

IN THE TOWN AND COUNTRY PLANNING ACT 1990

AND IN THE MATTER OF PLANNING APPEAL PURSUANT TO  
SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

IN THE MATTER OF A REFUSAL OF PLANNING PERMISSION

LAND AND PREMISES AT FAIR ACRE, GROVE LANE, ELMSWELL,  
NR BURY ST EDMUNDS, IN THE COUNTY OF SUFFOLK IP30 9HN

APPEAL REFERENCE NUMBERS  
APP/W3520/A/06/2014299/NWF

STATEMENT OF WRITTEN REPRESENTATIONS SUBMITTED ON  
BEHALF OF THE APPELLANT MR PETER ALASTAIR STAMM  
AGAINST THE REFUSAL NOTICE ISSUED BY THE LOCAL  
PLANNING AUTHORITY BEING MID SUFFOLK DISTRICT COUNCIL—  
APPLICATION REFERENCE NUMBER 2506/05M RELATING TO  
APPLICATION FOR CHANGE OF USE FROM SINGLE RESIDENTIAL  
DWELLING WITH CARE FACILITY INTO TWO SEPARATE  
RESIDENTIAL DWELLINGS AND FULL PLANNING APPLICATION  
FOR BUILDING WORKS OF ALTERATIONS AS SHOWN ON THE  
PLAN DRAWING NUMBER 712/01 AND 02280106

**VOLUME I – TEXT OF WRITTEN REPRESENTATIONS**

SUBMITTED BY THE AGENTS

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# CONTENTS

## VOLUME I

1.0	General review and introduction	Pages 3 – 8
2.0	Preliminary matters – Appeal site	Pages 8 – 9
3.0	The appeal site	Pages 9 – 11
4.0	Preliminary matters relating to environmental issues	Pages 11 – 14
5.0	The appeal proposals	Pages 14 - 15
6.0	Site history	Pages 15 – 16
7.0	Planning policy framework	Pages 16 – 18
8.0	Conclusions	Page 18

## VOLUME II

List of Appendices	Page 21
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## **1.0 General review and introduction**

1.1 My name is Mike Jones, Planning Consultant and Lawyer, based in the area local to this application. My full curriculum vitae and statement of experience in planning matters is attached to this Statement of Case in the Schedule annexed hereto. I have experience of many applications in this area and believe that this particular proposal is worthy of your attention and should be passed for a number of reasons which I will set out in this Statement of Case. At this stage, and by way of introduction, I would like to emphasise the following reasons in support of allowing the appeal:-

(a) It should be noted that in reality the application which is the subject of this appeal, is for the separation of a single residential property into two separate residential properties.

(b) The planning application reference number 0869/06/FUL relates to two buildings that already exist with completely independent foundations connected by a passageway.

(c) No new build is required to separate these buildings. In fact, all that is required is the removal of the passageway.

(d) As an independent unit with its own foundations, the front property (No. 1) lends itself to conversion into a separate dwelling comprising a sitting room, kitchen, dining area, master bedroom with en-suite, second bedroom, separate bathroom and study or bedroom 3.

(e) Property no. 1 is already supplied by separate mains electricity, mains water and telephone services.

(f) The sewage system (which is a Klargestor BA and BB BioDisc) is adequate for several houses.

(g) The separation of the site into two residential properties has no detrimental effect on the countryside as no building works are required and the number of bedrooms remains the same.

(h) The property is a 5-minute walk from the village of Elmswell and only a 15-minute walk from the main amenities of the village, including railway station, shops, post office, etc.

(i) In order to assist in the consideration of this matter, a series of documents are annexed to this Statement of Written Representations in Schedules numbers 1 to 10. References will be made to a number of these documents in the text of this Statement.

1.2 One important issue which needs to be considered in the context of this appeal is, of course, the specific location of the appeal site. On the one hand, it is quite clear that the appeal site is, for the most part, surrounded by existing development of a commercial nature. Accordingly, the site does not have a rural context as such but in fact appears to be a site encompassed by existing commercial development. On this basis, it is considered that the proposals set out in the planning application should be allowed on appeal because the proposals will not harm any interest of acknowledged importance and will not, in any way, detract from the existing character of the open countryside in the locality.

