL - to allow use as a permanent dwelling.

Appeal Notes: Key Issue(s): The effect of the proposal on the character and appearance of the countryside, and whether alternative uses of the building would be viable or suitable.

Conclusion: In this case, the building already exists as a holiday let dwelling within its own curtilage, with existing boundary treatment and parking spaces. In these respects, there is no further sporadic development and no additional material effect on the character and appearance of the countryside and the special quality of the AONB. The building already exists and this additional activity in the countryside is no more than might be expected from use over 12 months by a business, community or leisure use, as preferred in Policy CR19 of the Babergh Local Plan Alteration No. 2. The suitability of the building for alternative uses would be constrained by its remote location via a single access track, the limited parking available, and the proximity of residential uses. Alternative uses of the building would be unlikely to be viable or suitable in these circumstances.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01083)

Appeal Decision: http://planning.babergh.gov.uk/doldp/100883_3.pdf

Final Decision: Allowed - Permission Granted

Application No: B/13/00298 FHA **Appellant:** Mr L Crofton

Application decision: Delegated **Appeal Decision Date:** 30-Jul-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Rose Cottage, Plum Street, Glemsford, SUDBURY, CO10 7PX

Proposal: Erection of 1 1/2 storey detached out building.

Appeal Notes: Key Issue(s): The effect of the proposal on the character and appearance of the countryside.

Conclusion: Whilst it would not be located as close to the dwelling house as some other outbuildings, it would be within the residential curtilage, be well-screened and within the small cluster of buildings. The Inspector found no material harm from the position, scale or design of the building on the character and appearance of the countryside. There is no material evidence to indicate that excessive noise would be generated, but if this were the case it would be subject to control by other legislation. There is sufficient separation from the adjoining gardens combined with the boundary screening that there would be no material harm to the privacy of adjoining residents.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 13/00298)

Appeal Decision: http://planning.babergh.gov.uk/doldp/105505_1.pdf

Dismissed

Final Decision: Dismissed

Application No: B/12/00091 FUL **Appellant:** Mr Norfolk

Application decision: Delegated **Appeal Decision Date:** 4-Jul-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: 9 & 11 Mill Street, Nayland with Wissington, COLCHESTER, CO6 4HU

Proposal: Erection of 1 no. pair of semi-detached two-storey dwellings with provision of associated parking (following demolition of existing disused bus garage).

Appeal Notes: Key Issue(s): i) the effect that the proposed works of demolition and alteration would have on the listed building and on features of special architectural or historic interest which it possesses; and ii), whether they would preserve or enhance the character or appearance of the Nayland Conservation Area.

Conclusion: The Inspector did not support the appellants argument that the employment site had been abandoned but did not support the Councils grounds for refusal relating to the site not having been marketed for employment purposes as there was no local evidence that such employment sites are needed. The Inspector however agreed with the Council that the proposal would harm the listed building, conservation area, highway safety and the neighbouring TPO protected plane tree. The Inspector also agreed that the design would be poor and the application should have been supported by a protected species survey. The Inspector also considered that neighbouring amenity would be adversely impacted by way of noise (not an issue raised by the Council).

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00091)

Appeal Decision: http://planning.babergh.gov.uk/doldp/94840_5.pdf

Final Decision: Dismissed

Application No: B/12/00092 LBC **Appellant:** Mr Norfolk

Application decision: Delegated **Appeal Decision Date:** 4-Jul-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of Listed B/Con Area consent

Location: 9 & 11 Mill Street, Nayland with Wissington, COLCHESTER, CO6 4HU

Proposal: Application for Listed Building Consent - Reinstatement of 1 no. window on front elevation, replacement of bay window with 1 no. window on side elevation, blocking up of 1 no. door opening on side elevation, removal of canopy to side elevation and blocking up of 1 no. window to opening on side elevation (alterations to No. 9 Mill Street)

Appeal Notes: Key Issue(s): i) Whether the proposal would undermine the Council's employment objectives; ii) The effect it would have on the character and appearance of the conservation area and on the setting of listed buildings; iii) Whether safety for highway users would be unduly compromised; iv) The effect on the living conditions of neighbours.

