

**Philip Isbell - Chief Planning Officer**  
**Planning & Building Control**

**Mid Suffolk District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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**PLANNING PERMISSION**  
**TOWN AND COUNTRY PLANNING ACT 1990**

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**Correspondence Address:**

Beech Architects  
Church Farm Barn  
The Street  
Thorndon  
IP23 7JR

**Applicant:**

Mr and Mrs John and Nicola Cawcutt  
Southolt Cattle Barn  
Southolt  
Suffolk  
IP23 7TN

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**Date Application Received:** 15-Jul-24

**Application Reference:** DC/24/03145

**Date Registered:** 16-Jul-24

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**Proposal & Location of Development:**

Application under S73 for Removal or Variation of a Condition following grant of DC/23/02839 dated 20/11/2023 Town and Country Planning Act 1990 (as amended) Conversion of barn to form 1 No eco dwelling (re-submission of DC/22/05458) - To vary Conditions 2 (Approved Plans and Documents) and 17 (Demolition of Building/s) - to allow for amended internal layout which has created minor external changes but access, overall footprint, height and design/ materials remains unaltered. Amendment of approved drawings and change of wording to condition 17 to quote revised plan. No change in amount being demolished.

Barn Conversion At, Athelington Road, Southolt, Eye Suffolk IP23 7TN

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 623\_01 received 15/06/2023 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:

Block Plan - Existing 623\_02B - Received 15/06/2023  
Defined Red Line Plan 623\_01 - Received 15/06/2023  
Existing Context Plan 623\_03A - Received 15/06/2023  
Floor Plan - Existing 623\_04B - Received 15/06/2023  
Elevations - Existing 623\_05D inc Sections - Received 15/06/2023  
Plans - Proposed 623\_07C - Received 09/09/2024  
Roof Plan - Proposed 623\_08A - Received 15/07/2024  
Elevations - Proposed 623\_09A - Received 15/07/2024  
Materials Schedule 623\_10B - Received 09/09/2024

Proposed Site Plan 623\_06A - Received 15/07/2024  
Floor Plan - Proposed 623\_06A - Received 15/07/2024  
Bat Survey DCS Ecology - Received 15/06/2023  
Design and Access Statement - Received 15/06/2023  
Land Contamination Questionnaire - Received 15/06/2023  
Land Contamination Assessment 282775080\_1\_1 - Received 15/06/2023  
Supporting Statement 623 - Received 15/06/2023  
Structural Survey IA22/027 - Received 15/06/2023  
Planning Statement - Received 15/06/2023  
Preliminary Ecological Appraisal Abrehart Ecology Ltd - Received 15/06/2023  
Great Crested Newt Survey Abrehart Ecology Ltd - Received 15/06/2023

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION WITHOUT COMPLIANCE OF CONDITION(S) HAS BEEN GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. COMPLIANCE REQUIRED: COMMENCEMENT SECTION 73 TIME LIMIT

The development hereby permitted must be begun not later than the expiration 20th November 2026.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: LANDSCAPING SCHEME

No development to convert the building shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained.

Reason - In the interests of visual amenity and the character and appearance of the area.

4. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E and H and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-  
- no enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) shall be carried out, - no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected, except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

6. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) (Abrehart Ecology, Jan. 2022), the Great Crested Newt Survey Report (Abrehart Ecology, May 2022), and the Bat Survey Report (Abrehart Ecology, Aug. 2022).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

7. ACTION REQUIRED PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

Prior to the occupation of the hereby permitted development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

8. ACTION REQUIRED PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT LAYOUT

Prior to the occupation of the hereby permitted development, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the updated Ecology Report and GCN Precautionary Method Statement (MHE Consulting Ltd., Sept. 2023) shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason - To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

9. ACTION REQUIRED PRIOR TO COMMENCEMENT: GREAT CRESTED NEWT METHOD STATEMENT

Prior to commencement of development, a Great Crested Newt Precautionary Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

10. ACTION REQUIRED PRIOR TO COMMENCEMENT: BAT METHOD STATEMENT

Prior to commencement of development, a Bat Precautionary Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Bats during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

11. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: HIGHWAYS - PARKING AREAS

Prior to first occupation the site shown on drawing no. 07C for the purposes of loading, unloading, manoeuvring and parking of vehicles shall be provided in its entirety and thereafter the area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

12. ACTION REQUIRED PRIOR TO COMMENCEMENT: HIGHWAYS - CYCLE STORAGE

Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is first occupied and shall be retained thereafter and used for no other purpose.

Reason - To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019). This is a pre-commencement condition because it must be demonstrated that the development can accommodate sufficient cycle storage before construction works may make this prohibitive and in the interests of ensuring that sustainable transport options are provided.

13. ACTION REQUIRED PRIOR TO COMMENCEMENT: HIGHWAYS - REFUSE AND RECYCLING BINS

Before the development is commenced, details of the areas to be provided for the presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is first occupied and shall be retained thereafter for no other purpose.

Reason - To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and

access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

14. SPECIFIC RESTRICTION ON DEVELOPMENT: CONSTRUCTION HOURS

Operations related to the construction (including site clearance and demolition phases) of the permitted development/use shall only operate between the hours of 07:30 and 18.00hrs Mondays to Fridays and between the hours of 08.00 and 13.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

Reason - To minimise detriment to nearby residential amenity.