At the same time, it should be noted that it is appropriate to allow an additional unit of residential development within the appeal site because such additional residential use

will not in any way be inconsistent with the adjacent existing commercial development. This adjacent commercial development is unobtrusive given that it is separated from the appeal site by an eight foot high wall. It must be appreciated that the existing commercial units are operated in an extremely quiet and unobtrusive manner. It should be noted that the appellant has resided within one part of the existing residential development on the appeal site without having his residential amenities in any way adversely affected by the use of the adjacent and surrounding commercial buildings. One of the existing commercial units adjacent to the appeal site is occupied by Safety Kleen UK Limited and is only used during normal office hours between Monday and Friday. Even during normal office hours, the premises are extremely quiet and do not affect the appellant or his partner. On this basis, it is considered that a proposal for an additional residential unit on the appeal site would not in any way be inconsistent with the existing uses on adjacent land.

- 1.3 The Council appears to contend that the proposed development would introduce additional domestic activity in the countryside. However, at the same time, the Council concedes that the additional domestic activity would be minor in its own right and therefore by implication would not have any adverse impact upon the open countryside as such. It would appear that the main concern expressed by the Council is based more on the issue of precedent. The Council quite inconsistently appears to consider that allowing additional domestic activity on the appeal site would “have a serious adverse impact but is unable to justify its concerns.” Although the Council does not seek to expand or explain this particular point, nevertheless it would appear to be an oblique reference to the issue of precedent. However, given the unique location of the appeal site where it is encompassed by surrounding extant commercial development, it is considered that the issue of precedent would not be a material

planning consideration in this particular case. In my view, the site is so unique that any decision to allow the appeal on this case could not be cited in other cases within the area. It should be noted that I am not aware of any other property within the locality which has the same planning history as the current site nor am I aware of any other site which has a similar unique planning history. The reason for this may, of course, be due to the fact that the first building on the site was one of the buildings used as part of the former Airfield. Another reason is, of course, that a commercial industrial estate has developed around the appeal site thereby enclosing and shielding the site from the adjacent open countryside. I have to say that, in my professional opinion, the allowing of the appeal on this site cannot be utilised in support of proposed development on other land within the area. The fears expressed by the Council are therefore groundless.

- 1.4 The Council also appears to be concerned over the assertion that the creation of an additional residential unit in the countryside would be contrary to National Policy. With respect, this is not the case because National Policies do allow for numerous exceptions to the general policy against new residential units. It should be noted that the circumstances of each case need to be considered. In this particular case, the proposal is merely for the separation of an existing large residential unit into two separate residential units. Accordingly, the proposal will not lead to the building of a new residential unit and accordingly does not fall within the category of cases against which National Policies are normally directed. In order that full consideration can be given to National Planning Policy Guidance, we annex to this Statement of Case extracts from Planning Policy Guidance Note No. 3 on Housing issued by the Department for Communities and Local Governments. In Schedule 2 annexed to this Statement of Case, an extract from the Policy Guidance is set out therein. The

document constitutes a table of contents relating to the said Policy. In a further Schedule annexed to this Statement of Case marked Schedule 3, there is a further extract from the document issued by the Department for Communities and Local Government on Planning Policy Guidance Note No. 3 on Housing. I also attach to this Statement of Case a Fourth Schedule which sets out further information concerning further extracts from the Planning Policy Guidance Note No. 3 on Housing. It is clear from the relevant extracts from the Policy Statement that the proposals set out in the current appeal are consistent with, and indeed support, the objectives set out in National Planning Guidance.

- 1.5 It should be noted that no objections to the proposed development have been put forward by the Parish Council or from any adjacent neighbours. Given the fact that the local Parish Council and local neighbours have no difficulties in accepting the proposed development, we consider that the appeal is therefore regarded by local people as being acceptable. We consider that the Parish Council and neighbours take this view because there is no proposed new building work in the current application. Furthermore, it is well known locally that the two properties on the site which currently form the single building at Fairacre both have separate electricity supplies, separate water supplies and separate telephone services. Furthermore, they have separate foundations.

