

B/89/1855

1/2



Stanicott

Fontwell

The Acorns

Col-de-Cote

Sanjira

Kilbirnie

Edres Lane

Tynwald

Ex. c/way widened by 1m.

New access as DC 102

Ex ditch to be piped

Ex buildings removed

Sewer

Ex fence 1.8m

Ex buildings removed



Stonicott

Fontwell

The Acorns

Col-de-Cote

Sanjika

Kilbirnie

Edies Lane

Tynwald

Cote

negar

Ex. d/way widened by 1m.

Ex. access closed

New access as DC 102

Ex. ditch to be piped

Ex. buildings removed

Sewer

Ex. fence 1.8m

Ex. buildings removed



Stonicott

Fontwell

The Acorns

Col-de-Cote

Cote

Kilbirnie

Sanjika

Ex. c/way widened by 1m.

New access as DC 102

Ex. access closed

Ex. ditch to be piped

Ex. buildings removed

Sewer

Turning area

Edies Lane

Ex. fence 1.8m.

3m

Ex. buildings removed

Tynwald

**BABERGH DISTRICT COUNCIL**  
PLANNING DEPARTMENT

COUNCIL OFFICES  
HADLEIGH

APPL. TYPE  
**CA**

Outline - erection of 2 detached bungalows with detached garages and construction of joint vehicular access (existing driveway to be demolished) *Improvements to EWS track, including Orchard Lea, which have*

DATE OF APPLICATION 27.11.89 / 29.11.89

**B/89/1855**

RECEIVED	LEVEL	FEE	REF
29.11.89.		304	
OFFICER	TARGET	IA	DEV. TYPE
MC	31.1.	A.	NR
ACK	EXP	EXTN	
	24.1.		

PARISH LEA Leavenheath

APPLICANT Mr & Mrs. J. J. Randall  
c/o Wm. H. Brown

AGENT William H. Brown  
23/24 Market Hill  
Sudbury, Suffolk. CO10 6EN.

RELATED CROSS REFS	ROAD CLASS	CONSERVN	ALLOCATION	CODE	P				
1. P/11035/100			POLICY		P				
2. P/11035/100			SITE AFFECTED BY						
OH NH IE	BDC SHEET	LISTED BDG	AIRFIELD SAFEGUARDING	DOE STATS					
LANDSCAPE CAT	PLOT NO		UA RA GA YA DC PS1	Bm PS2	MNI				
GRID REFERENCE	SETT CAT	TPO							
		E W B							
CONSULTATIONS	CODE	SENT	BACK	RECD	CONSULTATIONS	CODE	SENT	BACK	RECD
<input checked="" type="checkbox"/> PARISH	NS	1.12	17.1	<input checked="" type="checkbox"/>	MIN DEFENCE				
<input type="checkbox"/> ADJOINING PARISH					FIRE OFFICER				
<input type="checkbox"/> COUNTY PLANNING					REG. CONTROLLER				
<input checked="" type="checkbox"/> COUNTY SURVEYOR	PA	30.11			ANGLIAN WATER				
<input checked="" type="checkbox"/> PRESS ADVERT		5.12	19.12		THE COMMISSION				
<input checked="" type="checkbox"/> CIRCULAR 71/73	60 BB			<input checked="" type="checkbox"/>	NRA.	CC	30.11	31.12	
<input checked="" type="checkbox"/> CESO - DRAINAGE	FG	30.11	7.12	<input checked="" type="checkbox"/>					
<input type="checkbox"/> CESO - P.H.									
<input type="checkbox"/> CHPSO - ARCHITECT									
<input type="checkbox"/> CHPSO - R+A									
<input type="checkbox"/> HEALTH+ SAFETY									
<input type="checkbox"/> MIN. AGRICULTURE									
<input type="checkbox"/> ADJOINING LA									

RECEIPT No H 215362

LAND USE (PROPOSED)	INDUSTRY/RETAIL		RECREATION/AGRICULTURE		OFFICES/OTHER	
	1/2 BEDS	H/F	3/4 BEDS	M/B	5/6 BEDS	O/S A
STRUCTURE PLAN	DISTRICT PLAN	STAFF EXIST	PROP	FLOORSPACE EXIST	PROP	PARKING STAFF VISITORS
DEVELOPMENT START COMPLETE	RESIDENTIAL GARAGES	PARKING SPACES	DECISION			

~~17~~

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**B/89/1855**



Application for Permission for Development\*

TOWN & COUNTRY PLANNING ACT 1971

I/We hereby apply to Babergh District

7 NOV 1989 Council for

(a) Outline Planning Permission

~~(b) Outline Planning Permission~~

~~(c) Certificate of Proposed Works~~

(d) Renewal of Planning Permission

(delete whichever is inapplicable)

PLANNING DEPARTMENT

For Office Use Only

In accordance with this application and the attached Plans and Drawings

NAME AND ADDRESS OF APPLICANT	NAME AND ADDRESS OF AGENT (IF ANY)
Mr. & Mrs. J. J. Randall c/o William H. Brown, 23/24, Market Hill, Sudbury, Suffolk	William H. Brown, 23/24, Market Hill, Sudbury, Suffolk, CO10 6EN
Telephone: _____	Telephone: Sudbury 72247
Signature of Applicant or Agent	Date: 27th November, 1989

AMOUNT OF FEE ENCLOSED £304

PART 1. GENERAL INFORMATION (In this part of the word "land" includes any building thereon)

1. Address or location of the site (Give Parish and O.S. plot number where appropriate). Indicate precisely on site plan by red boundary.	Orchard Lea, Edies Lane, Leavenheath,
2. Describe precisely the proposed development including the purpose(s) for which the land/buildings are to be used. (Complete also Parts II, III and IV as appropriate).	The demolition of the existing bungalow and the erection of two detached bungalows (see accompanying letter).
3. Dimensions of site	Acres SEE PLAN Hectares Frontage
4. If permission is required for a limited period only, state period.	n/a
5. Describe means of access to site a) existing access 1) pedestrian 2) vehicular b) new or altered access 1) pedestrian 2) vehicular	) ) From Edies Lane ) New joint access to DC102 (Note - ) Edies Lane widened)
6. a) How is it intended surface water will be disposed of? b) How is it intended foul sewage will be dealt with?	Soakaways Main sewer
7. Describe the purposes for which the land and/or buildings are now used or the last use. If used for more than one purpose, give full details.	Residential
8. Particulars of the applicant's interest in the land (e.g. owner, lessee, prospective purchaser, etc.). See Note 4 overleaf	Owners

**PART III - INFORMATION REQUIRED IF THE APPLICATION IS FOR THE CONSTRUCTION OF A BUILDING**

1. If extension or part rebuilding give details of materials of existing building

	Materials	Colour and Texture or Profile
Walls		
Roof Covering		

2. Details of materials of proposed building(s)

	Materials	Colour and Texture or Profile
Walls		
Roof Covering		

**PART IV - INFORMATION REQUIRED IF THE LAND OR BUILDINGS ARE TO BE USED WHOLLY OR PARTLY AS INDUSTRIAL COMMERCIAL OR USES OTHER THAN PRIVATE DWELLINGS OR FLATS**

The nature of the proposal, including, if for industrial use, a brief description of the type of processes to be carried on including machinery employed

--

The total floor area of

a) new building or extension

b) existing buildings within same curtilage

	Industry	Offices	Shops	Other Uses
(a)				
(b)				

The number of persons employed and to be employed

	At present	On completion of the work
Full Time		
Part Time		

Net of vehicle parking spaces available within curtilage (Identify on plan)

	At present	On completion of the work
Staff Cars		
Visitors Cars		
Goods Vehicles		

If for industrial use the means of storage and disposal of any trade refuse or trade effluent

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Four copies of this form and four sets of plans (including a 1:2500 location plan) to be completed and deposited with the District Council. For guidance in completing this form see notes (Form SP119) and in particular Note 1 regarding the submission of accurate plans. All relevant sections of this form MUST be completed. Incomplete forms will be returned and consideration of the application will be delayed. An application will be considered unless accompanied by 1 notice of certificate under Section 25 and 27 of the Town and Country Planning Act 1971. Particulars of the location of the site must be given and certificates A, B, C or D must be completed as appropriate. (1) 'Development' includes the making of any material change in the use of any buildings or other land. (2) This application is for a certificate of approval under the Town & Country Planning Acts and not for any other purposes.

