

Philip Isbell – Acting Director of Planning
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Babergh District Council
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REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Mr Tom Roseblade
Well House Barns, Units 5 & 11
Chester Road
Broughton
CH4 0DH

Applicant:

Green Switch Capital Ltd
5th Floor
Exchange Station
Tithebarn Street
Liverpool
L2 2QP

Date Application Received: 05-Dec-23

Application Reference: DC/23/05656

Date Registered: 07-Dec-23

Proposal & Location of Development:

Full Planning Application - Construction of a solar farm (up to 40MW export capacity) with ancillary infrastructure and cabling, DNO substation, customer substation and construction of new and altered vehicular accesses.

Land At Grove Farm And Land East Of The Railway Line, Bentley

Section A – Plans & Documents:

This decision refers to drawing no./entitled 3223-01-01 received 05/12/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 3223-01-01 - Received 05/12/2023
Proposed Site Plan 3223-01-02a - Received 05/12/2023
Proposed Site Plan 3223-01-02b - Received 05/12/2023
Proposed Site Layout Plan 3223-01-03a - Received 05/12/2023
Proposed Site Layout Plan 3223-01-03b - Received 05/12/2023
Proposed Plans and Elevations 3223-01-04 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-05 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-06 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-07 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-09a - Received 05/12/2023
Proposed Plans and Elevations 3223-01-09b - Received 05/12/2023

Proposed Plans and Elevations 3223-01-10 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-11 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-12 - Received 05/12/2023
Proposed Landscaping Plan 3223-01-13 - Received 05/12/2023
Proposed Plans and Elevations 3223-01-08a - Received 05/12/2023
Proposed Plans and Elevations 3223-01-08b - Received 05/12/2023

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 for the following reasons:

1. HERITAGE

The proposal would conflict with policies SP09, LP19, LP25 and consequently SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 11 and BEN 12 of the Bentley Neighbourhood Plan (2022) and paragraphs 212, 213, 215 and 216 of the NPPF (2024). The proposal would result in a low to medium level of less than substantial harm to a number of designated and non-designated heritage assets; the most notable and highly graded of which include the Grade I listed Bentley Hall Barn and Grade II* listed Bentley Hall, Bentley Hall Stables and Church of St Mary. Whilst significant weight is afforded to the public benefits of renewable clean energy, this benefit is not considered sufficient to outweigh the harm to a range of heritage assets, which are matters of considerable importance and great weight. The setting of these assets and thus their significance would be eroded and undermined by the proposed development as it would introduce an industrial incongruous character to the current traditional agricultural character and historical landscape of the area.

2. LANDSCAPE

The proposal would conflict with policies SP09, LP17, LP18, LP25 and consequently SP03 of the Babergh and Mid Suffolk Joint Local Plan (2023), policies BEN 3 and BEN 7 of the Bentley Neighbourhood Plan (2022) and paragraphs 187 and 189 of the NPPF (2024). The development would introduce an incongruous, industrialised character into a valued landscape, being within the setting and Additional Project Area of the Suffolk Coast and Heaths National Landscape. The development would erode a well preserved and largely unaltered agricultural area and would infill a tranquil transitional gap between settlement and a valuable historical landscape with an abrupt, alien and jarring form of development.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP18 - Area of Outstanding Natural Beauty
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity

LP25 - Energy Sources, Storage and Distribution
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport
Bentley Neighbourhood Plan
NPPF - National Planning Policy Framework
PPG- Planning Practice Guidance

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area:

In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

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@aberghmidsuffolk.gov.uk

This relates to document reference: DC/23/05656

Signed: Philip Isbell

Dated: 6th February 2025

Acting Director of Planning

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise 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.