

Appendix A

The following appeal decisions have been received. The full reports are available on the Council's website using the unique application reference.

Planning Appeals relating to 'Majors'

There were no appeal decisions relating to 'Major' applications during this quarter.

Planning Appeals relating to 'Minors'

Application number	DC/21/0506/FUL
Appeal number	APP/X3540/W/21/3284215
Site	Former garden to rear of Fauconberg House, Ballygate, Beccles, NR34 9ND
Description of development	The construction of a three storey dwelling and garage with new vehicular access.
Committee delegated	Delegated
Appeal decision date	13 th June 2022
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none">• The effect on the character and appearance of the conservation area and on the streetscene.• the effect on the living conditions of the neighbouring occupier; and• the adequacy of the vehicular access and parking provision.
Summary of decision	<p>The inspector noted the prominence of the site within the Beccles Conservation Area. It was considered that the proposal would appear dominant in the streetscene and have a harmful effect on the character and appearance of the conservation area and on the streetscene. The design was considered to be neither modern nor reflective of the quality of the buildings that are typical of the conservation area. The loss of the open site would also be harmful given that that such open spaces are a feature of the area. However, it was noted that this may be justified by a building of truly high-quality design.</p> <p>The inspector did not consider that the proposal would have a detrimental impact on the amenity of the properties within the vicinity and therefore considered that the proposal would protect neighbour amenity.</p> <p>The inspector highlighted that the safety of road users, including pedestrians, was of great importance and was not convinced that a safe arrangement for the ingress/egress for motor vehicles generated by a 4-bedroom dwelling could be achieved.</p>

Learning point / actions	<p>The importance of high-quality design and the weight given to this by inspectors.</p> <p>Impact on amenity is a matter of judgement and not always easy to demonstrate harm.</p>
---------------------------------	---

Application number	DC/21/3964/OUT
Appeal number	APP/X3540/W/21/3286490
Site	White Willow Barn, The Street, St James, South Earlham, IP19 0HN
Description of development	Demolition of a redundant building and erection of a sustainable four-bedroom single story dwelling
Committee delegated	Delegated
Appeal decision date	27 th June 2022
Appeal decision	Dismissed
Main issues	The suitability of the site's location for residential development.
Summary of decision	<p>The Inspector noted that St James is a small settlement that has no defined settlement boundary.</p> <p>The Inspector agreed that the proposal did not meet any of the three criteria of Policy WLP8.7 - "Small Scale residential Development in the Countryside".</p> <p>The site was not considered to be within an identifiable gap within the built-up area of a settlement, since the site is at the end of a long track which emerges at the road within a small gap that could not accommodate a dwelling. Although there are existing residences on each side of the access track, there are not houses on each side of the site which is well back from the road and surrounded by open countryside. The development would also extend further into the undeveloped countryside than the existing extent of the built-up area.</p> <p>It was also agreed that the two nearby small settlements, found in opposite directions only offered very limited facilities and the towns of Halesworth, Bungay and Harleston were too far to be considered as accessible by cycle to any realistic extent, so that the private car would be the most likely mode of transport for everyday living. Therefore, the development could not be regarded as sustainable.</p>
Learning point / actions	A very clear-cut case so no particular learning points.

