

Philip Isbell – Acting Director of Planning
Sustainable Communities

Mid Suffolk District Council

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REFUSAL OF OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

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

Correspondence Address:

Richard Brown Planning Limited
18 Redwood
Slough
SL1 8JN
United Kingdom

Applicant:

Christchurch Land & Estates (Elmswell South)
Ltd.
24 Fore Street
Ipswich
Suffolk
IP4 1JU

Date Application Received: 05-Dec-23

Application Reference: DC/23/05651

Date Registered: 06-Dec-23

Proposal & Location of Development:

Outline Planning Application (Access to be considered, all other matters reserved) - Erection of Care Village comprising 66 bedroom care home (C2 Use), 37 No. Extra Care Bungalows (C2 Use), 3 No. Almshouses (C3), Management Office (E(g)(l) Use), Club House, Community Growing Area, Orchard, Community Bee hives and Open Space Provision

Land To The North And West Of, School Road, Elmswell, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 1661-CAM-XX-XX-DR-A-PL01-REV A 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:

Proposed Landscaping Plan P22-1167-0009-D - Received 21/03/2024

Site Plan 1661-CAM-XX-XX-DR-A-SK09 - Received 21/03/2024

Application Form - Received 05/12/2023

Proposed Site Access Arrangements 107174-T-000001-P02 - Received 05/12/2023

Defined Red Line Plan 1661-CAM-XX-XX-DR-A-PL01-REV A - Received 05/12/2023

SPA ONSITE REFUSE 107174-T-000002-P02 - Received 05/12/2023

SPA ACCESS REFUSE 107174-T-000003-P01 - Received 05/12/2023

SPA ACCESS LARGE CAR 107174-T-000004-P01 - Received 05/12/2023

Existing Site Plan 1661-CAM-XX-XX-DR-A-PL02-REV B - Received 05/12/2023

Existing Site Plan 1661-CAM-XX-XX-DR-A-PL03-REV B - Received 05/12/2023
Block Plan - Proposed 1661-CAM-XX-XX-DR-A-PL05-REV D - Received 05/12/2023
Proposed Site Plan 1661-CAM-XX-XX-DR-A-PL06-REV D - Received 05/12/2023
Proposed Site Plan 1661-CAM-XX-XX-DR-A-PL07-REV E - Received 05/12/2023
Site Sections as Existing and Proposed 1661-CAM-XX-XX-DR-A-PL08-REV B - Received 05/12/2023
Topographic Survey 38441-1 - Received 05/12/2023
Topographic Survey 38441-2 - Received 05/12/2023
Archaeological Desk Based Assessment - Received 05/12/2023
Flood Risk Assessment + Drainage Strategy - Received 05/12/2023
Heritage Statement - Received 05/12/2023
Landscape and Visual Impact Assessment - Received 05/12/2023
Noise Impact Assessment - Received 05/12/2023
Statement of Community Involvement - Received 05/12/2023
Transport Assessment - Received 05/12/2023
Preliminary Ecological Appraisal - Received 05/12/2023
Design and Access Statement - Received 05/12/2023
Air Quality Assessment - Received 05/12/2023
Drainage Details BM12457-001-D - Received 04/03/2024

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE 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 conflicts with the aims of the Elmswell Neighbourhood Plan policy ELM1 and the Babergh and Mid Suffolk Joint Local Plan policies SP03 and LP06. It is located outside of the settlement boundary for Elmswell and as such falls within the countryside. The development is unallocated and does not accord with the exceptional circumstances test set out within SP03 or LP06 and is not considered to be countryside compatible development. The development would extend Elmswell into a sensitive countryside location which would represent incongruous and discordant growth on the western edge of the village.
2. The site is shown to experience surface water flooding issues moving east to west through the site from Parnell Lane and School Road. Insufficient information has been provided to demonstrate that the development would be safe for its lifetime and that it would not increase flood risk elsewhere. The proposal fails to pass the sequential test and is therefore contrary to policy LP27 of the Babergh and Mid Suffolk Joint Local Plan as well as paragraphs 165, 167, 168 and 173 of the NPPF.
3. Development of the site would result in the loss of an area of open countryside and the change in character of the land from agriculture this is considered to erode the historic setting of the Church of St. John which is listed at Grade II* as well as the associated Grade II listed almshouses and Grade II listed Elmswell Hall. This harm extends to both the built form proposed within the site as well as the open space. Harm would also accrue as a result of the coalescence of the historic buildings with the built-up core of the village of Elmswell. A level of less than substantial harm to the heritage assets has been identified and the required balancing exercise has not been successful. As a result the development is contrary to policy LP19 of the Babergh and Mid Suffolk Joint Local Plan together with paragraphs 205, 206 and 208 of the National Planning Policy Framework.

4. The proposed development would lead to an irreparable loss of the countryside landscape to the edge of Elmswell. This area creates the entrance to the village itself through the transition from a rural area to an urban area and views of the Church of St. John from the rural area and over the landscape itself are identified within policy ELM2 of the Elmswell Neighbourhood Plan and is also noted to be high quality agricultural land (Grade 2) and adequate justification for its loss is not provided. The impact on the landscape is considered to be harmful with adverse impacts noted with regards to the onsite landscape and to a limited extent on the district level landscape. This is contrary to policies LP15, LP17 and LP24 of the Babergh and Mid Suffolk Joint Local Plan, policy ELM2 of the Elmswell Neighbourhood Plan and paragraph 84 of the NPPF.
5. In the absence of a signed Section 106 agreement or similar undertaking to provide for appropriate obligations, there would be an unacceptable impact on local infrastructure, contrary to policy SP02 and LP32 of the Babergh and Mid Suffolk Joint Local Plan.
6. No metric has been submitted to demonstrate how 10% biodiversity net gain will be achieved. Whilst this application was submitted prior to biodiversity net gain becoming mandatory, the application was determined under the Babergh and Mid Suffolk Joint Local Plan (JLP) (2023). Policies SP09 and LP16 of the JLP require development to provide for 10% biodiversity net gain. The development therefore conflicts with these policies.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

Elmswell Neighbourhood Plan

SP01 - Housing Needs
SP02 - Affordable Housing
SP03 - The sustainable location of new development
SP08 - Strategic Infrastructure Provision
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP06 - Supported and Special Needs Housing
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP28 - Services and Facilities Within the Community
LP29 - Safe, Sustainable and Active Transport
LP30 - Managing Infrastructure Provision
LP32 - Developer Contributions and Planning Obligations

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.

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: DC/23/05651

Signed: Philip Isbell

Dated: 29th October 2024

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/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

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

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.