Conclusion: The Inspector concluded that the applicant had failed to provide a robust Heritage Statement justifying the works proposed. This was contrary to the NPPF. The Inspector also found harm to the listed building.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00092)

Appeal Decision: http://planning.babergh.gov.uk/doldp/94841_3.pdf

Final Decision: Dismissed

Application No: B/12/00535 FUL **Appellant:** Haydon Holdings Ltd

Application decision: Delegated **Appeal Decision Date:** 17-Jul-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Great Green Farmhouse, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HQ

Proposal: Erection of a two-storey dwelling, and cartlodge with associated works. Construction of new access. Erection of cartlodge to existing dwelling.

Appeal Notes: Key Issue(s): i) The effect the proposal would have on the character and appearance of Great Green, in particular as a result of developing land designated locally as an Area of Visual and Recreational Amenity (AVRA) and ii) The effect it would have on the setting of Great Green House, a Grade II listed building.

Conclusion: Coverage of the appeal site with a dwelling of the footprint and volume proposed, in combination with the two-bay sized cartlodge and new areas of hardstanding, would represent an overly intensive form of development on land otherwise recognised for its openness and the visual contribution it makes to the area. The quantum of built development would be considerable and the new house in particular would be an imposing presence when viewed from the Green. The proposal would diminish the functions of this section of the AVRA in relation to the Green and also detract from the area's character for the amount of open land that would be occupied by built development. It follows that the development would compromise an important visual feature of the village and would not therefore maintain its local distinctiveness. The LP policies referred to earlier would be breached, which adds to the harm it would cause.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00535)

Appeal Decision: http://planning.babergh.gov.uk/doldp/98423_2.pdf

Final Decision: Dismissed

Application No: B/12/01061 FUL **Appellant:** Thornton Architects Ltd

Application decision: Delegated **Appeal Decision Date:** 23-Sep-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: The Granary, Mill Hill, Bury Road, Lavenham, SUDBURY, CO10 9QG

Proposal: Erection of an extension and change of use of granary to form dwelling.

Appeal Notes: Key Issue(s): The effect of the proposed development on the character and appearance of the area.

Conclusion: Local Plan Policies CN01, CR01 and HS04 seek to retain the distinctiveness of the area, focus new housing within towns and villages and to generally restrict new development in the countryside to that which is essential to agriculture, forestry and horticulture. It is not part of the appellant's case that the proposal falls into one of these latter categories. The proposal would represent consolidation and further urbanisation of the countryside to the detriment of its rural character in conflict with Policies CN01, CR01, CR19 and HS04 of the Local Plan.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01061)

Appeal Decision: http://planning.babergh.gov.uk/doldp/108421_1.pdf

Final Decision: Dismissed
Application No: B/12/01106 FUL **Appellant:** Mrs R. Murdoch, Mr H Bunbury, Mr J Bunbury
Application decision: Delegated **Appeal Decision Date:** 20-Sep-13
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Former Rushbrooks Nursery Site, The Street, Monks Eleigh

Proposal: Change of use of horticultural land to domestic use. Erection of dwelling attached to existing barn (following part demolition of existing barn).

Appeal Notes: Key Issue(s): The effect of the proposal on the existing barn and whether the development would preserve or enhance the character and appearance of the Monks Eleigh Conservation Area and preserve the setting of The Old Guildhall, a listed building.

Conclusion: The scale, appearance and overall character of the existing building, as one of the few remaining agricultural buildings within the settlement, coupled with its siting and relationship with other nearby properties, results in it being a locally significant building, which makes an important positive contribution to the character and appearance of the Conservation Area. As a result, it is appropriate to consider the barn as a non-designated heritage asset. The removal of the existing front projecting element, the midstray, and the demolition of bay 5 would substantially erode the character of the existing building. Furthermore, the form and massing of the new build elements of the proposal would be substantial additions to the relatively modest existing structure. The overall scale and design of these extensions would be such that the proposed extension would not be viewed as a subservient or sympathetic addition to the building. These alterations would be harmful to the character of the building. Given the prominent location of the barn and its visual relationship with nearby properties, the proposal would be materially detrimental to the character and appearance of the Conservation Area. Furthermore, the substantial increase in the overall scale of the building would significantly alter the visual relationship between the existing barn and the adjacent cottage. Accordingly, the proposal would have an adverse effect on the setting of this listed building.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01106)

Appeal Decision: http://planning.babergh.gov.uk/doldp/104571_2.pdf

Final Decision: Dismissed
Application No: B/12/01185 FUL **Appellant:** Mr J Gunne-Braden
Application decision: Delegated **Appeal Decision Date:** 20-Aug-13
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 1 Holm Oak, Denmark Gardens, Holbrook, IPSWICH, IP9 2BH

Proposal: Erection of detached two-storey dwelling.

Appeal Notes: Key Issue(s): The effect on the character and appearance of the area, including trees protected by a Tree Preservation Order, and whether a contribution is necessary for public open space.

Conclusion: With unsatisfactory living conditions, there is a likely prospect of reasonable pressure from future occupiers of the dwelling for more pruning and/or removal of protected trees, further reducing the visual amenity value of the protected trees. On account of the proximity of the proposed dwelling to protected trees close to the front elevation, and the identified threats to the long term viability and appearance of protected trees, there would be material harm to the character and appearance of the area.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01185)

Appeal Decision: http://planning.babergh.gov.uk/doldp/102222_3.pdf

Final Decision: Dismissed
Application No: B/12/01363 FUL **Appellant:** MCIS Developments
Application decision: Delegated **Appeal Decision Date:** 20-Aug-13
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Orchard Lea, Ipswich Road, Holbrook, IPSWICH, IP9 2QT

Proposal: Erection of replacement house and garage (following demolition of existing bungalow); erection of 2 bungalows and garages; and alterations to existing vehicular access and construction of private drive.

Appeal Notes: Key Issue(s): The effect of the proposal on a) the character and appearance of the countryside and the area in general and b) the living conditions of the residents of nearby residents in respect of privacy, noise and light disturbance, and whether a contribution is necessary for open space and play equipment.

Conclusion: The harm identified to the character and appearance of the countryside and the area in general is significant and overriding. Notwithstanding the external appearance of the bungalows with timber boarding reflecting the character of traditional farm buildings, the bungalows would be seen as substantial new development with a significant footprint, much larger than the modest outbuildings that generally characterise rear gardens in the vicinity. The significant increase in built form and loss of spaciousness on land at the rear would materially harm the character and appearance of the area. It was concluded also that there would be no unreasonable disturbance from the parking and turning of vehicles on the living conditions of the residents of Lowenva.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01363)

Appeal Decision: http://planning.babergh.gov.uk/doldp/102510_4.pdf

Final Decision: Dismissed
Application No: B/13/00177 FHA **Appellant:** Mr Morrin
Application decision: Delegated **Appeal Decision Date:** 30-Jul-13
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Springfields, 3 Station Road, Hadleigh, IPSWICH, IP7 5JF

Proposal: External cladding.

Appeal Notes: Key Issue(s): Effect of the proposal on the character and appearance of the street scene and on the setting of Hadleigh Conservation Area.

Conclusion: The proposed weatherboarding for the bungalow would appear heavy and dominating on account of the larger scale and prominence of the bungalow compared to the garage. It would appear as an incongruous feature out of keeping with other dwellings in the vicinity. There would therefore be material harm to the character and appearance of the street scene and the setting of Hadleigh Conservation Area.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 13/00177)

Appeal Decision: http://planning.babergh.gov.uk/doldp/105496_1.pdf

No further action on appeal

Final Decision: No further action on appeal

Application No: B/12/00090 CAC **Appellant:** Mr Norfolk

Application decision: Delegated **Appeal Decision Date:** 4-Jul-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of Listed B/Con Area consent

Location: 9 & 11 Mill Street, Nayland with Wissington, COLCHESTER, CO6 4HU

Proposal: Application for Conservation Area Consent - Demolition of existing disused bus garage.

Appeal Notes: The garage and outbuildings should be treated as part of the main listed dwelling, as required by Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 74 of the same Act does not apply to listed buildings; so Conservation Area Consent is not required for demolition of the garage

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00090)

Appeal Decision: http://planning.babergh.gov.uk/doldp/94839_3.pdf

Withdrawn

Final Decision: Withdrawn

Application No: B/12/01181 FUL **Appellant:** Mr J Fincham

Application decision: Delegated **Appeal Decision Date:** 11-Jul-13

Appeal Procedure: **Appeal Type:** Non-determination within time allowed

Location: Ash Keys and Pigeon Hall Farm, New Road, Nedging with Naughton, IPSWICH, IP7 7BX

Proposal: Erection of 2 No. 14.97m high micro scale wind turbines.

Appeal Notes: Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01181)

Appeal Decision: WITHDRAWN

Total Number of DC Appeals Decided: 15