Application number	DC/21/0731/FUL
Appeal number	APP/X3540/W/21/3275958
Site	19 Manning Road, Felixstowe IP11 2AY
Description of development	Demolition of workshop and replacement with 1no detached dwelling, alterations and extension to existing building to retain shop/office and provide 2no one bedroom first floor flats and 1no two-bedroom dwelling.
Committee delegated /	Delegated
Appeal decision date	25 July 2022
Appeal decision	Allowed with conditions
Main issues	Whether the proposed development makes suitable provision for parking and any associated effects on highway safety and the effect of the proposal on the integrity of the features of European nature conservation sites situated along the Suffolk coast.
Summary of decision	<p>The Inspector noted that although the proposal would result in additional on-street parking, they were mindful that the existing flat only has one space, in the garage accessed from Holland Road. Under the Guidance, as a new development, this would require three spaces. Were the commercial use of the whole of the ground floor to be reinstated it would also be likely to generate some on-street parking demand throughout the day for staff, clients, and customers.</p> <p>The Inspector considered that the concerns regarding the availability of on-street parking near to the site identified by the Council, Highway Authority and a resident were not supported by any substantive evidence, such as a thorough a parking survey to address parking demand during the day and throughout the week. If there are parking pressures within the locality, these are unlikely to recede with the in situ uses and the extent of the demand for parking associated with the proposal is likely to be only marginally greater than for those uses. The occupants / users of the proposed development would therefore be no more likely than those of in situ uses or residents of other properties to park indiscriminately within neighbouring streets, including in areas that remain marked with double yellow lines. The Inspector concluded that the proposed development would make suitable provision for parking and would not have a harmful effect on highway safety.</p> <p>Matters relating to the lack of RAMS contribution during the application were satisfied by receipt of payment during the</p>

	appeal. The second reason for refusal was not upheld by the Council and the Inspector agreed that the development would not result in the likelihood of any adverse effects upon the integrity of European sites protected under the Habitats Regulations.
Learning point / actions	Whilst additional evidence was sought from the Highways Authority during the application, evidence to the extent sought by the Inspector was not available. This appeal decision has been passed to the Highways Authority to highlight the level of information required to support a refusal, who are seeking to review how they record on street parking concerns (via parking surveys, etc).

Application number	DC/21/4383/FUL
Appeal number	APP/X3540/W/22/3290798
Site	Deben Cottage, High Road, Swilland, IP6 9LR
Description of development	Demolition of existing garage, severance of part of side garden, creation of new double access and crossover, and erection of new single storey private dwelling
Committee delegated /	Delegated
Appeal decision date	30 June 2022
Appeal decision	Allowed
Main issues	The impact of the design of the new dwelling upon the character and appearance of the surrounding area; and a RAMS financial contribution had not been made at the when the decision was issued.
Summary of decision	<p>The Inspector concluded that the introduction of a more contemporary style of dwelling of the form proposed would not be overly prominent or incongruous in the location. It would suitably add to the existing variety of properties within the area.</p> <p>A RAMS payment has been made and therefore the financial contribution would count as mitigation toward maintaining the integrity of the Deben Estuary and the Stour and Orwell Estuaries as SPA/RAMSAR sites.</p>
Learning point / actions	The design and layout of the new dwelling, although not of a traditional appearance like many of the surrounding properties, did not cause harm to the character of the surrounding area and therefore was not seen to be contrary to design policies.

Application number	DC/20/4151/OUT
Appeal number	APP/X3540/W/21/3277322
Site	Land Between The Entrance To The Sandlings Caravan Park And Rondebosch
Description of development	Outline Application (All Matters Reserved) - Construction of up to three dwellings with all matters reserved
Committee delegated /	Delegated
Appeal decision date	17 June 2022
Appeal decision	Allowed
Main issues	<p>Whether the proposal is consistent with policies relating to housing in rural areas, with regard to its location, accessibility to services and facilities, and effect on the character and appearance of the site and its surroundings, including the landscape and scenic beauty of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.</p> <p>The effect of the proposal on the integrity of the features of European nature conservation sites situated along the Suffolk coast.</p> <p>The effect of the proposal on protected species within the site and its surroundings.</p>
Summary of decision	<p>The inspector considered that there was development on two sides of the site even though the site to the north had a large curtilage which created a gap between the proposed site and the neighbouring dwelling. The inspector considered the proposed site to comply with the criteria of what constituted being within a cluster and due to the vegetation around the boundary of the site, did not feel that it would extend the built-up area into the surrounding countryside.</p> <p>A RAMS payment has been made and therefore the financial contribution would count as mitigation toward maintaining the integrity of the Deben Estuary and the Stour and Orwell Estuaries as SPA/RAMSAR sites.</p> <p>An updated ecological survey was provided to the inspector which was found to be satisfactory in order to negate any concern over the potential impact to protected species.</p>
Learning point / actions	The inspector considered the gap the site was located in and the large curtilages of the neighbours to form a cluster, even though one site was orientated diagonally, on the opposite side of the road to where the LPA considered the cluster to be.