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TOWN AND COUNTRY PLANNING ACT, 1971  
CERTIFICATE UNDER SECTION 27

Important: Complete one only of the following Certificates.

CERTIFICATE A We  hereby certify that:-

1. No person other than the applicant was an owner of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.

\*2 None of the land to which the application relates constitutes or forms part of an agricultural holding; or:-

\*2 I have given the requisite notice to every person other than <sup>\*myself</sup> who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-

Name of Tenant (a) Address Date of service of notice

PLANNING DEPARTMENT  
57-3-1

Signed

(a) If you are the sole agricultural tenant enter 'None'

\*On behalf of Mr. & Mrs. J.J. Randall

Date 27th November, 1989

\*Delete where inappropriate.

CERTIFICATE B I hereby certify that:-

1. I have given the requisite notice to all the persons other than <sup>\*The applicant has</sup> myself who, twenty days before the accompanying application were owners of any part of the land to which the application relates, viz:-

Name of Owner Address Date of service of notice

\*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or:-

\*2. I have given the requisite notice to every person other than <sup>\*myself</sup> who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-

Name of Tenant (a) Address Date of service of notice

Signed

(a) If you are the sole agricultural tenant enter 'None'

\*On behalf of

Date

\*Delete where inappropriate

NOTE: "Owner", in relation to any land, means a person who is for the time being the estate owner in respect of the fee simple in the land or is entitled to a tenancy of the land granted or extended for a term of years certain of which not less than seven years remain unexpired. "Agricultural holding" has the same meaning as in the Agricultural Holdings Act, 1948, viz., "the aggregate of the agricultural land comprised in a contract of tenancy, not being a contract under which the said land is let to the tenant during his continuance in any office, appointment or employment held under the landlord." If the land to which the application relates is agricultural land but there is no tenant it is not an agricultural holding for the purposes of these Certificates.

Form SP 106 (A)

SEE ALSO NOTES OVERLEAF

**Babergh  
District Council  
South Suffolk**

Planning Department  
Corks Lane  
Hadleigh  
Ipswich IP7 6SJ

6.

G. E. Swain, Dip/TP FRTPI  
Chief Planning Officer

Telephone: Hadleigh (0473) 822801  
Fax: (0473) 823594

SECTION 87 OF THE LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS AND  
DEEMED APPLICATIONS (AMENDMENT) REGULATIONS 1989

Please provide the details required in questions 1 and 2 below and return this letter with your application.

- (1) I enclose a cheque for ..... in respect of the fee payable for the attached application.
- (2) I have calculated the fee on the following basis: (please note that if you wish to claim a concessionary fee or exemption, details are required - here).

**APPLICATIONS NOT ACCOMPANIED BY THE CORRECT FEE OR BY AN ACCEPTABLE  
EXPLANATION WILL NOT BE PROCESSED UNTIL THE CORRECT FEE OR  
EXPLANATION IS RECEIVED**

OFFICIAL USE ONLY

Amount Received: £304.00.....

Application Reference No. B/ 89 / 1855

Fee Received - Signed: *Joe Newman*..... Date: 29.11.89.....

Fee Checked - Signed: ..... Date: .....

Please address all correspondence to the CHIEF PLANNING OFFICER

Location: 31.1.90

LEAVENHEATH - Orchard Lea, Edies Lane,  
- (B/89/1855)

Description:

Outline Application - Erection of two detached bungalows with detached garages and construction of joint vehicular access (existing bungalow to be demolished)

Applicants:

Mr. & Mrs J.J. Randall

The Site:

1. The site supports a bungalow and outbuildings and lies on the south side of Edies Lane within a plot having an area of approximately 0.3 hectares (0.8 acres). It is located at the southern extremity of the settlement and has a frontage to Edies Lane of approximately 40 metres and an average depth therefrom of approximately 55 metres.
2. Edies Lane runs to the south off High Road for some 250 metres; over this length it is about 6 metres wide without footways or street lighting and is flanked by bungalows. Beyond this, the Lane turns eastwards and becomes a rough unmetalled track of about 5 metres in width. This unadopted section of Edies Lane serves 7 bungalows, including the application property, which is located on the south side close to a right angled bend in the Lane. The land to the rear, (south) is open agricultural land.

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3. A little under 50% of the site (that fronting Edies Lane) lies within the defined built-up area of Leavenheath. The remainder is classified as countryside.

The Application:

4. The application, which is in outline form, proposes the erection of two detached bungalows and garages following demolition of the existing dwelling on the site. A site layout plan has been submitted, but is described as "illustrative", and does not, therefore, form part of the application as such.
5. The applicants have put forward the following in support of their proposals -

"It would seem that the most relevant planning history to our application is the refusal notice from your Authority for two dwellings dated 10th December 1987 (B1312/87) and your subsequent letter of 10th March, 1988, addressed to B.E. Architects Ltd.

On our illustrative drawing, the proposed bungalows have been sited to improve the relationship and layout between the adjoining structures, 'Sanjika' and 'Kinnegar'. We note from your letter that the Council's Eastern Area Development Control Sub-Committee indicated that two dwellings may be acceptable on the site. However, when the application was formally considered by the Committee, it was refused.

Although only part of the site lies within the Village Guidelines boundary, we consider this not to be a material factor for the following reasons:-

- a) The whole of the application site is currently in residential use.
- b) A marked improvement will be obtained in the pattern of development relative to 'Sanjika' and 'Kinnegar'.
- c) The dilapidated buildings on the site will be demolished and the general appearance of the site and the locality improved.

On policy issues, we are aware that the Leavenheath Guidelines have not been recertified by the County Council as it failed to reflect the additional flexibility towards development in villages introduced in the Suffolk Structure Plan, Alteration No. 1. We would also draw your attention to paragraph 6.2.17 of the County Structure Plan, and paragraph 15 of PPG 7.

It would seem that none of these policies, including LPH 5, was designed to prevent an infill development of the type proposed.

9.

Turning to the highway issues, we have had a meeting with the Highway Authority on site, and discussed improvement of the lane. As can be seen by comparison of our existing and proposed site plans, our Clients are prepared to pipe the ditch across the frontage of their property and widen the carriageway by one metre, hence improving the otherwise limited width of the drive and improving visibility at the bend. A joint vehicular access is proposed and this will be laid out in accordance with the Highway Authority's standard detail, DC102. Our Clients will also re-surface the area of the land which passes the entire frontage of the application site."

Site History:

6. 1965 - two applications for residential development and the construction of vehicular access refused (reference 65/101 and 65/831).
7. 1973 - outline application for residential and associated development refused and dismissed on appeal (reference 73/1263).
8. 1976 - outline application for a bungalow and garage refused (B/281/76).
9. 1977 - siting of a caravan for one year approved (B/407/77).
10. 1986 - outline application for four detached dwellings and garages refused and dismissed on appeal (B/855/86).
11. 1986 - outline application for three detached dwellings refused and dismissed on appeal (B/1038/86).
12. 1987 - outline application for two single storey dwellings (demolition of existing building) refused (B/1312/87).

