

Philip Isbell – Chief Planning Officer
Sustainable Communities

Mid Suffolk District Council

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REFUSAL OF LISTED BUILDING CONSENT

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1992

Correspondence Address:

Beech Architects
Church Farm Barn
The Street
Thorndon
IP23 7JR

Applicant:

Mr & Mrs West
Town Meadow Cottage, The Common
Stuston
IP21 4AA

Date Application Received: 16-Jul-20

Application Reference: DC/20/02920

Date Registered: 17-Jul-20

Proposal & Location of Development:

Application for Listed Building Consent - Erection of two storey side extension to west and link porch to north elevation. Erection of detached garage. (following demolition of existing north flat roof extension and existing outbuildings) External and internal works as detailed within Schedule of Works in Design Access and Heritage Statement

Town Meadow Cottage, The Common, Stuston, Diss Suffolk IP21 4AA

Section A – Plans & Documents:

This decision refers to drawing no./entitled 471 - 01 received 16/07/2020 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 471 - 01 - Received 16/07/2020
Plans - Proposed 471 - 05D - Received 16/07/2020
Elevations - Proposed 471 - 06D - Received 16/07/2020
Sectional Drawing 471 - 06D Proposed - Received 16/07/2020
Block Plan - Proposed 471 - 07 - Received 16/07/2020
Roof Plan - Proposed 471 - 08 - Received 16/07/2020
Heritage Statement - Received 16/07/2020

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **LISTED BUILDING CONSENT 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. REASON FOR REFUSAL: HARM TO THE HERITAGE ASSET

The proposal for the extension and cart-lodge, due to their scale, mass and layout are considered to be dominating features alongside a very modest historic building. It is therefore, considered that the proposal is contrary to policy CS05 of the Mid Suffolk Core Strategy and policies H18, HB01, HB03 and HB04 of the Mid Suffolk local Plan.

This harm is considered to cause less than substantial harm. The public benefit of bringing a redundant historic building back into use is considerable, but to do so when alternative options are available that bring lesser harm, or no harm, significantly dilutes this public benefit. As such it is considered that the harm identified is not outweighed by the public benefit.

The proposal therefore is contrary to Policy CS05 of the Mid Suffolk Core Strategy, policies H18 and HB01, HB03, and HB04 of the Mid Suffolk local Plan and paragraphs 193 and 196 of the NPPF.

2. REASON FOR REFUSAL: INSUFFICIENT INFORMATION

The proposal lacks a clear and convincing justification to this harm and is thus contrary to requirements paragraph 194 of the NPPF. Additionally, the proposal is lacking detail of the relative significance of the fabric and features that would be affected, removed or replaced by the proposed alterations and extensive repairs as well as the context and setting of the Grade II listed building. Therefore, the proposal does not meet the requirements of Paragraph 198 of the NPPF.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

HB01 - Protection of historic buildings
HB03 - Conversions and alterations to historic buildings
HB04 - Extensions to listed buildings
HB06 - Securing the repair of listed buildings
H18 - Extensions to existing dwellings
H15 - Development to reflect local characteristics
NPPF - National Planning Policy Framework
CS05 - Mid Suffolk's Environment

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/20/02920

Signed: Philip Isbell

Dated: 9th September 2020

**Chief Planning Officer
Sustainable Communities**

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.