	<p>The inspector also didn't consider that the development would extend into the countryside as there was further development a short distance away in all directions even if they were separated by open land such as a small paddock or area of grassland.</p> <p>This decision pre-dates the future adoption of the emerging Supplementary Planning Guidance Document on the Cluster Policy, which will influence the way such sites are considered in the future and therefore this decision should necessarily be seen as setting a precedent for sites elsewhere.</p>
--	---

Application number	DC/21/3336/OUT
Appeal number	APP/X3540/W/21/3287950
Site	Land North East of The Mount, Church Lane, Westerfield.
Description of development	The erection of 1 no. Detached dwelling with detached garage.
Committee delegated	Delegated
Appeal decision date	14 June 2022
Appeal decision	Dismissed
Main issues	Whether the site represents an appropriate location for the proposed dwelling, having regard to the housing strategy for the plan area.
Summary of decision	<p>The proposal would be adjacent to, but outside of, the settlement boundary of Westerfield as defined by the Local Plan. This means that the site is treated as countryside for the purposes of applying relevant development plan policy.</p> <p>The proposal would not accord with any of the specific criteria in Policy SCLP5.3 where outside of the defined settlement boundaries new residential development is permitted in the countryside. Nor would it accord with Policies SCLP5.2, SCLP5.4 or SCLP5.7 which establish other examples where housing is permitted in the LP area.</p> <p>There is no substantive evidence of a specific housing need in the village that would be served by the proposal and there is no dispute whether the Council can currently demonstrate a 5-year supply of housing.</p> <p>The proposal would not accord with the plan led strategy for housing and growth of the LP and there are no identified policies that would expressly permit housing in this location.</p>

Learning point / actions	To allow development contrary to the provision of relevant policy would undermine and dilute the plan-led system and the future pattern of development in East Suffolk Council.
---------------------------------	---

Application number	DC/21/1549/FUL
Appeal number	APP/X3540/W/22/3290649
Site	7 Sea Road, Felixstowe
Description of development	Conversion of ground floor commercial unit to provide new homes, including minor ground floor infill.
Committee delegated /	Committee
Appeal decision date	28 July 2022
Appeal decision	Allowed
Main issues	The effect of the proposal on the availability of commercial floorspace in this location.
Summary of decision	<p>The appeal property is a four-storey building with additional accommodation in the roof space and includes a vacant commercial ground floor unit together with residential accommodation comprising 22 flats. It is located on a corner plot next to the junction of Sea Road and Granville Road within the Felixstowe (South) Conservation Area. The site is also located in the Spa Pavilion to Manor End policy area, which includes a mix of uses along the sea front providing attractions for residents and visitors.</p> <p>The Council's principal concern relates to the property's marketing in that it took place during a period of unusual economic circumstances, particularly related to the Covid-19 pandemic, and that an additional period of at least 12 months marketing should be undertaken because there is insufficient certainty that a commercial use of the ground floor unit is not viable.</p> <p>The marketing exercise had been undertaken between October 2019 to June 2022, a period of some 32 months. This means that marketing took place for some 16 months outside the Covid-19 lockdown period. Furthermore, 7 months of marketing has taken place since the Council's committee meeting on the planning application, with no end operator coming forward.</p> <p>Therefore, while the economic context of both the pandemic and the UK's departure from the European Union is noted, the appellant has undertaken a comprehensive marketing exercise for considerably longer than the minimum 12 months required by policy. This includes a substantial period beyond the Council's</p>

