

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: R8
To: Planning Committee	Date of Meeting: 27 May 2015

PLANNING PERFORMANCE – 1 JANUARY 2015 TO 31 MARCH 2015

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 January 2015 – 31 March 2015.

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 1 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). A major application is defined as a development comprising 10 or more dwellings or sites greater or equal to 1000 sq. metres of floor space.
 - 65% of minor residential and commercial applications within a period of 8 weeks (i.e. up to 9 dwellings or less than 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

- 8.4 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%. (The Protocol for both Councils' Scheme of Delegation changed in April 2013 and are identical). The fourth quarter 2014/15 figures are 95.0% compared with the fourth quarter of 2013/14 which was 91.6%. The preceding eight quarters' figures are also detailed for comparison purposes.

TABLE 1	Q4 01.01.13 to 31.03.13	Q1 01.04.13 to 30.06.13	Q2 01.07.13 to 30.9.13	Q3 01.10.13 to 31.12.13	Q4 01.01.14 to 31.03.14	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15
Number of applications on hand at beginning of quarter ¹	248	256	219	231	259	339	353	326	243
Number of applications received during quarter	302	298	264	289	255	305	323	300	263
Number of applications withdrawn	25	18	27	16	21	23	21	32	19

TABLE 1A	Q4 01.01.13 to 31.03.13	Q1 01.04.13 to 30.06.13	Q2 01.07.13 to 30.9.13	Q3 01.10.13 to 31.12.13	Q4 01.01.14 to 31.03.14	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15
Number of applications on hand at end of quarter	257	206	195	238	242	291	329	317	226
Number of applications determined during quarter	268	330	261	266	251	330	309	277	261
Percentage of delegated decisions	85%	88.4%	91.95%	92.48%	91.6%	93.6%	93.9%	92.42%	95.0%

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 periods 12/13, 13/14 and 14/15 in comparison with the national target. It also provides an indication of the achievement against the national target.

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 2A	Q4 01.01.13 to 31.03.13	Q1 01.04.13 to 30.06.13	Q2 01.07.13 to 30.9.13	Q3 01.10.13 to 31.12.13	Q4 01.01.14 to 31.03.14	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15
Total number of MAJOR applications determined	6	13	9	11	10	14	4	6	7
Total number of MINOR applications determined	59	68	48	50	48	59	65	63	78
Total number of OTHER applications determined	203	229	204	205	193	257	257	189	173
Total number of applications determined during quarter	268	310	261	266	251	330	326	277	261

Source: General Development Control PS2 Return

TABLE 2B	Q4 01.01.13 to 31.03.13	Q1 01.04.13 to 30.06.13	Q2 01.07.13 to 30.9.13	Q3 01.10.13 to 31.12.13	Q4 01.01.14 to 31.03.14	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15
Percentage of MAJOR applications determined on time	66.67	69.2	71.43	81.82	60	92.86	100	50	100
Percentage of MINOR applications determined on time	59.32	60.29	66.67	70.00	54.17	52.54	36.92	57.89	65.8
Percentage of OTHER applications determined on time	75.37	85.49	81.86	86.83	71.5	77.43	69.66	82.54	81.3

Source: General Development Control PS2 Return

TABLE 2C	YTD 2012/13	YTD 2013/14	YTD 2014/15	National Target	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15	Q4 Direction of Travel
Percentage of MAJOR applications determined on time	42.4	69.77	83.33	60	92.86	100	50	100	Positive (above national target)
Percentage of MINOR applications determined on time	53.75	62.79	52.99	65	52.54	36.92	57.89	65.8	Positive (above national target)
Percentage of OTHER applications determined on time	66.71	81.67	76.96	80	77.43	69.66	82.54	81.3	Positive (above national target)