It should be noted that the appeal site comprises one acre of land which has always been used as residential land. The whole site clearly falls within the definition of “previously developed land” as set out in Planning Policy Guidance Note No. 3. Furthermore, the residential use of the land first started prior to 1947 when the first building on the site was used for residential purposes and associated office purposes by

the American Air Force. Clearly, the appeal proposal relates to residential development within an existing residential boundary and, as such, therefore constitutes a reasonable proposal which does not conflict with statutory development plan policies. In essence, the appeal proposal puts forward a scheme which involves the more efficient use of existing housing land. In general terms, it is therefore clearly consistent with national objectives as set down by central government.

## 2.0 **Preliminary matters – Appeal Site**

The application for planning permission which is the subject of the current appeal comprises two elements being an application for full planning permission for the building located in the centre of the site in Fair Acre from a single residential property into two separate residential properties. The second element of the planning application is the request for permission for the internal building works comprising alterations as shown on the plan submitted with the planning application and referenced under number 712/01 and 02280106. It is considered that the planning application puts forward a modest proposal which is acceptable in planning terms and in a context in which the site is located.

2.1 The appeal site itself with gardens extending to nearly 1 acre enjoys great privacy, being protected by 8' high walls/fences erected by the owners of the adjacent commercial properties.

2.2 Most of the appeal site is further screened by mature trees and hedges and the separation of the garden would provide attractive, private areas to both properties.

2.3 The appeal site is located on a parcel of land described on the plan annexed hereto which is surrounded on three sides by existing commercial uses. The commercial

- unit adjacent to property no. 1 is Safety Kleen UK Ltd. They are extremely quiet and their working hours are 9.00 to 5.00, Monday to Friday. It is unoccupied during weekends.
- 2.4 The remaining fourth side of the appeal site fronts onto an unclassified road known as Grove Lane. Fair Acre lies beyond the crossroads and this part of the road is little used, serving a farm and approximately 4 residential dwellings before it joins another road at the T-junction beside the hamlet of Upper Wetherden. It is clear that there are no adverse highway implications arising from the development proposed in the planning application.
- 2.5 There is ample space to erect a garage and to make a new entrance directly fronting the road (for which planning permission is not required) providing property no. 1 with complete privacy.
- 2.6 It should be noted that at the present time both properties appear to constitute one single property forming an 'L' shape.
- 2.7 It can be clearly seen that at the present time the Appellant, Mr Peter Alastair Stamm, resides with his partner in one separate half of the property comprising of hall, kitchen, sitting room, 3 bedrooms, bathroom and cloakroom.
- 2.8 Whist the property forms an 'L' shape, nevertheless it is clear that that part of the property located closest to the road (i.e. property no. 1) is not an ideal extension to the rear property (No.2) and having been allowed to fall into disrepair prior to Mr Stamm's ownership, is currently unused but is ideal for redevelopment in to a separate residential unit..

2.9 In order that the proposals set out in the appeal can be considered carefully by reference to drawings, it should be noted that two sets of drawings are attached to this Statement of Written Representations in respectively Schedules 9 and 10. In Schedule 9 at Annex 8, drawing no. 03100906 is exhibited which shows the proposed boundaries and new access at the site. In Schedule 10 at Annex 9, a second plan is exhibited being drawing no. 712/01 which shows proposed alterations at the site.

### **3.0 The appeal site**

3.1 The appeal site which is known as Fair Acre is located within a registered title held at HM Land Registry under title number SK256370. It fronts onto an unclassified road and accordingly it is possible under permitted development rights for an additional access to be formed on the road to provide separate access for the proposed additional residential unit under the terms of the planning application. It should be noted that the unclassified road is a very quiet road which is little used. The road serves a number of farms and a few scattered houses before it joins another road at the T-junction near the village of Wetherden. It is clear that there are no adverse highway implications arising from the development proposed in the planning application.

3.2 The appeal site is approximately one acre in terms of size and is all used as part of the curtilage of the dwelling at Fair Acre. Most of the land is laid to lawn and is encompassed by a high close boarded fence.