Observations:

13. Parish Council - objects to the proposals for the following reasons:-
  - "1. This is a single plot with a frontage suitable for one detached dwelling only.
  2. Edies Lane is sub-standard and the County Council would normally only sanction a maximum of four dwellings to be served from an unadopted road. The substandard nature of the Lane was specifically referred to by the Inspector when dealing with the two recent appeals for this site.
  3. Both proposed dwellings shown on the application site plan are partly or wholly outside the village envelope. The applicant's claim that because the whole of the application site is currently in residential use there is no justification for allowing further development outside the village envelope. To accept this argument would create a significant precedent for similar proposals elsewhere.

- 10
4. The site has been subject to flooding problems and any piping of the ditch which may be allowed must ensure that flood water is satisfactorily taken away and does not cause problems upstream.
  5. There is a right of way (Leavenheath Footpath No. 13) within the site. This is not shown on the applicants' submitted layout."
  14. Highway Authority - (unclassified road) - to be reported verbally if available.
  15. National Rivers Authority - no objection but advises that only clean surface water from roofs should discharge to soakaways.
  16. Chief Environmental Services Officer - Drainage - no objection but points out that a public sewer crosses the site and if the proposed development would result in building over the sewer then a Building Over Agreement is unlikely to be granted.
  17. Neighbours - a letter from a resident in Edies Lane has been received expressing support for the application proposals on the basis that it will improve the overall area and access.

Chief Planning Officer's Report:

18. Approximately 50% of the application site lies outside the defined built-up area. It would not be possible to accommodate two dwellings satisfactorily on that part of the site within the built-up area. One of the dwellings would, therefore, lie within an area classified as countryside. However, I feel that the application should be considered in relation to Policy H5(b) of the Suffolk Structure Plan (Alteration No. 1) and Policy LPH6 of the Babergh Local Plan (adopted as interim policy concerning abutting groups.
19. These policies set down a number of criteria against which such applications should be judged such as the relationships to the form, scale and character of the village, the effect on the landscape and surrounding countryside, access and service arrangements, highway safety etc. I consider that the application proposal does not infringe the criteria.
20. In considering appeals for the erection of three and four dwellings on this site, the Inspector, with regard to the question of vehicular access made the following observations:-

".....I noted on my site inspection that Edies Lane suffers from a number of shortcomings. Apart from the lack of footways and lighting in both the adopted and unadopted sections of the road, the condition of the latter section is poor. Furthermore, and perhaps of greater significance, there is a total absence of turning facilities apart from private drives. This shortcoming gives rise to the potential conflict at the right angled corner adjacent to the appeal site; because of a wall and fence on the north side of the lane, visibility is extremely limited, particularly for the driver of a reversing vehicle. In my view, substantial improvements to the surfacing and provision of turning facilities are both required in the east/west section of the lane before (or concurrent with) further development on its frontage. ...."

21. The application proposes some improvements to Edies Lane contiguous with the site frontage. However, it would appear to me that it would be possible to provide turning facilities for public use within the Lane without prejudicing the successful development of the site. This would in my view overcome the Inspector's concerns relating to the unsatisfactory condition of Edies Lane.
22. With regard to the point raised by the Parish Council concerning the disposal of surface water, I am advised by the Chief Environmental Services Officer that there can be no objections in principle to the proposed development.
23. With regard to the question of the Leavenheath Footpath No. 13, I would advise that this does fall partly with the application site. Irrespective of whether or not planning permission is granted for the development, this footpath cannot lawfully be stopped up or diverted without the necessary Closure Orders having been confirmed. Nevertheless, the proposed development could be carried out without adversely affecting that footpath.
24. Footpath 13 which runs from north to south through the application site adjacent to the western boundary, it currently terminates at the common boundary with the adjoining property known as "Sanjika". A recent appeal has been heard to determine whether or not public rights of way exist through the adjoining property (Sanjika) to connect the footpath with Edies Lane. The Inspector found that such rights do exist and the footpath will have to be reinstated. However, it would not be very satisfactory to route the footpath through the adjoining property and it seems that an alternative route could reasonably be accommodated within the current application site. This has been put to the applicants but is unlikely to be acceptable to them without some financial recompence and this must of necessity involve negotiations between the two parties, i.e. the applicants and the occupiers of Sanjika. Whilst a re-routing of the footpath through the application site might be a reasonable way forward, the grant of planning permission in respect of this application should not be dependant upon the applicant's agreement to such an arrangement.
25. In the light of all the circumstances, and subject to there being no objection from the Highway Authority to the provision of a turning area in Edies Lane, then I would recommend that planning permission be granted.

Recommendation: A

That subject to the Highway Authority raising no objections, and to the application being amended to incorporate a turning facility for Edies Lane, then planning permission be granted subject to the following conditions:-

1. A001 - standard outline.

12.

2. A002 - standard time limit.
3. A005 - single storey design.
4. Q002 - clearing of site before development.
5. F002 - one garage and one car standing space per dwelling.
6. Concurrently with the first submission of details referred to at Condition 1 above, details shall be submitted showing the public footpath (Leavenheath Footpath 13) adjacent to the western boundary of the site.
7. Before any development is commenced details of the size of pipe to be used in the culverting of the ditch along the frontage of the site shall be submitted for the written approval of the Local Planning Authority and shall be installed as approved.
8. C003 - outline application (no existing trees).
9. As may be appropriate following the receipt of amended drawings and as may be recommended by the Highway Authority.

Reasons:

1. SR07
2. SR02
3. SR08
4. SR48
5. SR26
6. In the interests of amenity.
7. To prevent flooding in the interests of amenity and public health.
8. SR13
9. As may be appropriate following the receipt of amended drawings or as may be recommended by the Highway Authority.

Note to the Applicant:

1. A public footpath exists within the site adjacent to the western boundary and it should not be stopped up or diverted without first obtaining the necessary closure or diversion orders.

Recommendation: B

That in the event of suitably amended drawings relating to the provision of a turning area in Edies Lane not being received, then outline planning permission be refused for the following reasons:-

B

1. Access to the proposed development is from the unadopted section of Edies Lane, which is substandard in terms of its width, forward visibility and surfacing. There are no turning facilities within the Lane, apart from private drives. The Local Planning Authority considers that, in the interests of highway safety, no further development should take place until substantial improvements to this section of Edies Lane have taken place. The application does not include satisfactory proposals for highway improvements in this respect.

Decision:

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5. Location:

LEAVENHEATH - Orchard Lea, Edies Lane, - (B/89/1855)

Description:

Outline Application - Erection of two detached bungalows with detached garages and construction of joint vehicular access (existing bungalow to be demolished)

Applicants:

Mr. & Mrs J.J. Randall

Planning Committee Matter:

1. The proposals are contrary to Policy H6 of the Suffolk Structure Plan (Alteration No. 1) as reaffirmed in policies..... the Babergh Local Plan (adopted as interim policy), relating to residential development in the countryside.

The Site:

2. The site supports a bungalow and outbuildings and lies on the south side of Edies Lane within a plot having an area of approximately 0.3 hectares (0.8 acres). It is located at the southern extremity of the settlement and has a frontage to Edies Lane of approximately 40 metres and an average depth therefrom of approximately 55 metres.
3. Edies Lane runs to the south of High Road for some 250 metres; over this length it is about 6 metres wide without footways or street lighting and is flanked by bungalows. Beyond this, the Lane turns eastwards and becomes a rough unmetalled track of about 5 metres in width. This unadopted section of Edies Lane serves 7 bungalows, including the application property, which is located on the south side close to a right angled bend in the Lane. The land to the rear, (south) is open agricultural land.
4. A little under 50% of the site (that fronting Edies Lane) lies within the defined built-up area of Leavenheath. The remainder is classified as countryside.