Source: General Development Control PS2 Return/Departmental Records

- 8.6 As will be noted the performance for Majors exceeded the national target for the year to date (YTD) despite a drop in performance in quarter 3 caused by the issue of decisions on applications following completion of S106 Obligations. This was predicted but it did not adversely impact upon the YTD 2014/15 performance (83.3%) which was well above the national target of 60%.
- 8.7 Due to focused activity in Quarter 4 on Minors, planning performance has exceeded Q1, Q2 and Q3 performance and is 65.8% against a national target of 65%. However due to the results of Q2 the final year to date figure of 52.99% for minors is lower than the national threshold. The inability to collect S.106 contributions for affordable housing and public open space on schemes of less than 10 dwellings following changes in practice that the Government brought in on the 28 November 2014 is likely to mean that in general Minor applications should be quicker to determine and the national target of 65% easier to maintain.
- 8.8 In respect of the planning performance for the Others category (see Table 2C) this has returned to a figure of 81.3% which exceeds the Government threshold of 80%. However, the year to date figure of 76.96% is slightly lower due to a poor Q2 outturn. Focused activity is in place to ensure performance in this category is maintained.
- 8.9 In addition during the four quarters of 2013/14, Planning Committee considered a number of significant Major planning applications including Guilford Europe Great Cornard, Carsons Drive, Great Cornard, Solar Park Tattlingstone, Solar Park Newton, 51 dwellings at Long Melford, residential development at Armorex in Lavenham, Tesco's at Hadleigh, Ganges at Shotley and 30 dwellings at Sproughton, in Stutton a camping and touring caravan site, erection of up to 24 dwellings at Capel St Mary, erection of 25 dwellings at Boxford, erection of 1 wind turbine at Wherstead, 12 dwellings at St Leonards and 49 dwellings at Sudbury. Determination of these cases and others during the year 2014/15 is likely to ultimately result in an increase in the supply of housing and jobs.
- 8.10 Some of the decision notices for the above Major cases considered in 2014/15 will be issued during 2015/16 because of the need to complete S106 Obligations. This may result in a drop in performance against the Major category in the forthcoming quarters. However performance has improved significantly in the Major category YTD 2014/15 compared with previous years as a result of focused activity (see Table 2C).

Planning Fees

- 8.11 Table 3 provides an overview of the income received from fee generating applications during the last quarter against the projected position for the quarter. Previous quarters figures are also included. It excludes listed building applications which do not attract a fee.
- 8.12 It was estimated that £379,500 would be received in planning fees by the end of quarter 4 in 2014/15. As will be noted below, £466,791.50 has been received; this total fee income is 18.7% above the projected fee income for the year and higher than for the year 2013/14 which was £450,884.50.

8.13 In addition to the income received from fee generating applications for the year 2014/15, a further £20,554.50 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 budget estimate of £15,000.

8.14 For last year (2014/15) the number of fee generating applications received was higher than the previous year (2013/14), in addition to the cumulative fees received also being higher.

TABLE 3	Q4 01.01.13 to 31.03.13	Q1 01.04.13 to 30.06.13	Q2 01.07.13 to 30.9.13	Q3 01.10.13 to 31.12.13	Q4 01.01.14 to 31.03.14	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15
Number of fee applications received	230	243	223	260	271	273	243	244	274
Cumulative fees received	412,327	77,924	201,728.50	302,163	450,884.50	113,807.50	191,346.50	305,169.00	466,791.50
Projected fee income (cumulative)	379,500	94,875	189,750	284,625	379,500	94,875	189,750	284,625	379,500

Source: Departmental Records

Appeals

8.15 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. The previous eight quarters are also shown for comparison purposes. 40 appeals were received for the financial year 2014/15 with 75% of them being dismissed. This constitutes a good success rate on appeal (given paragraph 8.3).