3.3 In physical terms one would not regard the area of land in which the appeal site is located as being 'open countryside' in the commonly understood sense of that term. In essence the appeal site is locked into an industrial estate which in practical

terms encompasses the whole of the site. A suit of photographs relating to the Grove Lane Industrial Estate are annexed to this statement of case together also with further plans relating to the site.

3.4 Given that the appeal site is adjacent to existing commercial development and fronts onto an unclassified road, it is considered that the proposals set out in the planning application are reasonable having regard to the context in which the site is located. On visiting the site it will be obvious that the appeal site shares a boundary on two sides with existing commercial development and on a third side with a single small commercial unit and on the fourth side by an unclassified road. Furthermore, it should be noted that the site is obviously already a developed site and that the application is only seeking the authorisation for a change of use relating to an existing building.

#### **4.0 Preliminary matters relating to environmental issues**

The specific location of the appeal site does not have a rural context as such but in fact appears to be a site adjacent to an existing commercial development. On this basis, it is considered that the proposals set out in the planning application should be allowed on appeal because the proposals will not harm nor compromise any interest of acknowledged importance and will not, in any way, detract from nor have any adverse environmental impact on the existing character of the open countryside in the locality.

4.1 It should be noted that the Appellant and his partner have resided within one half of the existing residential development on the appeal site (i.e. property no. 2) without having their residential amenities in any way adversely affected by the use of the adjacent and surrounding commercial buildings.

- 4.2 The Council appears to contend that the proposed development would introduce additional domestic activity to the countryside. However, at the same time, the Council concedes that the additional domestic activity would be minor in its own right and therefore by implication would not have any adverse impact upon the open countryside as such.
- 4.3 It would appear that the main concern expressed by the Council is based more on the issue of precedent. The Council appears to consider that allowing additional domestic activity on the appeal site would “form a more serious community of adverse impact”. Although the Council does not seek to expand or explain this particular point, nevertheless it would appear to be an oblique reference to the issue of precedents. However, given the unique location of the appeal site which is already classed as residential and is fully enclosed, it is considered that the issue of precedent would not be a material planning consideration in this particular case. In my view, the site is unique and the decision to allow the appeal in this case could not be cited in other cases within the area.
- 4.4 It should be noted that I am not aware of any other property or site within the locality which has the same unique planning history as the current application. I have to say that, in my professional opinion, the allowing of the appeal on this site cannot be refused in support of the proposed development on other land within the area. The fears expressed by the Council are therefore considered to be groundless.
- 4.5 The Council also appears to be concerned over the assertion that the creation of an additional residential property in the countryside would be contrary to National Policy. With respect, this is not the case because National Policies do allow for numerous exceptions to the general policy against new residential units. It should be noted that

the circumstances of each case need to be considered. In this particular case, the proposal is merely for the separation of an existing residential property into two separate residential properties with the same number of bedrooms. Accordingly, the proposal will not lead to the building of a new residential property and accordingly does not fall within the category of cases against which National Policies are normally directed.

4.6 In order that full consideration can be given to National Planning Policy Guidance, we annex (No.'s 1 to 4) to this Statement of Case highlighted extracts from Planning Policy Guidance Note No. 3 on Housing issued by the Department for Communities and Local Governments. It is clear from the relevant extracts that the proposals set out in the current appeal are consistent with, and indeed support, the objectives set out in National Planning Guidance.

4.7 It should be noted that no objections to the proposed development have been put forward by the Parish Council or from any adjacent neighbours. Given this fact, we consider that the appeal is therefore regarded by local people as being acceptable. We consider that this view is probably because there is no new development proposed in the current application.

4.8 The proposal offers viable economic use of a residential property providing much needed local accommodation for which there is a local unmet need.

4.9 In physical terms, one would not regard the area of land in which the appeal site is located as being 'open countryside' in the commonly understood sense of that term. In essence, the appeal site is a 1 acre residential site adjacent to an industrial estate. A suite of photographs relating to the Grove Lane Industrial Estate are annexed to this Statement of Case together also with further plans relating to the site.