The Application:

5. The application, which is in outline form, proposes the erection of two detached bungalows and garages following demolition of the existing dwelling on the site. A site layout plan has been submitted, but is described as "illustrative", and does not, therefore, form part of the application as such.

15

6. The applicants have put forward the following in support of their proposals -

"It would seem that the most relevant planning history to our application is the refusal notice from your Authority for two dwellings dated 10th December 1987 (B1312/87) and your subsequent letter of 10th March, 1988, addressed to B.E. Architects Ltd.

On our illustrative drawing, the proposed bungalows have been sited to improve the relationship and layout between the adjoining structures, 'Sanjika' and 'Kinnegar'. We note from your letter that the Council's Eastern Area Development Control Sub-Committee indicated that two dwellings may be acceptable on the site. However, when the application was formally considered by the Committee, it was refused.

Although only part of the site lies within the Village Guidelines boundary, we consider this not to be a material factor for the following reasons:-

- a) The whole of the application site is currently in residential use.
- b) A marked improvement will be obtained in the pattern of development relative to 'Sanjika' and 'Kinnegar'.
- c) The dilapidated buildings on the site will be demolished and the general appearance of the site and the locality improved.

On policy issues, we are aware that the Leavenheath Guidelines have not been recertified by the County Council as it failed to reflect the additional flexibility towards development in villages introduced in the Suffolk Structure Plan, Alteration No. 1. We would also draw your attention to paragraph 6.2.17 of the County Structure Plan, and paragraph 15 of PPG 7.

It would seem that none of these policies, including LPH 5, was designed to prevent an infill development of the type proposed.

Turning to the highway issues, we have had a meeting with the Highway Authority on site, and discussed improvement of the lane. As can be seen by comparison of our existing and proposed site plans, our Clients are prepared to pipe the ditch across the frontage of their property and widen the carriageway by one metre, hence improving the otherwise limited width of the drive and improving visibility at the bend. A joint vehicular access is proposed and this will be laid out in accordance with the Highway Authority's standard detail, DC102. Our Clients will also re-surface the area of the land which passes the entire frontage of the application site."

16.

Site History:

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Observations:

14. Parish Council - objects to the proposals for the following reasons:-
  - "1. This is a single plot with a frontage suitable for one detached dwelling only.
  2. Edies Lane is sub-standard and the County Council would normally only sanction a maximum of four dwellings to be served from an unadopted road. The substandard nature of the Lane was specifically referred to by the Inspector when dealing with the two recent appeals for this site.
  3. Both proposed dwellings shown on the application site plan are partly or wholly outside the village envelope. The applicant's claim that because the whole of the application site is currently in residential use there is no justification for allowing further development outside the village envelope. To accept this argument would create a significant precedent for similar proposals elsewhere.
  4. The site has been subject to flooding problems and any piping of the ditch which may be allowed must ensure that flood water is satisfactorily taken away and does not cause problems upstream.
  5. There is a right of way (Leavenheath Footpath No. 13) within the site. This is not shown on the applicants' submitted layout."

17.

15. Highway Authority - (unclassified road) - recommends that six highway conditions be imposed on any permission granted.
16. National Rivers Authority - no objection but advises that only clean surface water from roofs should discharge to soakaways.
17. Chief Environmental Services Officer - Drainage - no objection but points out that a public sewer crosses the site and if the proposed development would result in building over the sewer then a Building Over Agreement is unlikely to be granted.
18. Neighbours - a letter from a resident in Edies Lane has been received expressing support for the application proposals on the basis that it will improve the overall area and access.

Chief Planning Officer's Report:

19. Approximately 50% of the application site lies outside the defined built-up area. It would not, in my view, be possible to accommodate two dwellings satisfactorily on that part of the site within the built-up area. One of the dwellings would, therefore, lie within an area classified as countryside. Nevertheless, the site is well related to the built-up area and I feel that two dwellings could be accommodated without any undue loss of visual or residential amenity, and without prejudicing the Council's Settlement Planning policies.
20. In considering appeals for the erection of three and four dwellings on this site, the Inspector, with regard to the question of vehicular access made the following observations:-  

".....I noted on my site inspection that Edies Lane suffers from a number of shortcomings. Apart from the lack of footways and lighting in both the adopted and unadopted sections of the road, the condition of the latter section is poor. Furthermore, and perhaps of greater significance, there is a total absence of turning facilities apart from private drives. This shortcoming gives rise to the potential conflict at the right angled corner adjacent to the appeal site; because of a wall and fence on the north side of the lane, visibility is extremely limited, particularly for the driver of a reversing vehicle. In my view, substantial improvements to the surfacing and provision of turning facilities are both required in the east/west section of the lane before (or concurrent with) further development on its frontage.  
....."
21. The application proposes some improvements to Edies Lane contiguous with the site frontage. However, it would appear to me that it would be possible to provide turning facilities for public use within the Lane without prejudicing the successful development of the site. This would in my view overcome the Inspector's concerns relating to the unsatisfactory condition of Edies Lane.

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22. With regard to the point raised by the Parish Council concerning the disposal of surface water, I am advised by the Chief Environmental Services Officer that there can be no objections in principle to the proposed development.
23. With regard to the question of the Leavenheath Footpath No. 13, I would advise that this does fall partly within the application site. Irrespective of whether or not planning permission is granted for the development, this footpath cannot lawfully be stopped up or diverted without the necessary Closure Orders having been confirmed. Nevertheless, the proposed development could be carried out without adversely affecting that footpath.
24. Footpath 13 which runs from north to south through the application site adjacent to the western boundary, currently terminates at the common boundary with the adjoining property known as "Sanjika". A recent appeal has been heard to determine whether or not public rights of way exist through the adjoining property (Sanjika) to connect the footpath with Edies Lane. The Inspector found that such rights do exist and the footpath will have to be reinstated. However, it would not be very satisfactory to route the footpath through the adjoining property and it seems that an alternative route could reasonably be accommodated within the current application site. This has been put to the applicants but is unlikely to be acceptable to them without some financial recompense and this must of necessity involve negotiations between the two parties, i.e. the applicants and the occupiers of Sanjika. Whilst a re-routing of the footpath through the application site might be a reasonable way forward, the grant of planning permission in respect of this application should not be dependant upon the applicant's agreement to such an arrangement.
25. In the light of all the circumstances, and provided that the application is amended to incorporate a turning area to Edies Lane, I feel that the application proposals should be regarded as a reasonable exception to policy. The Planning Committee should be recommended to grant outline planning permission.
26. The Sub-Committee deferred consideration of the application on 31st January, 1990 in order that a Panel of Members might visit the site. The site inspection took place on 19th February, 1990 and was attended by Mrs Law, Mrs Heselden, Cmdr. Pollard and Messrs. Andrews, Baxter, Boram, Cook, Mitchell, Overman, Watson and Whiting. The Panel was accompanied by Mr. Price.

Recommendation: A

That subject to the application being amended to incorporate a turning facility for Edies Lane, then planning permission be granted subject to the following conditions:-

1. A001 - standard outline.
2. A002 - standard time limit.

19.

3. A005 - single storey design.
4. Q002 - clearing of site before development.
5. F002 - one garage and one car standing space per dwelling.
6. Concurrently with the first submission of details referred to at Condition 1 above, details shall be submitted showing the public footpath (Leavenheath Footpath 13) adjacent to the western boundary of the site.
7. Before any development is commenced details of the size of pipe to be used in the culverting of the ditch along the frontage of the site shall be submitted for the written approval of the Local Planning Authority and shall be installed as approved.
8. C003 - outline application (no existing trees).
9. Before the development is first occupied, the existing highway along the frontage of the application site shall be widened by one metre, and this length of highway shall be surfaced with an impervious material, to the satisfaction of the Local Planning Authority in conjunction with the Highway Authority.
10. Before the development is first occupied, a turning head shall be constructed off the highway at the eastern end of the application site.
11. TB7 - "DC102".
12. TB8
13. TB25 - 'development is first occupied',
14. TB29

Reasons:

1. SR07
2. SR02
3. SR08
4. SR48
5. SR26
6. In the interests of amenity.
7. To prevent flooding in the interests of amenity and public health.
8. SR13
- 9.- 14. In the interests of road safety.