TABLE 4	Q4 01.01.13 to 31.03.13	Q1 01.04.13 to 30.06.13	Q2 01.07.13 to 30.9.13	Q3 01.10.13 to 31.12.13	Q4 01.01.14 to 31.03.14	Q1 01.04.14 to 30.06.14	Q2 01.07.14 to 30.09.14	Q3 01.10.14 to 31.12.14	Q4 01.01.15 to 31.03.15
Number of appeals allowed	4	1	5	6	4	3	0	3	4
Total number of appeals	11	11	15	13	14	13	9	5	13
Percentage of appeals allowed (%)	36.36	9.09	33.33	46.15	28.57	23.08	0	60.00	30.77

Source: Departmental Records

8.16 There has been no award of costs during this quarter.

8.17 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 January 2015 to 31 March 2015	Attached

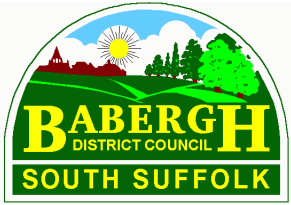
10. Background Documents

10.1 None

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Development Control Appeals Decided DC and EC

Version 6

Between 1-Jan-15 and 31-Mar-15

Development Control

Total Number of DC Appeals Allowed - Permission Granted:	4
Total Number of DC Appeals Dismissed:	9
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Total Number of DC Appeals Decided:	13
Percentage of appeals allowed	30.77%

Total Number of DC Appeals Outstanding:	15
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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	12	Granted:	3
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/14/00602 FHA **Appellant:** Mr & Mrs Scott

Application decision: Delegated **Appeal Decision Date:** 19-Feb-15

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

Location: Mill Farm, Lower Street, Stanstead, SUDBURY, CO10 9AQ

Proposal: Erection of a two-storey front extension.

Appeal Notes: Linked Application: B/14/00603/LBC

Key Issue(s): The main issue in both appeals relates to the effect of the extension upon the architectural and historic interest and setting of the dwelling, a grade II Listed Building.

Conclusion: The original form of the dwelling would remain unchanged and the extension would stand alongside it without undermining its character or appearance. The architectural and historic interest and setting of the listed building would not be adversely affected by the modern extension. Crucially, no harm would be posed to the significance of the heritage asset.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_BABER_DCAPR_107167

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/5C0B22AAECA7F9F6E9B4681115DD8576/pdf/B_14_00603-APPEAL_DECISION-187513.pdf

Final Decision: Allowed - Permission Granted

Application No: B/14/00603 LBC **Appellant:** Mr & Mrs Scott

Application decision: Delegated **Appeal Decision Date:** 19-Feb-15

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

Location: Mill Farm, Lower Street, Stanstead, SUDBURY, CO10 9AQ

Proposal: Application For Listed Building Consent - Erection of a two-storey front extension & minor internal alterations.

Appeal Notes:

Linked Application: B/14/00602/FHA

Key Issue(s): The main issue in both appeals relates to the effect of the extension upon the architectural and historic interest and setting of the dwelling, a grade II Listed Building.

Conclusion: The original form of the dwelling would remain unchanged and the extension would stand alongside it without undermining its character or appearance. The architectural and historic interest and setting of the listed building would not be adversely affected by the modern extension. Crucially, no harm would be posed to the significance of the heritage asset.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_BABER_DCAPR_107167

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/5C0B22AAECA7F9F6E9B4681115DD8576/pdf/B_14_00603-APPEAL_DECISION-187513.pdf

Final Decision:**Allowed - Permission Granted****Application No:****B/14/00770 FHA****Appellant:****Mr D Siggers****Application decision:**

Delegated

Appeal Decision Date:

7-Jan-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

15 Baldry Close, Pinewood, IPSWICH, IP8 3RF

Proposal:

Relocation of boundary fence to side of property.

Appeal Notes:

Key Issue(s): The effect on the character and appearance of the surrounding area.