## **5.0 The appeal proposals**

An examination of the plan relating to the site known as Fair Acre reveals two “connected” properties marked on the site plan. The two properties in essence constitute in planning terms one single residential unit. However, in physical terms it is clear that whilst the two parts of the residential unit are connected nevertheless in essence there are two separate bungalows on the site.

5.1 Photographs of the property are annexed to this Statement of Case. Attention is drawn to the structure which connects the two bungalows on the site which is described as a “covered passageway”. It should be noted that very little effort is required in order to demolish the connecting structure between the two bungalows.

5.2 Accordingly, it is contended that the planning application can be approved without having any adverse impact upon the residential amenities of the residents to be located in each of the two bungalows.

5.3 The planning history relating to the site indicates that the site previously supported a “care home”. It should be noted that the property is registered as a care home with effect from 27<sup>th</sup> August 1997 until it closed in 1999. The evidence supporting this contention is contained within a letter issued by the Suffolk Area Office based at St Vincent House Cutler Street Ipswich Suffolk. A copy of the letter is annexed to the Statement of Case. The planning history relating to the site explains how a very large residential unit came to be placed on the site and which incorporated a connecting walkway between the two bungalows. Clearly, the special circumstances which arose in 1997 no longer apply. Given the change of circumstances it is now clear that planning permission should be granted for the two separate residential units and that

the previous status of the site as a single residential unit with a care home should now be changed.

## **6.0 Site history**

- 6.1 The front building (property no. 1) is the original house. In the Second World War, it was used for the purpose of providing accommodation as the American Commanding Officers Quarters.

It was purchased by the previous owner's father after the war and the family lived here until July 2005.

In 1994, the rear building (Bungalow2) was built – and Bungalow 1 was turned into a Care Home.

This was discontinued in 1999 (supported by letters from Ipswich Health Department)

Since then the family has lived in Bungalow 2 and Bungalow 1 has been left in need of updating and improvement.

- 6.2 The original property (identified as the Front Bungalow No 1) was used during the war as a residential property for USAF Officer occupation, attached to Great Ashfield Aerodrome.

According to H M Land Registry under title number SK256370, the first conveyancing record shows that Mr Wilfred Rushbrook, a farmer, sold to Mr Gerald Ernest Bloomfield, 15th July 1961, whose family occupied the bungalow as a residence from that date onwards. The property was passed onto Mr Bloomfield's wife and daughter and members of the Bloomfield family subsequently lived on the site until the property was eventually sold to the Appellant in 2005.

During the late 1960s early 1970s an outer skin was built onto the property creating a Cavity Wall to the property. This is why it looks newer than 1940s.

Therefore it is clear the property has always had residential use – and therefore, taking into consideration that neither the Parish Council nor anyone else has objected to the application, there should be no problem in approving the application, taking into account the fact that it will have do detrimental affect on the countryside – and will in fact add to the support of the local Elmswell amenities in close proximity to the property.

## **7.0 Planning policy framework**

7.1 It is considered that the proposals set out in the planning application is consistent with the objectives of central government as expressed in Planning Policy Guidance Notes and Planning Policy Statements. In particular, it is considered that the proposed development satisfies the objectives and guidelines set out in Planning Policy Statement 3 relating to the provision of housing. It clearly constitutes a reasonable and efficient use of existing residential land. It should be noted that the whole site is of course a residential site and the proposal will result in a more efficient use of residential land providing two dwellings where there was previously just one dwelling. It also is consistent with the concept of the best use of ‘previously developed land’ as set out in Planning Policy Statement 3.

7.2 The development proposed on the appeal site is also consistent with Planning Policy Statement 1 in that it is clearly development which constitutes sustainable development. The site is located close to the existing development and close to the village of Elmswell which has a full range of support services including educational services, general grocery services and a post office together with public houses and a

police station. In the adjacent village of Woolpit there is a large local health centre. There are also ample public transport routes through the villages of both Elmswell and Woolpit. There is also a local railway station at Elmswell which is well used.

