

To All Interested Parties

Please ask for : Chloe Anderson
Telephone : 0300 123 4000 Option 5
Our reference : EN/22/00335 / AP/23/00055
E-mail : planningenforcement@baberghmidsuffolk.gov.uk

12 July 2023

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

Appeal Reference: APP/W3520/C/23/3323876

Appeal by: Mr & Mrs G Last

Proposal: Appeal against Enforcement Notice for the erection of a 1.8m close boarded fence adjacent to the highway and the erection of a 1.8m gate and posts.

Location: 3 Rooks Mead, Thurston, Bury St Edmunds, IP31 3FZ

Appeal Start Date: 04.07.2023

I am writing to you at the request of the Planning Inspectorate to notify you of an appeal against the above notice. The notice relates to the land mentioned above. This letter is to advise you of the appeal should you wish to make any representations to the Planning Inspectorate as below.

APPEAL TO ENFORCEMENT NOTICE:

The Appellant has appealed against the Notice to The Planning Inspectorate (a Government Agency) whose address is: -

The Planning Inspectorate
3b
Temple Quay House
2 The Square
Bristol
BS1 6PN
Attention of: Corrina Clements

THE ENFORCEMENT NOTICE:

The breach of planning control alleged by the Council is:
Without planning permission, the erection of a 1.8m close boarded fence adjacent to the highway and the erection of a 1.8m gate and posts.



REQUIREMENTS OF NOTICE:

A) Remove the close boarded fence and erect post and rail fencing but not exceeding 1m in height from adjacent ground level, as indicated on plans approved for DC/21/01485 and DC/21/01207, with landscape planting inside the boundary in accordance with approved plans.

B) Remove the gate and associated posts and replace with the picket fencing not exceeding 1m in height, as indicated on the approved plans for DC/21/01207, in order to provide the visibility splay for the site entrance as shown on the approved plans.

TIME FOR COMPLIANCE FOR NOTICE:

The requirements detailed in Section 4 of this Notice must be complied within one month of the date this Notice takes effect.

THE COUNCILS STATEMENT OF REASONS FOR ISSUING THE NOTICE:

It appears to the Council that the above breach of planning control has occurred within the last four years.

Permission was granted for the development to have a post and rail fence along the boundary adjacent to the highway. Instead a close boarded fence has been erected which adversely affects the character and appearance of the local area. The Council has refused two planning applications for the fence.

The erection of the fence as built has an unacceptable impact on the character, appearance and setting of the area, contrary to Policies GP1 and H15 of the Mid Suffolk Local Plan 1998, Policy 9 of the Thurston Neighbourhood Plan, Policies LP17 and LP24 of the emerging Joint Local Plan and paragraph 130 of the NPPF.

The erection of the gate and posts results in obstruction of the visibility splay associated with the access to the development. Policy T10 of the Mid Suffolk Local Plan requires the site to have safe access and egress. The gate and its posts impinge on the visibility splay, adversely affecting highway safety and is, therefore, contrary to Policy T10.

THE GROUNDS OF APPEAL FOR NOTICE:

The appellant has appealed on the following grounds: -

Ground (a) That planning permission should be granted for what is alleged in the notice.

Ground (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

Ground (g) The time given to comply with the notice is too short.



The appeal will be determined by the way of **Written Representations**.

Documents relating to the appeal can be viewed at the Councils offices by prior arrangement.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <https://acp.planninginspectorate.gov.uk> If you do not have access to the internet, you can send your comments (3 copies are required) to the Planning Inspectorate at the above address.

All representations must be received by 15/08/2023. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the Planning Inspectorate appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal unless the representations are withdrawn before the deadline of 15/08/2023.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or by contacting the Babergh and Mid Suffolk Planning Enforcement Team directly.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Philip Isbell

Chief Planning Officer – Sustainable Communities



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