Note to the Applicant:

1. A public footpath exists within the site adjacent to the western boundary and it should not be stopped up or diverted without first obtaining the necessary closure or diversion orders.

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Recommendation: B

That in the event of suitably amended drawings relating to the provision of a turning area in Edies Lane not being received, then outline planning permission be refused for the following reasons:-

1. Access to the proposed development is from the unadopted section of Edies Lane, which is substandard in terms of its width, forward visibility and surfacing. There are no turning facilities within the Lane, apart from private drives. The Local Planning Authority considers that, in the interests of highway safety, no further development should take place until substantial improvements to this section of Edies Lane have taken place. The application does not include satisfactory proposals for highway improvements in this respect.

Decision:

PLANNING CTUE 21.3.90

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21.

4. Location:

LEAVENHEATH - Orchard Lea, Edies Lane,  
- (B/89/1855)

Description:

Outline Application - Erection of two detached bungalows with detached garages and construction of joint vehicular access (existing bungalow to be demolished). Improvements to Edies Lane, including provision of a vehicle turning area

Applicants:

Mr. & Mrs J.J. Randall

Planning Committee Matter:

1. The proposals are contrary to Policy H6 of the Suffolk Structure Plan (Alteration No. 1) as reaffirmed in the Babergh Local Plan relating to residential development in the countryside.

The Site:

2. The site supports a bungalow and outbuildings and lies on the south side of Edies Lane within a plot having an area of approximately 0.3 hectares (0.8 acres). It is located at the southern extremity of the settlement and has a frontage to Edies Lane of approximately 40 metres and an average depth therefrom of approximately 55 metres.
3. Edies Lane runs to the south of High Road for some 250 metres; over this length it is about 6 metres wide without footways or street lighting and is flanked by bungalows. Beyond this, the Lane turns eastwards and becomes a rough unmetalled track of about 5 metres in width. This unadopted section of Edies Lane serves 7 bungalows, including the application property, which is located on the south side close to a right angled bend in the Lane. The land to the rear, (south) is open agricultural land.
4. A little under 50% of the site (that fronting Edies Lane) lies within the defined built-up area of Leavenheath. The remainder is classified as countryside.

The Application:

5. The application, which is in outline form, proposes the erection of two detached bungalows and garages following demolition of the existing dwelling on the site. A site layout plan has been submitted, but is described as "illustrative", and does not, therefore, form part of the application as such.
6. The applicants have put forward the following in support of their proposals -

"It would seem that the most relevant planning history to our application is the refusal notice from your Authority for two dwellings dated 10th December 1987 (B1312/87) and your subsequent letter of 10th March, 1988, addressed to B.E. Architects Ltd.

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On our illustrative drawing, the proposed bungalows have been sited to improve the relationship and layout between the adjoining structures, 'Sanjika' and 'Kinnegar'. We note from your letter that the Council's Eastern Area Development Control Sub-Committee indicated that two dwellings may be acceptable on the site. However, when the application was formally considered by the Committee, it was refused.

Although only part of the site lies within the Village Guidelines boundary, we consider this not to be a material factor for the following reasons:-

- a) The whole of the application site is currently in residential use.
- b) A marked improvement will be obtained in the pattern of development relative to 'Sanjika' and 'Kinnegar'.
- c) The dilapidated buildings on the site will be demolished and the general appearance of the site and the locality improved.

On policy issues, we are aware that the Leavenheath Guidelines have not been recertified by the County Council as it failed to reflect the additional flexibility towards development in villages introduced in the Suffolk Structure Plan, Alteration No. 1. We would also draw your attention to paragraph 6.2.17 of the County Structure Plan, and paragraph 15 of PPG 7.

It would seem that none of these policies, including LPH 5, was designed to prevent an infill development of the type proposed.

Turning to the highway issues, we have had a meeting with the Highway Authority on site, and discussed improvement of the lane. As can be seen by comparison of our existing and proposed site plans, our Clients are prepared to pipe the ditch across the frontage of their property and widen the carriageway by one metre, hence improving the otherwise limited width of the drive and improving visibility at the bend. A joint vehicular access is proposed and this will be laid out in accordance with the Highway Authority's standard detail, DC102. Our Clients will also re-surface the area of the land which passes the entire frontage of the application site."

#### Site History:

7. 1965 - two applications for residential development and the construction of vehicular access refused (reference 65/101 and 65/831).
8. 1973 - outline application for residential and associated development refused and dismissed on appeal (reference 73/1263).
9. 1976 - outline application for a bungalow and garage refused (B/281/76).
10. 1977 - siting of a caravan for one year approved (B/407/77).

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11. 1986 - outline application for four detached dwellings and garages refused and dismissed on appeal (B/855/86).
12. 1986 - outline application for three detached dwellings refused and dismissed on appeal (B/1038/86).
13. 1987 - outline application for two single storey dwellings (demolition of existing building) refused (B/1312/87).

Observations:

14. Parish Council - objects to the proposals for the following reasons:-
  - "1. This is a single plot with a frontage suitable for one detached dwelling only.
  2. Edies Lane is sub-standard and the County Council would normally only sanction a maximum of four dwellings to be served from an unadopted road. The substandard nature of the Lane was specifically referred to by the Inspector when dealing with the two recent appeals for this site.
  3. Both proposed dwellings shown on the application site plan are partly or wholly outside the village envelope. The applicant's claim that because the whole of the application site is currently in residential use there is no justification for allowing further development outside the village envelope. To accept this argument would create a significant precedent for similar proposals elsewhere.
  4. The site has been subject to flooding problems and any piping of the ditch which may be allowed must ensure that flood water is satisfactorily taken away and does not cause problems upstream.
  5. There is a right of way (Leavenheath Footpath No. 13) within the site. This is not shown on the applicants' submitted layout."
15. Highway Authority - (unclassified road) - recommends that six highway conditions be imposed on any permission granted.
16. National Rivers Authority - no objection but advises that only clean surface water from roofs should discharge to soakaways.
17. Chief Environmental Services Officer - Drainage - no objection but points out that a public sewer crosses the site and if the proposed development would result in building over the sewer then a Building Over Agreement is unlikely to be granted.
18. Neighbours - a letter from a resident in Edies Lane has been received expressing support for the application proposals on the basis that it will improve the overall area and access.