Conclusion: Given the scale and design of the proposal, the Inspector was satisfied the relocated fence would not be overly prominent or materially harm the appearance of the street scene. The Inspector also noted that corner plots in the surrounding area are characterised by a mix of boundary treatments. Some side/rear garden fences are located to the edge of the public footpath, whilst others are set back to a variety of distances, with landscape strips provided between enclosed gardens and the highway. This mixture of styles and distances means that the proposal would not be out of character with the local area.

Application Details: <https://planning.babergh.gov.uk/online-applications/> (Search for B/14/00770)

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/78ED70500A73004226D17F9B55DEE764/pdf/B_14_00770-APPEAL_DECISION-182416.pdf

Final Decision:**Allowed - Permission Granted****Application No:****B/14/01086 FUL****Appellant:****Mr & Mrs Lewis****Application decision:****Appeal Decision Date:**

25-Mar-15

Appeal Procedure:

Informal Hearing

Appeal Type:

Non-determination within time allowed

Location:

The White Horse, The Street, Hitcham, IPSWICH, IP7 7NQ

Proposal:

Change of use of premises from public house with living accommodation to 1 no. dwelling.

Appeal Notes:

Key Issue(s): The effect of the proposal on the provision of local services and facilities; Whether reasonable efforts have, or have not been made to retain the premises as an employment generating use; and whether the public house business was financially viable.

Conclusion: The evidence submitted indicated that the public house had not been used as a community facility for a considerable period of time. It had not been supported by local residents, it had not been a viable business for some time and the appellants had made every effort to retain the employment use. It was not considered reasonable to expect the appellants to continue operating an unviable business when the Council had been satisfied that every reasonable effort had been made, which included an unsuccessful marketing campaign.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_BABER_DCAPR_108252

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/7BEAF2D647B3ACE189FEAF8D3651531B/pdf/B_14_01086-APPEAL_DECISION-191197.pdf

Dismissed

Final Decision:

Dismissed

Application No:

B/13/01107 FUL

Appellant:

Sun and Soil Ltd

Application decision:

Development Committee

Appeal Decision Date:

25-Mar-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

Rogers Farm, Rogers Lane, Newton, SUDBURY, CO10 5LA

Proposal:

Change of use of agricultural land to use as solar farm for generation of electricity from solar energy together with associated works comprising solar panels mounted on frames, security fencing, inverters, transformers and a switch gear cabinet as amended by revised plans received on 19 November 2013 including amended project layout plan, updated tree survey and root protection plan, additional information pack, construction access plans and hedgerow and tree impact report, cross section views form Church of St Mary the Virgin, amended plans of proposed structures. As further amended by agent's submission of amended Construction Management Plan (received 2 December 2013) and amended Habitat Enhancement and Screening Plan (No.104 Rev.1) received 18 December 2013.

Appeal Notes:

Key Issue(s):

The main issues are; first, whether the proposed solar farm would result in the loss of best and most versatile agricultural land; second, the effect of the proposed solar farm on the character of the landscape; third, the effect of the proposed development on the visual amenity of the area; fourth, the effect of the proposal on the setting of two heritage assets, the Church of St Mary the Virgin in Edwardstone and Roger's Farmhouse; fifth, the environmental benefits of the proposed development; and sixth, the overall planning balance.

The first issue – loss of best and most versatile (BMV) agricultural land

Despite the 25 year life of the development and its reversability, the proposal would result in the loss of BVM land. It is also noted that no assessment was made by the applicants with regard to the possibility of locating the development on 26 hectares of the more than 16,000 hectares of more preferable Grade 3b agricultural land in the District.

The second issue – the character of the landscape

It is inevitable that the character of the landscape, which is currently agricultural, would be adversely affected though this adverse effect would be limited to the site and its immediate surroundings and the overall adverse effect on the character of the landscape would be less than substantial. However, the proposed development would be contrary, in this limited degree, to saved policy CR01 of the Babergh Local Plan Alteration No. 2 (LP) and with policy CS15 of the Babergh Core Strategy and Policies (CS).

