

# West Suffolk Development Control Committee

## 2 September 2020

### Late Paper

#### Item 5 – DC/18/1425/FUL: The Woodyard, Stores Hill, Dalham

Case Officer: Adam Ford

#### Relevance of Ministerial Statement regarding unauthorised development

1. In considering this application, the ministerial statement (reference HCWS423) advises that *'the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time-consuming enforcement action.'*
2. The materiality of this Ministerial statement in the overall balance of considerations is a matter for the decision maker in each case. In the opinion of the LPA and given the outcome of the associated public enquiry, the development undertaken on this site can likely be considered as intentional unauthorised development, noting the specific circumstances.
3. It follows, consequentially that weight against this proposal *must* therefore be attached to this fact in the balance of considerations. However, given the conclusions reached within the main report with regards to the acceptability and degree of policy compliance exhibited, it is not considered that the weight to be attached to this conclusion should be such that a refusal could be justified

#### Updated comments from the Highway Authority

4. On 25 August 2020, revised comments from the Highway Authority were submitted to the Local Planning Authority. These comments are visible online but for completeness they are produced below:
5. *"The Highway Authority has reconsidered the visibility condition set out in our letter dated July 2020. That letter recommended a reduction in the visibility splays from 150 metres to 90 metres in both directions. Whilst the reduction is appropriate in the easterly direction, it is unnecessary to reduce the splay in the westerly direction. Therefore, notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the revised visibility conditions shown below please:*

6. *Visibility Condition: Visibility splays shall be provided with an X dimension of 2.4 metres and a Y dimension of 150 metres in the westerly direction and 90 metres in the easterly direction and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.*
7. *All of the other previously stated conditions are unchanged and remain the Highway Authority's recommendation."*
8. This therefore means that paragraph 21 needs changing to reflect the fact that 150m is required in the westerly direction with 90m easterly.
9. Paragraph 97 also requires updating to reflect the fact that the Highway Authority altered their position on 25<sup>th</sup> August 2020 as per the above.
10. To address these comments from the Highway Authority, the applicant has submitted a revised visibility splay drawing (ref: 20-5650-201Rev B) which demonstrates the required visibility can be achieved in both directions.
11. Conditions 1 and 8 must also be changed with reference to 2020 V Splays REV A removed and 20-5650-201Rev B inserted instead.