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Chief Planning Officer's Report:

19. Approximately 50% of the application site lies outside the defined built-up area. It would not, in my view, be possible to accommodate two dwellings satisfactorily on that part of the site within the built-up area. One of the dwellings would, therefore, lie within an area classified as countryside. Nevertheless, the site is well related to the built-up area and I feel that two dwellings could be accommodated without any undue loss of visual or residential amenity, and without prejudicing the Council's Settlement Planning policies.
20. In considering appeals for the erection of three and four dwellings on this site, the Inspector, with regard to the question of vehicular access made the following observations:-
- ".....I noted on my site inspection that Edies Lane suffers from a number of shortcomings. Apart from the lack of footways and lighting in both the adopted and unadopted sections of the road, the condition of the latter section is poor. Furthermore, and perhaps of greater significance, there is a total absence of turning facilities apart from private drives. This shortcoming gives rise to the potential conflict at the right angled corner adjacent to the appeal site; because of a wall and fence on the north side of the lane, visibility is extremely limited, particularly for the driver of a reversing vehicle. In my view, substantial improvements to the surfacing and provision of turning facilities are both required in the east/west section of the lane before (or concurrent with) further development on its frontage. ...."
21. The application proposes some improvements to Edies Lane contiguous with the site frontage, including the provision of a vehicle turning area within the Lane. These improvements would, in my view, overcome the Inspector's concerns relating to the unsatisfactory condition of Edies Lane.
22. With regard to the point raised by the Parish Council concerning the disposal of surface water, I am advised by the Chief Environmental Services Officer that there can be no objections in principle to the proposed development.
23. With regard to the question of the Leavenheath Footpath No. 13, I would advise that this does fall partly within the application site. Irrespective of whether or not planning permission is granted for the development, this footpath cannot lawfully be stopped up or diverted without the necessary Closure Orders having been confirmed. Nevertheless, the proposed development could be carried out without adversely affecting that footpath.
24. Footpath 13 which runs from north to south through the application site adjacent to the western boundary, currently terminates at the common boundary with the adjoining property known as "Sanjika". A recent appeal has been heard to determine whether or not public rights of way exist through the adjoining property (Sanjika) to connect the footpath with Edies Lane. The Inspector found that such rights do exist and the footpath will have to be reinstated. However, it would not be very satisfactory to route the footpath through the adjoining property and it seems that an alternative route could

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reasonably be accommodated within the current application site. This has been put to the applicants but is unlikely to be acceptable to them without some financial recompence and this must of necessity involve negotiations between the two parties, i.e. the applicants and the occupiers of Sanjika. Whilst a re-routing of the footpath through the application site might be a reasonable way forward, the grant of planning permission in respect of this application should not be dependant upon the applicant's agreement to such an arrangement.

25. In the light of all the circumstances, I feel that the application proposals should be regarded as a reasonable exception to policy. The application was considered by the Eastern Area Development Control Sub-committee on the 28th January, 1990, where it was resolved to recommend the Planning Committee to grant outline planning permission.

Recommendation:

That the Planning Committee grants outline planning permission, subject to the following conditions:-

1. A001 - standard outline.
2. A002 - standard time limit.
3. A005 - single storey design.
4. Before either of the two dwellings hereby permitted is first occupied, the existing bungalow (Orchard Lea) together with all other buildings on the site shown for demolition on drawing no. 1147/AIA, shall be demolished and all materials resulting therefrom shall be cleared from the site, or as may be agreed in writing by the Local Planning Authority.
5. F002 - one garage and one car standing space per dwelling.
6. Concurrently with the first submission of details referred to at Condition 1 above, details shall be submitted showing the public footpath (Leavenheath Footpath 13) adjacent to the western boundary of the site.
7. Before any development is commenced details of the size of pipe to be used in the culverting of the ditch along the frontage of the site shall be submitted for the written approval of the Local Planning Authority and shall be installed as approved.
8. C003 - outline application (no existing trees).
9. Before the hereby permitted dwellings are first commenced:-
  - (a) the existing highway along the frontage of the site shall be widened by 1.0 metres;
  - (b) a turning head shall be constructed off the highway at the eastern end of the application site,

all in accordance with details which shall first have been agreed in writing with the Local Planning Authority.

10. Before the hereby permitted development is first occupied, the highway along the frontage of the application site, as improved, together with the proposed vehicle turning head, shall be surfaced with an impervious material in accordance with details to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.
11. TB3 - "DC101"; "before any part of the development is first occupied".
12. TB8
13. TB25 - 'any part of the development is first occupied'.
14. TB29

Reasons:

1. SR07
2. SR02
3. SR08
4. SR48
5. SR26
6. In the interests of amenity.
7. To prevent flooding in the interests of amenity and public health.
8. SR13
- 9.- 14. In the interests of road safety.

Note to the Applicant:

1. A public footpath exists within the site adjacent to the western boundary and it should not be stopped up or diverted without first obtaining the necessary closure or diversion orders.
2. This permission shall not commit the Local Planning Authority to the precise details indicated on the applicant's drawing no. 1147/A1 received on the 15th February, 1990, which is stated as being for information only.

Decision:

*GRANT PERMISSION*

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**Babergh  
District Council  
South Suffolk**

Council Offices  
Corks Lane  
HADLEIGH  
Ipswich  
IP7 6SJ

*A.*

Town and Country Planning Act 1971

**O U T L I N E P L A N N I N G P E R M I S S I O N**

Correspondence address

Applicant

WILLIAM H BROWN  
23/24 MARKET HILL  
SUDBURY  
SUFFOLK

MR & MRS J J RANDALL

**Part 1 - Particulars of Application**

Date of application: 27th November 1989  
Date received: 29th November 1989

Application No. B/89/1855

**Particulars and location of development:**

OUTLINE - ERECTION OF 2 DETACHED BUNGALOWS WITH DETACHED GARAGES AND  
CONSTRUCTION OF JOINT VEHICULAR ACCESS (EXISTING BUNGALOW TO BE DEMOLISHED)  
IMPROVEMENTS TO EDIES LANE INCLUDING PROVISION OF A VEHICLE TURNING AREA

ORCHARD LEA EDIES LANE LEAVENHEATH

**Part 2 - Particulars of decision**

The BABERGH DISTRICT COUNCIL hereby give notice dated 22nd March 1990  
in pursuance of the provisions of the Town and Country Planning Act 1971 that  
OUTLINE PLANNING PERMISSION HAS BEEN GRANTED for the carrying out of the  
development referred to in Part 1 hereof in accordance with the application and  
plans submitted subject to the following conditions:

01 Before any development is commenced, approval of the details of the  
siting, design and the external appearance of the building(s), the means  
of access thereto and the landscaping of the site (hereinafter called  
"the reserved matters") shall be obtained from the Local Planning  
Authority.

02 Application for the approval of reserved matters must be made not later  
than the expiration of three years beginning with the date of this  
permission and the development must be begun not later than whichever is  
the later of the following dates:-

a) the expiration of five years from this permission or

b) the expiration of two years from the final approval of the  
reserved matters or, in the case of approval on different dates, the

Chief Planning Officer

*A. C. Swan*

**Babergh  
District Council  
South Suffolk**

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B/89/1855

Continued.....

final approval of the last such matter to be approved.

- 03 The dwellings erected pursuant to this permission shall be of a single-storey design.
- 04 Before either of the two dwellings hereby permitted is first occupied, the existing bungalow (Orchard Lea) together with all other buildings on the site shown for demolition of drawing no. 1147/AIA, shall be demolished and all materials resulting therefrom shall be cleared from the site, or as may be agreed in writing by the Local Planning Authority.
- 05 Arrangements shall be made within the site for the provision of one garage or garage space and one car standing space for each dwelling to be available for use prior to the dwelling to which the provision relates being first occupied and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning General Development Order 1988 (or any Order revoking or re-enacting those Orders), no development shall be carried out on the site in such a position as to preclude vehicular access to those car parking spaces.
- 06 Concurrently with the first submission of details referred to at Condition 01 above, details shall be submitted showing the public footpath (Leavenheath Footpath 13) adjacent to the western boundary of the site.
- 07 Before any development is commenced details of the size of pipe to be used in the culverting of the ditch along the frontage of the site shall be submitted for the written approval of the Local Planning Authority and shall be installed as approved.
- 08 The detailed landscape/boundary treatment scheme submitted pursuant to Condition 01 above shall be carried out by a date to be first agreed in writing with the Local Planning Authority, and any trees/shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced with trees/shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
- 09 Before the hereby permitted dwellings are first commenced:-
  - a) the existing highway along the frontage of the site shall be widened by 1.0 metres;
  - b) a turning head shall be constructed off the highway at the eastern end of the application site,

Chief Planning Officer

*A. E. Swan*

**Babergh  
District Council  
South Suffolk**

29.