The third issue – the visual amenity of the area

Though from one direction only the proposed solar farm development would be visually intrusive in views towards it from public footpaths. Landscape screening measures would not effectively mitigate the substantial harm that would be caused to the visual amenity of the area. There is thus conflict with saved LP policy CR01 and with CS policy CR15.

The fourth issue – the setting of heritage assets

The proposed development would adversely affect the settings of the Church of St Mary the Virgin and Roger's Farmhouse and, in this regard, there is conflict with saved LP policies CN06 and with CS policy CS15. The harm that would be caused to the significance of the heritage asset, in both cases, would be less than substantial. Paragraph 134 of the NPPF states that where a renewable energy project will lead to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal.

The fifth issue – environmental benefits

The development would supply of up to 15 MW of renewable energy. The scheme would offset in the region of 7,500 tonnes of carbon dioxide per year and would provide enough energy to power about 3,390 homes, about 9% of all homes in the District. The benefits of the scheme are afforded significant weight.

The sixth issue – the overall planning balance

At the heart of the balancing exercise is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. A material consideration is the provisions of the NPPF but development plan policies are broadly consistent with these provisions so are afforded considerable weight.

The balancing exercise that must be conducted requires planning judgement to be exercised, which includes the requirement to give considerable weight and importance to the duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and therefore to the strong presumption in favour of the desirability of the preservation of heritage assets.

About 15 MW of renewable energy would be a significant contribution towards the

national target of meeting 15% of the United Kingdom's energy demand from renewable resources by 2020. The contribution, in itself, would assist in alleviating climate change and, with regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, is the material consideration that must be weighed against the harm that would be caused and the conflict with the development plan.

The proposed solar PV development would cause substantial harm to the visual amenity of the area and less than substantial harm to the character of the landscape and to the settings of two heritage assets. The proposal thus conflicts with saved LP policies CR01, CR04 and CR06 and with CS policy CR15, which accord with the thrust of the NPPF. Harm would also be caused by the loss of BMV agricultural land. The reversibility of the scheme after 25 years, given that such a period is, in social terms, a generation, is afforded little weight.

In this case, determination must be made in accordance with the development plan.

Conclusion:

Harm caused by the proposed development significantly and demonstrably outweighs the environmental benefits of the solar power scheme.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_BABER_DCAPR_105042

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/F1D1CAA765DB792224E43A1832F442BB/pdf/B_13_01107-APPEAL_DECISION-191188.pdf

Final Decision: Dismissed

Application No: B/13/01453 LBC **Appellant:** Mr Hopwood

Application decision: Delegated **Appeal Decision Date:** 7-Jan-15

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

Location: Harvest Barn, Duffs Hill, Glemsford, SUDBURY, CO10 7PP

Proposal: Application for Listed Building Consent - Installation of 4 No. Halogen lights to weather vane (retention of).

Appeal Notes: Linked Application: B/14/00155/FHA

Key Issue(s): In both appeals the effect of the proposal on the special architectural and historic interest of the Listed Building was considered. A further issue in the FHA application was the effect upon the character and appearance of the surrounding area.

Conclusion: It was concluded that the installation of the spotlights failed to preserve the special character and appearance of the listed building. As a result, it was also materially harmful to the area's character and appearance. Where, as in this case, the harm to a designated heritage asset is less than substantial, it is consistent with the Framework that the harm should be weighed against any public benefit. However, in this case there was no such public benefit which would outweigh the harm found.

Application Details:

<https://planning.babergh.gov.uk/online-applications/> (Search for B/13/01453)

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/F437EA41615BDF9B266AE9BB6C24DDE7/pdf/B_14_00155-APPEAL_DECISION-182052.pdf

Final Decision: Dismissed

Application No: B/14/00155 FHA **Appellant:** Mr Hopwood

Application decision: Delegated **Appeal Decision Date:** 7-Jan-15

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

Location: Harvest Barn, Duffs Hill, Glemsford, SUDBURY, CO10 7PP

Proposal: Erection of 4 no. Halogen lights to weather vane (retention of).