7.3 With reference to local planning policy set out in the Statutory Development Plan, it should be noted that the proposal relates to the change of use of an existing building. It relates to the change of use of a building which is now redundant. Clearly the precise wording of the policy set out in Policy Statements CS1, CS2, CS3, ENV4 and ENV6 of the Suffolk Structure Plan 2001 and policies SB1, CL1 and H7 of the Mid Suffolk Local Plan 1998 do not anticipate or have regard to the unique and special circumstances arising relating to the development proposed on the appeal site. Extracts from the relevant Planning Policy Statements are annexed to this Statement of Case within Schedule 8 annexed hereto and marked "Annex No. 7". At the same time the development proposed on the appeal site would not undermine the purposes and objectives to which those policies were created and formulated. In essence those aspects of the policies which relate to new residential development are primarily designed to prevent new residential development being created within the open countryside. In this case there is no proposal for new build development and indeed the proposal relates to a structure which was in fact in existence on 1<sup>st</sup> July 1948 when the main new planning act known as the Town & Country Planning Act 1947 came into force. It is rather curious and indeed quite inequitable for a proposal of this nature to be subject to objections by the local planning authority based on policies which primarily focus on other issues.

7.4 It should be noted that in the normal course of events redundant buildings in the open countryside can in any event be granted planning permission by way of conversion or

change of use under the existing policy framework. In many cases local farmers have secured residential planning permissions on old redundant barns within farmyards. Given that such an approach is a reasonable proposition in many cases it is clearly eminently sensible that the current appeal should be allowed. In fact the case for the grant of change of use of residential purposes in the current case is much stronger than the normal case of applications for residential development relating to the redundant agricultural building. .

## **8.0 Conclusions**

It is considered that the planning permission should be granted for the appeal proposal.

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## APPENDICES

Schedule 1		Professional background and experience of the author of the Statement of Written Representations
Schedule 2	Annex 1	Extract from Planning Policy Guidance Note No. 3 on Housing
Schedule 3	Annex 2	Extract from Planning Policy Guidance Note No. 3 on Housing
Schedule 4	Annex 3	Extract from Planning Policy Guidance Note No. 3 on Housing
Schedule 5	Annex 4	Extract from Planning Policy Guidance Note No. 3 on Housing
Schedule 6	Annex 5	Chronological reference to ownership and occupation
Schedule 7	Annex 6	Photographs
Schedule 8	Annex 7	Extracts from Policy Statements in the Statutory Development Plan
Schedule 9	Annex 8	Plans relating to the proposed boundaries and new access – drawing no. 03100906
Schedule 10	Annex 9	Plans relating to the proposed alterations – drawing no. 712/01

## **SCHEDULE 1**

### **Professional background and experience of author of the statement of case**

My name is Michael Andrew Jones, solicitor and planning consultant of Albion Planning Consultants Limited of Selwyn Chambers, Sampson House, The Street, Woolpit, Bury St Edmunds, Suffolk IP30 9QN. I have over 25 years experience in the field of town and country planning. During that period of time I have practiced as a specialist-planning solicitor undertaking a wide range of work relating to the preparation of and submission of planning applications and also attending to any resulting appeals. I have advised and worked on a large number of planning appeals including large and complex cases that have resulted in major inquiries. For example I was recently involved in the planning inquiry into the Bathside Bay container port inquiry. I am a member of the Law Society's Planning Panel and am also a Legal Associate Member of the Royal Town Planning Institute. I hold the degree of Master of Science in Environmental Management and the degree of Master of Law in Environmental Law. I also hold a number of other relevant post-graduate qualifications at Masters Degree level. I also hold the degree of Master of Arts in Town and Country Planning from the University of the West of England Bristol.

I have been involved in negotiating a number of complex planning schemes and I have assisted in helping clients promote complex town centre redevelopment schemes. I have worked on substantial compulsory purchase projects and I have advised on the implementation of compulsory acquisition schemes. I have also advised on all aspects of environmental issues including land contamination, water pollution, waste management and environmental assessments.

I have also advised clients on the pursuit of applications to the High Court in relation to challenges under Section 288 and 289 of the Town and Country Planning Act 1990 and also

in relation to applications for judicial review in the High Court for the purpose of quashing planning decisions. Prior to entering private practice in 1997 I devoted the first 18 years of my career in the public sector acting as a legal advisor to various local authorities. Prior to leaving the local government service I held First Tier Chief Officer posts and my duties included the management of the planning function of a local authority.