15. SPECIFIC RESTRICTION ON DEVELOPMENT: NO BURNING

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

Reason - To minimise detriment to nearby residential amenity.

16. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: FOUL DRAINAGE

Confirmation is to be provided in writing detailing how the proposal will meet the requirements of the updated General Binding Rules General binding rules: small sewage discharge to a surface water - GOV.UK ([www.gov.uk](http://www.gov.uk))

No part of the proposed development shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use. The foul water drainage scheme shall thereafter be maintained as approved.

Reason - To ensure that sewage is dealt with appropriately in the interest of local amenity.

17. SPECIFIC RESTRICTION ON DEVELOPMENT: DEMOLITION OF BUILDING/S

The adjoining barn and part of the barn (as shown on Proposed Site Plan 623\_06A) shall be demolished prior to the commencement of works to convert the barn.

Reason - To ensure the potential for a conflict of uses is removed from the site and in the interests of visual amenity and the character and appearance of the area.

**SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

SP02 - Affordable Housing

SP03 - The sustainable location of new development

SP09 - Enhancement and Management of the Environment

SP10 - Climate Change

LP04 - Replacement Dwellings and Conversions

LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP29 - Safe, Sustainable and Active Transport  
NPPF - National Planning Policy Framework  
PPG- Planning Practice Guidance

## **IMPORTANT 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. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any 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.
- o Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
  - o Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
  - o Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
  - o Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
  - o Any works to a main river may require an environmental permit

3. **Highways Note**

Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

The County Council must be contacted on Tel: 0345 606 6171.

For further information go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>  
or:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standard-drawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

4. Minimum requirements for dealing with unexpected ground conditions being encountered during construction

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geoenvironmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:
  - o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or
  - o treatment of material on site to meet compliance targets so it can be re-used; or
  - o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

5. **BNG EXEMPT**



## Biodiversity Gain Condition exempt

Based on the information available this permission is one where statutory exemptions or transitional arrangements are considered to apply in line with paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Therefore, the Biodiversity Gain Condition does not apply.

## BIODIVERSITY NET GAIN CONDITION

Please read the Important Notes section above which will confirm whether this development is required to deliver a minimum of 10% biodiversity net gain (BNG). If your development is exempt you do not need to read on, if it is required to deliver BNG please read the following:

In accordance with Schedule 7A (13) of The Town and Country Planning Act 1990 no development shall commence until:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

In order to formally submit the Biodiversity Gain Plan to Babergh District Council/ Mid Suffolk District Council please submit a Discharge of Conditions application.

It is recommended that you complete and submit the template on the following link as part of your Biodiversity Gain Plan: [www.gov.uk/government/publications/biodiversity-gain-plan](https://www.gov.uk/government/publications/biodiversity-gain-plan)

A Biodiversity Gain Plan submission should include the following (where relevant):

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values
- b) Pre and post development plans drawn to an identified scale and showing the direction of north
- c) Legal agreement
- d) Commitment to deliver and maintain BNG for a minimum of 30 years from the date of completion of the development
- e) Habitat Management and Monitoring Plan (HMMP) in line with the HMMP template or HMMP checklist. The HMMP must be produced in line with any landscape plans and landscape management plans
- f) Compensation plan (if affecting irreplaceable habitats)
- g) BNG register reference numbers (if using off-site units)
- h) Proof of purchase (if buying statutory biodiversity credits)

If you are carrying out a phased development the following applies:

- a) A statement showing how the development will proceed in phases must be submitted alongside an Overall Biodiversity Gain Plan before any development can commence.
- b) No development can then commence within each specified phase until a [Phase Biodiversity Gain Plan](#) for that phase has been submitted and approved.

If you are looking for land to deliver off-site BNG it is recommended you contact the Council's Biodiversity Officer: [biodiversity@baberghmidsuffolk.gov.uk](mailto:biodiversity@baberghmidsuffolk.gov.uk)

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

This relates to document reference: DC/24/03145

**Signed: Philip Isbell**

**Dated: 10th September 2024**

**Chief Planning Officer  
Planning & Building Control**

## **COMMUNITY INFRASTRUCTURE LEVY**

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. You are responsible for submitting the relevant CIL forms to our Infrastructure Team, telling them who will pay CIL and when the development will commence. However, you will receive a Liability Notice including the amount to be paid and what you must do. Please ensure the Infrastructure Team have your correct contact details. If you have any questions, please contact the Infrastructure Team direct on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk) or telephone 01449 724563.

Alternatively, you can find more information about CIL on our websites here: [CIL in Babergh](#) and [CIL in Mid Suffolk](#)

## **BUILDING CONTROL**

The project may be subject to the requirements of the Building Regulations 2010. Advice and assistance can be obtained from our Building Control Team by visiting our websites here: [Building control in Babergh](#) and [Building control in Mid Suffolk](#)

Alternatively you can email the Building Control Team: [building.control@baberghmidsuffolk.gov.uk](mailto:building.control@baberghmidsuffolk.gov.uk) or telephone 01449 724510. They will work with you offering competitive fee quotations and pre-application advice upon request.

## 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

\*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.

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.

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**Babergh District Council**

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Telephone: (0300) 1234 000

[www.babergh.gov.uk](http://www.babergh.gov.uk)

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