B/89/1855

Continued.....

all in accordance with details which shall first have been agreed in writing with the Local Planning Authority.

- 10 Before the hereby permitted development is first occupied, the highway along the frontage of the application site, as improved, together with the proposed vehicle turning head, shall be surfaced with an impervious material in accordance with details to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.
- 11 The access shall be completed in all respects in accordance with Drawing No. DC101 and be available for use before any part of the development is first occupied. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which shall previously have been agreed in writing with the Local Planning Authority.
- 12 Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with the details which shall previously have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 13 Before the development is commenced details showing an adequate car turning space within the site shall be submitted to the Local Planning Authority for written approval. The approved scheme shall be carried out before any part of the development is first occupied and thereafter shall be retained and used for no other purpose.
- 14 Before the development is commenced, details shall be submitted for approval in writing to the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall thereafter be retained in its approved form.

Note(s) to the applicant :

- 01 A public footpath exists within the site adjacent to the western boundary and it should not be stopped up or diverted without first obtaining the necessary closure or diversion orders.
- 02 This permission shall not commit the Local Planning Authority to the precise details indicated on the applicant's drawing no. 1147/A1 received on the 15th February 1990, which is stated as being for information only.

Chief Planning Officer

*T. E. Swan*

**Babergh  
District Council  
South Suffolk**

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B/89/1855

Continued.....

The reasons for the conditions are:

- 01 To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character of the neighbourhood.
- 02 Required to be imposed pursuant to Section 42 of the Town and Country Planning Act 1971.
- 03 In order to secure a design in scale with development surrounding the site so as to protect the visual amenities and character of the area.
- 04 In order to prevent an over-intensive form of development with an unsatisfactory layout, detrimental to the character of the surrounding area.
- 05 To ensure adequate car parking facilities are provided clear of the highway in the interests of road safety and in the interests of visual amenity.
- 06 In the interests of amenity.
- 07 To prevent flooding in the interests of amenity and public health.
- 08 In order to enhance the appearance of the development in the interest of visual amenity.
- 09 - 14 In the interests of road safety.

*G. E. Swann*

Chief Planning Officer

**William H. Brown**

**PROFESSIONAL**

Building Surveyors and Planning Consultants

23/24 Market Hill, Sudbury, Suffolk, CO10 6EN  
Telephone: (0787) 72247 Fax: (0787) 880052

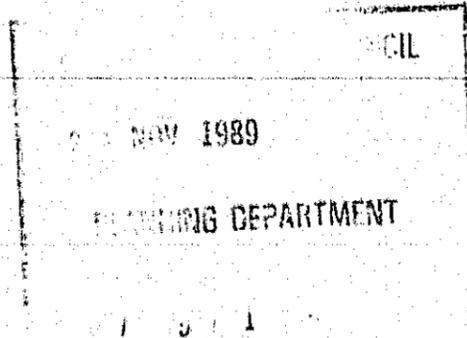
R.J. Prosser, F.R.I.C.S. M.R. Miller, B.Sc., A.R.I.C.S.  
T.D. Harbord, Dipl. E.P., M.R.T.P.I. (Chartered Town Planner)  
N.J. Wakefield, A.R.I.C.S. A.P. Brown, A.R.I.C.S.

Divisional Directors R.J. Prosser, F.R.I.C.S. (Managing Director)  
D.C. Moon, Dip.B.S., F.R.I.C.S. P.J. Weston, F.R.I.C.S.

RJP/LSM

28th November, 1989

Chief Planning Officer,  
Babergh District Council,  
Corks Lane,  
Hadleigh,  
Ipswich,  
Suffolk, IP7 6SJ



Dear Sir,

Proposed Erection of Two Dwellings,  
Orchard Lea, Edies Lane, Leavenheath.

We enclose a formal outline application in respect of development at the above.

We are aware of the numerous planning applications and appeals made by our Clients' former Agent in respect of this land, and we have now been instructed to try and resolve the difficulties.

Before dealing with the pure planning issues, we can find no reference in the papers that we have seen informing you of the structural condition of the existing bungalow on the site. This structure has been subject to severe long-standing movement, and is now beyond economic repair. Accordingly, the only solution is to demolish and rebuild.

\* It would seem that the most relevant planning history to our application is the refusal notice from your Authority for two dwellings dated 10th December, 1987 (B/1312/87) and your subsequent letter of 10th March, 1988, addressed to B.E. Architects Ltd.

On our illustrative drawing, the proposed bungalows have been sited to improve the relationship and layout between the adjoining structures, 'Sanjika' and 'Kinnegar'. We note from your letter that the Council's Eastern Area Development Control Sub-Committee indicated that two dwellings may be acceptable on the site. However, when the application was formally considered by the Committee, it was refused.

Although only part of the site lies within the Village Guideline boundary, we consider this not to be a material factor for the following reasons:-

- (a) The whole of the application site is currently in residential use.
- (b) A marked improvement will be obtained in the pattern of development relative to 'Sanjika' and 'Kinnegar'.

cont'd...

Offices in: London, Berkshire, Buckinghamshire, Cambridgeshire, Cheshire, Derbyshire, Essex, Gloucestershire, Hertfordshire, Leicestershire, Lincolnshire, Middlesex, Norfolk, Northamptonshire, Nottinghamshire, Suffolk, Yorkshire and Scotland.

William H. Brown Professional Services is a company registered in England for the purposes of the Companies Act 1985. The names of the directors who are responsible for the business of the company can be obtained from the registered office at The Millers, West Road, Ipswich, Suffolk, IP1 6BN.

# William H. Brown

Continuation Sheet

Chief Planning Officer,  
Babergh District Council,

28th November, 1989

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(c) The dilapidated buildings on the site will be demolished and the general appearance of the site and the locality improved.

On policy issues, we are aware that the Leavenheath Guidelines have not been recertified by the County Council as it failed to reflect the additional flexibility towards development in villages introduced in the Suffolk Structure Plan, Alteration number 1. We would also draw your attention to paragraph 6.2.17 of the County Structure Plan, and paragraph 15 of PPG 7.

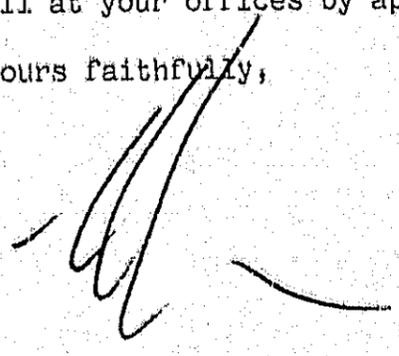
It would seem that none of these policies, including LPH 5, was designed to prevent an infill development of the type proposed.

Turning to the highway issues, we have had a meeting with the Highway Authority on site, and discussed improvement of the lane. As can be seen by comparison of our existing and proposed site plans, our Clients are prepared to pipe the ditch across the frontage of their property and widen the carriageway by 1 metre, hence improving the otherwise limited width of the drive and improving visibility at the bend. A joint vehicular access is proposed and this will be laid out in accordance with the Highway Authority's standard detail, DC 102. Our Clients will also re-surface the area of the land which passes the entire frontage of the application site. \*

We feel that the proposal that is now put forward shows marked environmental and highway improvements, and trust that you will be able to recommend approval of the application to your Committee.

If you feel it would be helpful to discuss these proposals prior to determination, Mr. Prosser will be happy to call at your offices by appointment.

Yours faithfully,



Encs.