Appeal Notes:

Linked Application: B/13/01453/LBC

Key Issue(s): In both appeals the effect of the proposal on the special architectural and historic interest of the Listed Building was considered. A further issue in the FHA application was the effect upon the character and appearance of the surrounding area.

Conclusion: It was concluded that the installation of the spotlights failed to preserve the special character and appearance of the listed building. As a result, it was also materially harmful to the area's character and appearance. Where, as in this case, the harm to a designated heritage asset is less than substantial, it is consistent with the Framework that the harm should be weighed against any public benefit. However, in this case there was no such public benefit which would outweigh the harm found.

Application Details:

<https://planning.babergh.gov.uk/online-applications/> (Search for B/14/00155)

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/F437EA41615BDF9B266AE9BB6C24DDE7/pdf/B_14_00155-APPEAL_DECISION-182052.pdf
Final Decision:**Dismissed****Application No:****B/14/00449 OUT****Appellant:****Mr & Mrs Shotbolt****Application decision:**

Delegated

Appeal Decision Date:

13-Jan-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

2 Abbey Cottages, Bury Road, Cockfield, BURY ST EDMUNDS, IP30 0LB

Proposal:

Outline - Erection of detached dwelling

Appeal Notes:

Key Issue(s): The main issue was whether the proposal would be appropriate to its location, in the context of development plan and national policy relating to the provision of new housing in the countryside.

Conclusion: It was considered that the appeal site is poorly located in terms of access to services and facilities; the linkage between these and the site being weak. Occupiers of the proposed dwelling would in practice be very largely reliant on the private car. The proposal would not be appropriate to its location in the context of development plan and national policy relating to the provision of new housing in the countryside.

Application Details:

<https://planning.babergh.gov.uk/online-applications/> (Search for B/14/00449)

Appeal Decision: http://baberghidoxdms:8080/IDOXSoftware/IG_display/183038.pdf?docid=183038&appid=1002&location=volume1&ext=pdf&page=0&size=1&version=0&fileString=&displayTextAsIs=false&code=IBCIAIAHHN

Final Decision:**Dismissed****Application No:****B/14/00671 AGDW****Appellant:****Mr William Nickson****Application decision:**

Delegated

Appeal Decision Date:

13-Jan-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

Little Close Old Hall Lane, Cockfield

Proposal:

Notification under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Change of use from Agricultural Building to Dwellinghouse(s) (C3).

Appeal Notes:

Key Issue(s): The main issue was whether the proposed development would accord with the requirements for development permitted under Class MB of Part 3 of Schedule 2 to the 1995 Order; whether the building had been used solely for an agricultural use and as part of an established agricultural unit.

Conclusion: The Inspector was not convinced that the use of the appeal site by ponies amounted to an agricultural use and neither was the Inspector convinced that the appeal site had been used solely for an agricultural use. The proposal did not equate to permitted development and therefore planning permission is required.

Application Details:

<https://planning.babergh.gov.uk/online-applications/> (Search for B/14/00671)

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/657CD71EBF2BBFEAD0E58C4262752C9C/pdf/B_14_00671-DECISION_NOTICE-183014.pdf

Final Decision:**Dismissed****Application No:****B/14/00752 FHA****Appellant:****Mr S Sharp****Application decision:**

Delegated

Appeal Decision Date:

27-Mar-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

3 Priory Cottages, The Street, Preston St Mary, SUDBURY, CO10 9NF

Proposal:

Erection of detached garage.

Appeal Notes:

Key Issue(s): The effect of the proposed development, a double garage set forward of the dwelling, on the character and appearance of the existing property and its setting, and the surrounding area.

