

Nayland with Wissington Conservation Society
Registered Charity 268104

Dear Sirs,

23.02.2023

Introduction

The Nayland with Wissington Conservation Society (“CS”) was formed in 1974 to (inter alia) promote high standards of planning and architecture in the parish of Nayland with Wissington (“the parish”) and currently enjoys a membership in excess of 300. The CS and its members are anxious to help protect and preserve the high quality of the delightful countryside in the vicinity which is fortunate in forming part of the Dedham Vale Area of Outstanding Natural Beauty (“DVAONB”). We accept and acknowledge that this duty is also undertaken by Babergh District Council (“BDC”).

However, during the last few years the committee of the CS have become increasingly concerned with the performance of the BDC in connection with planning and enforcement matters which in the committee’s view have resulted in a damaging impact upon the parish.

Paragraph 176 of the NPPF provides that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”

It is the contention of the CS that BDC have failed to implement a high status of protection on many occasions. The more important examples are set out below: -

A. Site at rear of the Willows Wiston Road

1 In April 2021 a non-compliance report (reference 325174732) was lodged with BDC by the CS in relation to the storage of building materials on agricultural land at the rear of the Willows immediately adjacent to the A134 one of the two major roads that cross the DVAONB.

2 A response was received from BDC on the 5th May advising that it had been concluded there was not a breach of planning control. However, this was not in accordance with a phone call received from the enforcement officer in which he advised he had spoken to the land owner who explained that the site was being used for a brief period as a result of the pandemic and would shortly be cleared.

3 On the 5th November the CS wrote again to BDC advising that the land was still being used for commercial storage and seeking an explanation from BDC why no action was being taken. No response was received and on the 6th December a reminder was sent to which no response was received.

4 In the absence of any response, on the 7th of January 2022 a complaint was lodged by the Society using the BDC formal complaint procedure and reference number CU391033532 was allocated. A further nine weeks elapsed without response until the intervention of District Councillor Melanie Barrett prompted a response from Mr. Isbell on the 7th of April.

5 In due course Planning Enforcement Officer Charlotte Bayes dealt with the issue of unauthorised storage and on the 13th June 2022 wrote to CS advising that (a) the land had been cleared of building material and commercial items (b) the breach of planning control had been resolved and (c) no further action is required and the file was being closed.

6 On the 19th September 2022 the CS advised BDC of the existence of a large waste mound of earth and other material close to the site which was the subject matter of the previous complaints. On the 20th September 2022 BDC replied that “storage of soil materials gives rise to extremely limited (if any) planning harm and it was not in the public interest to investigate further.”

7 On the 20th September 2022 the CS advised BDC (inter alia) (a) the waste mound included debris other than soil (a photo was annexed) (b) the mound was adjacent to the River Stour and there was a risk of pollution to the river. No reply was received.

8 On the 3rd October a reminder was sent to BDC to which no reply was received.

9 On the 26th October an enforcement report relating to the mound was filed under reference 461152429 and an email sent to the BDC officer advising him of same.

10 Since that date no response has been received nor has any action been taken by BDC in connection with this matter save for correspondence with the BDC Customer Liaison Officer who assured the CS on the 14th December that a response to the outstanding matter will be provided. No response has been received at the time of preparation of this report.

B. Site at New Farm Harpers Hill Planning reference DC/17/04206

1. This application related to the construction of 9 dwellings on a site within the DVAONB but outside the village envelope. There was substantial opposition to the application.

2. Outline permission was granted by BDC. As can be seen from the attached photographs the houses which have been erected are of a very poor visual quality. They abut one of the two major roads that pass through the DVAONB. It is beyond comprehension that such a poorly designed development could have been permitted having regard to paragraph 176 of the NPPF.

C. Site at the Bungalow Harpers Hill Planning Reference DC/19/03822

1 This application related to the erection of 6 dwellings. The same applicant had previously been granted permission to erect 5 dwellings on the adjacent site.

2 Paragraph 20 of the BDC Affordable Housing Supplementary Planning Document states “Babergh District Council will be alert to, and not permit any benefit to be gained from, the artificial or contrived subdivision of a site to circumvent the affordable housing policies. If the Council believes there is a reasonable expectation of adjoining land coming forward for housing development, it will take account of the whole site area when calculating what affordable housing is required.”

3 The CS in its objection stated “For the purpose of the obligation to provide affordable housing, this site (which proposes the erection of 6 dwellings) should be aggregated with the adjoining site (where permission was granted for the erection of 5 houses to the same applicant) and in the event that this application is granted an obligation to provide affordable housing should be included.”

4 BDC chose to ignore the provisions of its own policy paper and the representations made by the CS.

D. Chandlers Bear Street Planning Reference DC/20/00860

1 This application related to the erection of a large summer house in the garden of a property which is in full view of pedestrians walking the footpath alongside the River Stour (which forms part of the Stour Valley Path).

2 14 objections were filed against this application including a representation by the CS. As can be seen from the attached photograph the constructed building has a significant impact on the visual beauty of the area and a far greater impact than that anticipated by the planning officer's report.



Conclusion

The above examples are only a few of the issues which have given rise to the concerns of the CS regarding the manner in which planning and enforcement matters are being dealt with by BDC. Accordingly, we would like to meet with the Chief Planning Officer and Chair of the Planning Committee to discuss our concerns in the hope that a degree of confidence can be restored in the conduct of BDC.

Yours faithfully,

M J Hunter

Chair