Babergh D.C.	299	Serial Number of Plot	5	Location of Plot	LAND ADJACENT TO ORCHARD LEE EDGES LAKE LEIGHTON HEATH
1/2500 Sheet No.					
Application Number	Brief details of development				
B/281/76	O/A ERECTION OF BUNGALOW + GARAGE WITH ACCESS.				R
73/1263	O/A RESIDENTIAL DEVELOPMENT SHOPS SCHOOL OFFICES ETC.				R DISMISSED ON APPEAL.
65/831	O/A RESIDENTIAL DEVELOPMENT + CONSTRUCTION OF ACCESS				R
65/101	O/A RESIDENTIAL DEVELOPMENT + CONSTRUCTION OF ACCESS.				R
ENFORCEMENT ACTION AUTHORIZED - STORAGE OF MATERIALS ON SITE.					
B/407/77 5A	SITING OF RESIDENTIAL CARAVAN FOR 1 YEAR. 30.6.75				A
B/637/77 5A	EXTENSION TO DWELLING.				W/D
B/104/83 5B	F/A S/S Side EXTN to Orchard Lea				A

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Application Number	Brief details of development				
B/855/86	O/A ERECTION OF 4 DET. DWELLINGS WITH GARAGES + ASSOC. VEHIC. ACCESSES (EXIST. BLDGS. TO BE DEMO).				R Appeal Dismissed
B/1038/86	O/A THREE DETACHED DWELLINGS				R Appeal Dismissed
B/1132/87	O/A - Erection of two single storey dwellings (Demolition of existing building)				R
B/89/1855 (5B)	O/A - Erection of 2 detached bungalows with detached garages + construction of joint vehicular access (existing bungalow to be demolished)				

See also new card for this plot commenced on.....

B A B E R G H D I S T R I C T C O U N C I L

MEMORANDUM

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TO: CHIEF PLANNING OFFICER  
FROM: CHIEF ENVIRONMENTAL SERVICES OFFICER DATE: 4-12-89  
MY REF: 12/4 YOUR REF: B/89/1855  
SUBJECT: ORCHARD LEA EDIES LANE LEAVENHEATH  
ENGINEERING COMMENTS ON DRAINAGE/STRUCTURAL DESIGN SUPPORTING  
PLANNING APPLICATION

According to our records a public sewer crosses this site  
Should this result in a 'building over' it is unlikely to be granted

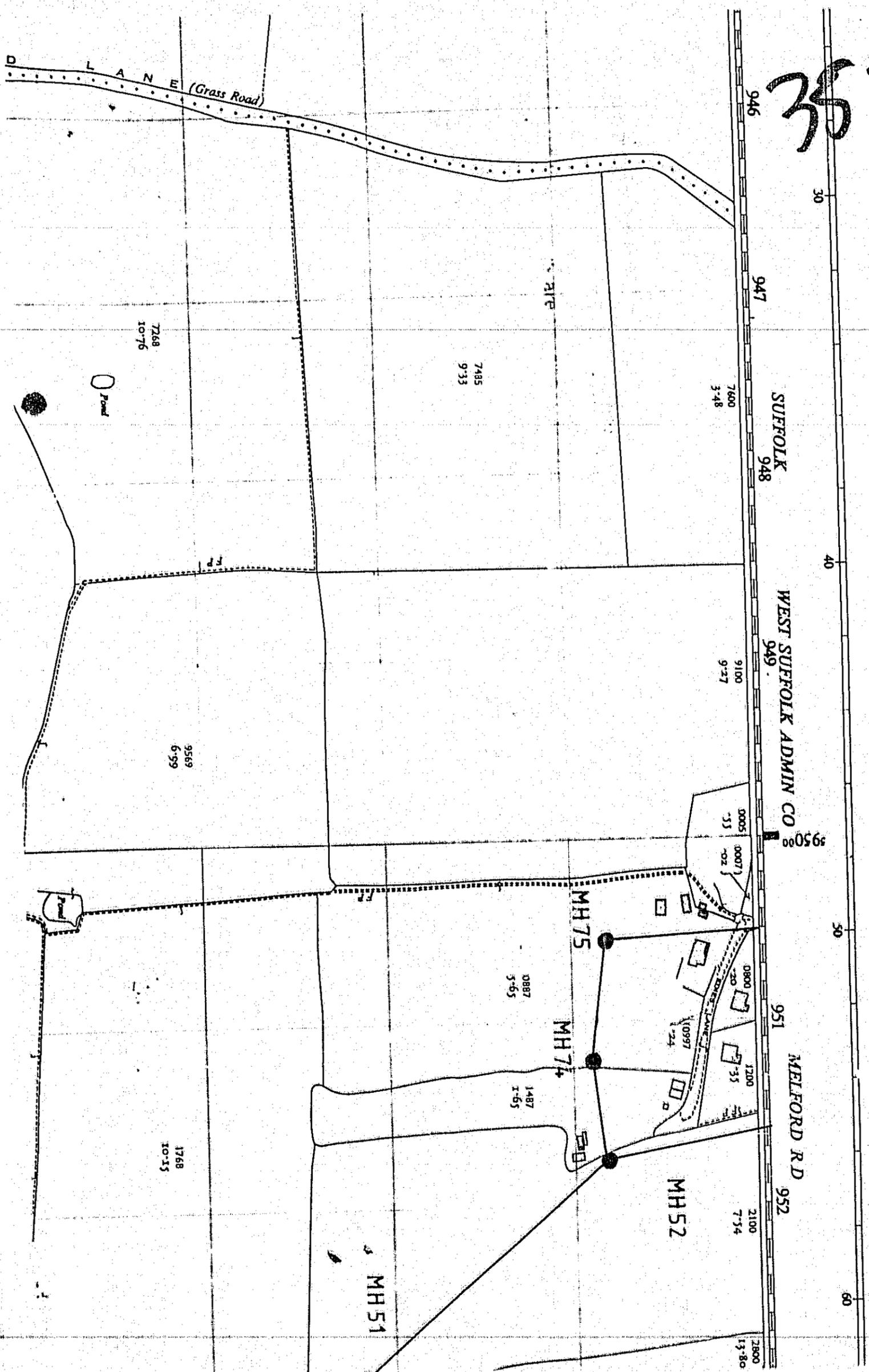
CHECKED BY .....  .....  .....

Revised  
Levelled  
June 1959  
1950

Scale: 1:2500 or 25-344 inches to 1 Mile

Revised  
Levelled

35



**Babergh**  
**District Council**  
South Suffolk

36.

B A B E R G H   D I S T R I C T   C O U N C I L

NOTICE FOR DISPLAY ON THE LAND -- CIRCULAR 71 / 73

P U B L I C   N O T I C E

YOU ARE INVITED TO NOTE THAT APPLICATION HAS BEEN MADE TO  
BABERGH DISTRICT COUNCIL FOR PLANNING PERMISSION

PROPOSAL:

OUTLINE - ERECTION OF 2 DETACHED BUNGALOWS WITH DETACHED GARAGES AND  
CONSTRUCTION OF JOINT VEHICULAR ACCESS (EXISTING BUNGALOW TO BE  
DEMOLISHED)

LOCATION:

ORCHARD LEA   EDIES LANE   LEAVENHEATH

A COPY OF THE APPLICATION CAN BE INSPECTED AT THE COUNCIL OFFICES, CORKS LANE,  
HADLEIGH, AND PERSONS WISHING TO MAKE REPRESENTATIONS SHOULD DO SO IN WRITING.

REFERENCE NO: B/89/1855

TO: PLANNING DEPARTMENT  
CORKS LANE  
HADLEIGH  
IPSWICH IP7 6SJ

HADLEIGH (0473) 822801

WITHIN 14 DAYS OF THE DATE BELOW BEING THE FIRST DAY THIS NOTICE WAS  
DISPLAYED

DATE:

G.E. SWAIN.  
Chief Planning Officer