Conclusion: The scale and bulk of the garage would have a dominating presence in that location. The design and materials would have little visual affinity with the existing dwelling. The outcome would be an unduly intrusive structure when viewed across the open frontage of the property and it would constitute an undesirable encroachment of built development that would erode the attractive setting of the host property and its neighbour, to the detriment of the village street scene.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_BABER_DCAPR_107504

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/9843BAAC4FD2A750D8D14159FCA3BF9B/pdf/B_14_00752-APPEAL_DECISION-191644.pdf

Final Decision:**Dismissed****Application No:****B/14/00830 FHA****Appellant:****Mrs King****Application decision:**

Delegated

Appeal Decision Date:

26-Mar-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

12 Snowcroft, Capel St Mary, IPSWICH, IP9 2UT

Proposal:

Erection of single-storey front & side extension.

Appeal Notes:

Key Issue(s): The effect of the proposed development on the character and appearance of the existing property and the surrounding area.

Conclusion: The 'wrap around' extension would not relate in a harmonious manner to the existing dwelling; fenestration would not match and the overall symmetry of the property would be unbalanced. As the development is visible from the public realm it would also harm the character and appearance of the area.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_BABER_DCAPR_107686

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/14F7C1A39EDC2F33EED7296E568FF01F/pdf/B_14_00830-APPEAL_DECISION-191521.pdf

Final Decision:**Dismissed****Application No:****B/14/00913 FHA****Appellant:****Mrs F Baker****Application decision:**

Delegated

Appeal Decision Date:

2-Feb-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

14 Fair Green, Glemsford, SUDBURY, CO10 7PH

Proposal:

Erection of single-storey rear extension

Appeal Notes:

Key Issue(s): The main issue was the effect of the proposal on the living conditions of residents at Number 12 Fair Green, with particular regard to outlook, daylight and sunlight.

Conclusion: It was concluded that the proposed extension would materially harm the living conditions of the residents of No 12 Fair Green, in terms of outlook, daylight and sunlight. This would be contrary to Policy HS33 of Babergh District Council's Local Plan Alteration No 2 (2006), insofar as it relates to ensuring that development proposals do not reduce the amenities of neighbouring residents.

Application Details:

<https://planning.babergh.gov.uk/online-applications/> (Search for B/14/00913)

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/C2BF6EF3B6BF8F6B974C35CC06B955CE/pdf/B_14_00913-DECISION-185257.pdf

Final Decision:**Dismissed****Application No:****B/14/00915 FUL****Appellant:****Mrs K Donnellan****Application decision:**

Delegated

Appeal Decision Date:

4-Feb-15

Appeal Procedure:

Written Representations

Appeal Type:

Refusal of planning permission

Location:

Springvale, Rodbridge Hill, Long Melford, SUDBURY, CO10 9HG

Proposal:

Erection of 1 no. single-storey dwelling (bungalow) and erection of 1 no. 1 ½ storey dwelling (chalet bungalow) (following demolition of existing bungalow).

Appeal Notes:

Key Issue(s): The main issue was the effect of the proposal upon the living conditions of the neighbouring occupiers of 'Kayday', with particular reference to outlook.

Conclusion: It was considered that the limited separation distances involved between a proposed dwelling and Kayday would unacceptably reduce the outlook available from Kayday and its rear garden. It would also very likely to lead to overshadowing of the neighbouring garden and the difference in ground levels would exacerbate these impacts. Accordingly, that proposed dwelling would result in a detrimentally overbearing form of development for neighbouring occupiers.

Application Details:

https://planning.babergh.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_BABER_DCAPR_107865

Appeal Decision:

https://planning.babergh.gov.uk/online-applications/files/8E921AEDC021D3054A280FC553A11637/pdf/B_14_00915-APPEAL_DECISION-185510.pdf

Total Number of DC Appeals Decided: 13

Enforcement Control

Final Decsion:

Appeal Decision Date:

Application No.:

Appeal Procedure:

Appeal Type:

Location:

Description of Breach:

Appeal Notes:
