

Philip Isbell - Chief Planning Officer
Sustainable Communities

Babergh District Council
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REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

Correspondence Address:

Anglian Water Services
Lancaster House,
Lancaster Way,
Ermine Business Park
Huntingdon
Cambridgeshire
PE29 6XU

Applicant:

Anglian Water Services
Lancaster House,
Lancaster Way,
Ermine Business Park
Huntingdon
Cambridgeshire
PE29 6XU

Date Application Received: 30-Jun-22

Application Reference: DC/22/03300

Date Registered: 10-Aug-22

Proposal & Location of Development:

Application under S73 for Removal or Variation of a Condition following grant of Planning Permission B/14/00412 dated 03.10.2014. Town and Country Planning Act 1990.- To vary - Condition 3 (Operation of Site) - To allow camping to take place all year round.

Land West Of Alton Water Visitors Centre, Holbrook Road, Stutton, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 308/886/001 received 26/03/2014 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:

Management Plan Proposal for 12 Month Operation. - Received 30/06/2022
Defined Red Line Plan (as submitted for B/14/00412) 308/886/001 - Received 26/03/2014
Application Form - Received 10/08/2022

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **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 site is situated adjacent to Alton Water, an important site for migratory and over-wintering birds with close ecological links to the Stour and Orwell Estuaries SPA and Ramsar site, and the underpinning Stour Estuary SSSI. The site is also situated immediately adjacent to Alton Water County Wildlife Site (CWS). As a result, the habitat present at Alton Water is considered functionally linked to statutory and non-statutory designated sites and the proposed removal or variation of the seasonal restriction condition would extend the existing campsite use, thereby resulting in the increased recreational usage of Alton Water over the winter period, which may cause increased disturbance to over-wintering birds and adversely affect the integrity of a European site, contrary to Saved Policies RE06 and RE17 of the Babergh Local Plan (2006), Policies CS15 and CS17 of the Babergh Core Strategy (2014) and the Conservation of Habitats and Species Regulations 2017.

The application is lacking in sufficient ecological information to provide the LPA with certainty of likely impacts upon designated sites and in the absence of sufficient ecological information, the application fails to comply with s40 NERC Act 2006, Circular 06/2005 and Paragraph 174 of the NPPF (2021). Furthermore, the lack of information prevents the Local Planning Authority from fulfilling its statutory duty with regard to this material planning matter.

2. The application site is within a Special Landscape Area (SLA), identified in the Suffolk Landscape Character Assessment as Plateau Estate Farmlands, Rolling Estate Farmlands and Ancient Estate Farmlands, within a wider landscape characterised by gently falling land along the edges of the reservoir with predominantly open views. The Landscape Character Assessment identifies leisure as a driving force for change where the impact on the character of the landscape, both directly and indirectly from leisure developments, may be highly significant and where effective design and mitigation measures will be vital to minimise adverse visual impact. Whilst recent planting within the site has yet to become established and effective, the site is not sufficiently screened from view during winter months. The proposed removal or variation of the seasonal restriction condition would extend the existing campsite use through the winter period and, in the absence of an updated Landscape Statement to demonstrate otherwise, the use of the campsite during winter months would increase its adverse impact on the visual amenity of the landscape, which is locally designated as a Special Landscape Area, contrary to Saved Policies CR04, RE06 and RE17 of the Babergh Local Plan (2006) and Policies CS15 and CS17 of the Babergh Core Strategy (2014).

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS03 - Strategy for Growth and Development
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy
CR02 - AONB Landscape
CR04 - Special Landscape Areas
CR07 - Landscaping Schemes
RE06 - Small and Medium - Scale Recreation
RE17 - Land-based Facilities at Alton Water
TP15 - Parking Standards - New Development

NOTES:

1. 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 Local Planning Authority raised its concerns with the applicant but was not able to secure the necessary improvements to the scheme in the timeframe available that would have enabled the proposals to be considered more favourably.

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/22/03300

Signed: Philip Isbell

Dated: 7th November 2022

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

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.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

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.