I have also advised on various aspects of forward planning and I have attended and submitted detailed representations at Local Inquiries into the review of statutory development plans.

I have provided planning advice to clients from the private sector who have been involved in seeking to gain planning permission from local planning authorities. This has involved providing advice on the tactics to be involved including the preliminary submission of applications for Lawful Development Certificates to preserve the current position so far as Lawful Use Rights are concerned and then to prepare and submit planning applications including advice on the form and type of planning application together with the supplementary information to be included including supporting statements of case and a number of drawings and types of drawings together with attendance at meetings with senior planning officers to Negotiate the terms and conditions of a suitable planning permission together also with providing advice on any relevant amendments together with negotiations with the Environment Agency in respect of overlapping areas of jurisdiction on environmental impact assessments together with advice on other documentation including wildlife habitat surveys including advice on other professional expertise required relating to the preparation and submission of the planning application together also with negotiations with the local highway authority and where appropriate with English Heritage and English Nature and liaison with other public bodies where required together with attending meetings of planning committees and submitting verbal representations to the committees in support of the

planning proposals therein. The work has also involved providing advice on the other side of the fence for local planning authorities in their capacity as clients of the practice.

This has included providing advice on the requirements for planning obligations and attending to the negotiation and settling of the terms of planning obligations to be required from prospective developers. This particular work has also been undertaken when acting for private clients negotiating with local planning authorities in that I have prepared and submitted detailed planning obligations many of them being unilateral planning obligations in support of a planning application where considered appropriate. Examples of cases include sites where I have negotiated applications for the approval of residential development schemes for developments of thirty five homes including the incorporation of requirements for an element of affordable housing in accordance with Circular 6/98 and in accordance with planning policy guidance note 3 on housing together with the negotiation of the appropriate planning obligation relating to contribution to educational provision arising from proposed residential redevelopment schemes. I have also been involved in other cases involving large scale residential development schemes where similar factors were considered. The type and nature of applications negotiated also included cases of applications for large scale commercial development schemes. Such proposals included applications for large waste transfer stations and recycling facilities. The planning applications have also included other forms of proposed development including recreational and leisure facilities. During the course of the process detailed knowledge and experience has been further enhanced relating to National Planning Guidance and also relating to the statutory development plans.

A large number of planning appeals have been pursued including the usual planning appeals under Section 78 and also appeals relating to applications for Lawful Development Certificates, appeals against non-determination of planning applications and appeals against

Enforcement Notices. A large number of appeals have in particular been pursued against various Enforcement Notices of various types. Some planning appeals have included major cases. For example I attended and acted as advocate at a major planning appeal relating to the proposed new container port at Bathside Bay near Harwich Essex. That particular planning hearing related to a case which was to be determined by Central Government. I dealt with planning appeals by written representations and I have also dealt with planning appeals at a large number of informal hearings. I have also attended Public Local Inquiries into planning appeals. Examples of the types of planning appeals dealt with on a routine basis include the following:-

- a. Appeals against refusals of applications for residential development.
- a. Appeals against refusals of commercial development.
- b. Appeals against Enforcement Notices requiring the removal of caravans and mobile homes from land.
- c. Appeals against refusal of applications for Lawful Development Certificate for large car sales and car breaking yards in greenbelt sites.

With reference to forward planning I have carried out work relating to the preparation for and attendance at local plan inquiries. The works included carrying out initial research after taking instructions from client and preparing a detailed statement of case and submitting the same and then attending the formal part of the hearing relating to the review in public before a planning inspector of the emerging local plan. The representations have related to for example the review of the statutory development plan for St Edmundsbury. I have also attended and made representations on behalf of client including parish Councils relating to the review of the Babergh District local plan. I have also undertaken similar work relating to

other local plans. The work has been extremely complex involving the consideration of infrastructure requirements and demands for various services including a review of highway infrastructure and associated matters.

