

To All Interested Parties

Please ask for : Chloe Anderson

Telephone : 0300 123 4000 Option 5

Our reference : EN/21/00850 / AP/23/00031

E-mail : planningenforcement@baberghmidsuffolk.gov.uk

5th June 2023

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

Appeal Reference: APP/W3520/C/23/3319406 & **linked appeal:** APP/W3520/C/23/3319407

Appeal by: Dover Farm Developments Ltd

Proposal: Appeal against Enforcement Notice for non-compliance with approved plans for Outline Planning Permission DC/19/05114 & Reserved Matters Permission DC/20/02211.

Location: Land south of Barrells Road, Thurston, Suffolk, IP31 3SF

Appeal Start Date: 23.05.2023

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
Temple Quay House
2 The Square
Bristol
BS1 6PN
Attention of: Vanessa Poncia

THE ENFORCEMENT NOTICE:

The breach of planning control alleged by the Council is:

Non-compliance with approved plans involving; the failure to provide the footpath as per drawing "Proposed 1234/01D"; failure to provide the visibility splay for the access road; failure to comply with the approved landscaping scheme.



REQUIREMENTS OF NOTICE:

- a. Construct the footpath as per Drawing “Proposed” ref. 1234/01D approved under DC/20/02211, and Drawing “Landscaping Plan” ref. 1234-13 approved under DC/20/05439;
- b. Demolish the close-boarded fencing along the north-western boundary of the garden of Plot 1 and re-erect in accordance with Drawing “Landscaping Plan” ref. 1234-13 approved under DC/20/05439, and provide the visibility splay as required by Condition 5 of DC/19/05114;
- c. Demolish the close-boarded fencing along the southern and western boundaries of the garden of Plot 1 and replace with picket fencing in accordance with Drawing “Landscaping Plan” ref. 1234-13 approved under DC/20/05439, and provide the visibility splay as required by Condition 5 of DC/19/05114;
- d. Remove the stones from the front (southern) and side (western) areas of Plot 1 and replace with grass in accordance with Drawing “Landscaping Plan” ref. 1234-13 approved under DC/20/05439, to include provision of the trees/shrubs as indicated;
- e. Remove the stones from the area north-west of the boundary of Plot 1 and return the land and highway verge to the condition it was in prior to the development taking place;
- f. Remove the laurel hedging planted along the outside edge of the incorrectly positioned close-boarded fencing at the north-western boundary of Plot 1 and replace with native hedging in accordance with Drawing “Landscaping Plan” ref. 1234-13 approved under DC/20/05439, and provide the visibility splay as required by Condition 5 of DC/19/05114;

TIME FOR COMPLIANCE FOR NOTICE:

The requirements detailed in Section 4 of this Notice must be complied with by 31st October 2023.

THE COUNCILS STATEMENT OF REASONS FOR ISSUING THE NOTICE:

With regard to the footpath, this Notice has been issued because the development does not accord with the plans and drawings approved under Outline planning permission, DC/19/05114, or the Reserved Matters permission, DC/20/02211. In response to the consultation on the Outline application, the Highways Authority (Suffolk County Council) expressed concern over the safety of road users, including pedestrians, along Barrells Road and recommended refusal of the application until such concerns were satisfactorily addressed. The Outline permission, DC/19/05114, included a condition (no.4) requiring the footpath to be installed and retained thereafter. The footpath is considered to be fundamental to reducing the potential danger arising from pedestrians using the road to access facilities and services within the village, and in securing the sustainability credentials of the development approved as required by the National Planning Policy Framework.



This Notice is issued in relation to the visibility splay at the north-western corner of the site because it is not in accordance with the approved plans in that the residential garden for Plot 1 (now known as No.1 Rooks Mead) has been extended westwards, thereby impinging upon the visibility splay for the western access road, as detailed on the approved plans and required by Condition 5 of Outline planning permission DC/19/05114, and as detailed on the approved plan, "Proposed 1234/02A" of Reserved Matters approval DC/20/01981. The significant reduction in the visibility splay to the north side of the western site access is considered to have a material impact on highways safety in terms of general users of the road and residents exiting from the site.

With respect to landscaping, this Notice has been issued because the development is not in accordance with the approved landscaping plan. Planting has been installed within the visibility splay to the north of the western access, impeding vision through the splay and giving rise to a material impact on highways safety in terms of general users of the road and residents exiting from the site. Furthermore, the planting implemented is not of native species as detailed in the approved landscaping specification, making it incongruous in the context of the development site and the surrounding landscape.

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 (c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

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

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 04/07/2023. 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 04/07/2023.



Babergh and Mid Suffolk District Councils
Endeavour House 8 Russell Road Ipswich IP1 2BX
Telephone: (0300) 1234000
www.babergh.gov.uk www.midsuffolk.gov.uk

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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