I have dealt with a large number of disputes over alleged breaches of planning control including dealing with matter such as application for planning injunctions in the County Court both on behalf of local planning authorities and against local planning authorities. I have also dealt with cases involving the conduct of enforcement appeals both on behalf of local authorities and against local authorities. For examples of Enforcement Notice Appeals I have conducted on behalf of local planning authorities include work on behalf of a large London borough Council which involved dealing with the case from start to finish including dealing with the Public Local Inquiry into the appeal as advocate on behalf of the local planning authority. I have also dealt with resulting challenges by way of applications to the High Court against decisions of the Inspectorate on such Enforcement Notice appeals. I have also dealt with Breach of Condition Notices and on behalf of clients I have represented them in the Magistrates Court in defending prosecutions brought by Local Planning Authorities. I have dealt with a very large number of enforcement cases over a considerable period of time. I have also prepared and issued Enforcement Notices on behalf of local planning authorities.

In the case of actions in the High Court I have dealt with applications by way of challenge under the planning acts relating to decisions of the Planning Inspectorate including a number of challenges which have been settled under the term so Orders to which the Treasury Solicitor has consented for the purpose of arranging for fresh public local inquiry to be held after defects were found in a previous inspectors decision letter. I have also dealt with applications for Judicial Review on planning matters including all of the preparatory work and organising the submission and marshalling of documentation together with the filing of all

papers in the High Court together with all legal research on the case law concerning a high profile case relating to the challenge of a decision by Harlow District Council relating to the purported grant of planning permission for a large scale extension to the town centre of Harlow by a large developer. The decision of the Councils planning permission was quashed by Mr Justice Richards in the High Court.

I have dealt with compulsory purchase orders and the associated paperwork on behalf of local planning authorities including for example dealing with compulsory purchase order work for a local authority Hampshire relating to a substantial site and dealt with the general vesting declaration and the associated legal work. I also dealt with the attendance at the Public Inquiry into the objections to the original compulsory purchase order. I also dealt with the claims for compensation arising there under and the negotiation before the same reached the Lands Tribunal. I also dealt with the provisional advice on compulsory purchase orders on behalf of private sector clients who were concerned about compulsory purchase schemes promoted by local planning authorities.

## **SCHEDULE TWO**

Please see Annex 1 attached.

## **SCHEDULE THREE**

Please see Annex 2 attached.

## **SCHEDULE FOUR**

Please see Annex 3 attached.

## **SCHEDULE FIVE**

Please see Annex 4 attached.

## **SCHEDULE SIX**

Please see Annex 5 attached.

#### **SCHEDULE SEVEN**

Please see Annex 6 attached.

#### **SCHEDULE EIGHT**

Please see Annex 7 attached.

#### **SCHEDULE NINE**

Please see Annex 8 attached.

#### **SCHEDULE TEN**

Please see Annex 9 attached.

IN THE TOWN AND COUNTRY PLANNING ACT 1990

AND IN THE MATTER OF PLANNING APPEAL PURSUANT TO SECTION 78  
OF THE TOWN AND COUNTRY PLANNING ACT 1990

IN THE MATTER OF A REFUSAL OF PLANNING PERMISSION

LAND AND PREMISES AT FAIR ACRE, GROVE LANE, ELMSWELL, NR  
BURY ST EDMUNDS, IN THE COUNTY OF SUFFOLK IP30 9HN

APPEAL REFERENCE NUMBERS  
APP/W3520/A/06/2014299/NWF

STATEMENT OF WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF  
OF THE APPELLANT MR PETER ALASTAIR STAMM AGAINST THE  
REFUSAL NOTICE ISSUED BY THE LOCAL PLANNING AUTHORITY BEING  
MID SUFFOLK DISTRICT COUNCIL– APPLICATION REFERENCE NUMBER  
2506/05M RELATING TO APPLICATION FOR CHANGE OF USE FROM

SINGLE RESIDENTIAL DWELLING WITH CARE FACILITY INTO TWO  
SEPARATE RESIDENTIAL DWELLINGS AND FULL PLANNING  
APPLICATION FOR BUILDING WORKS OF ALTERATIONS AS SHOWN ON  
THE PLAN DRAWING NUMBER 712/01 AND 02280106

**VOLUME II – APPENDICES TO THE WRITTEN REPRESENTATIONS**

SUBMITTED BY THE AGENTS

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