	<p>decision, which goes some way to addressing the concerns expressed for a further marketing period. It would therefore be unreasonable to conclude that in the particular circumstances of this case the appellant has not met the marketing requirements included in Policy SCLP4.4.</p> <p>The proposed residential use, with design and materials to match the floors above, would be beneficial in improving the appearance of the building and street scene, and would enhance the appearance of the Felixstowe (South) Conservation Area.</p> <p>Policy SCLP12.14 provides for some flexibility where resort related uses are not possible or unviable. The policy indicates that residential units may be provided in such circumstances on upper floors or at the rear of sites. However, in this particular case, the inspector has concluded that the proposal does not conflict with Policy SCLP4.4 and the specific benefits outlined, following extensive marketing, can only be achieved through the re-use of the ground floor as a whole. Therefore, the fact that the residential use would not be on an upper floor or at the rear should not weigh against the proposal.</p> <p>While the Council does not have a shortfall in housing land supply, this should not prevent the provision of the four units where no material harm would otherwise arise as a result of the proposal.</p> <p>Accordingly, for all the above reasons, it is concluded that in the specific circumstances of this case, as there is no direct conflict with Policies SCLP4.4 and SCLP12.14 of the Suffolk Coastal Local Plan as the proposal would not have a harmful effect on the availability of commercial floorspace in this location.</p>
Learning point / actions	<p>Despite unusual economic circumstances, the Inspector felt that the amount of marketing undertaken (both inside and outside the pandemic) it would be unreasonable to conclude that the marketing requirements of Policy SCLP4.4 had not been satisfied.</p> <p>Further, it was concluded that, despite the fact that the residential use would not be on an upper floor or at the rear, this should not weigh against the proposal as it would not have a harmful effect on the availability of commercial floorspace in this location given the evidence provided.</p>

Application number	DC/21/3057/OUT
Appeal number	APP/X3540/W/21/3285956
Site	Land Rear of 108 -114 High Road West, Felixstowe IP11 9AL
Description of development	Erection of a Bungalow
Committee delegated /	Delegated
Appeal decision date	14 June 2022
Appeal decision	Dismissed
Main issues	The effect of the proposal on the character and appearance of the surrounding area.
Summary of decision	<p>The appeal site sits within an area of land between High Road West, Exeter Road and Candlelit Grove. The distance to the surrounding dwellings from the appeal site results in a distinctly spacious quality. The proposal would have introduced a single dwelling in this open area, away from the road. In this regard, it would fail to harmonise with the established surrounding pattern of housing.</p> <p>Accessed by a narrow driveway passing very near building sat Nos 112and 114 and behind gardens, it would appear as a contrived ad-hoc development.</p> <p>The Inspector concludes that the proposal would have a harmful effect on the character and appearance of the surrounding area, which conflict with the requirements of Policy SCLP11.1 of the Council's Suffolk Coastal Local Plan (2020) and paragraphs 130 and 134 of the National Planning Policy Framework(2021). These stipulate, amongst other things, that the layout should fit in well with the existing neighbourhood layout and respond to the ways people and vehicles move around both internal and external to existing and proposed buildings.</p>
Learning point / actions	This confirms our approach to the consideration of impact upon the character of an area, arising from single plots of a backland nature.

Application number	DC/20/4968/OUT
Appeal number	APP/X3540/W/21/3283024
Site	Camelot, Mill Road, Wissett, Halesworth, Suffolk IP19 0RA
Description of development	Outline application (some matters reserved) for residential development of up to 4 No. dwellings with new access and associated parking following demolition of the existing dwelling Camelot.
Committee delegated /	Delegated
Appeal decision date	9 August 2022
Appeal decision	Dismissed
Main issues	<p>The main issues identified by the Inspector were:</p> <ul style="list-style-type: none"> • future occupiers of the proposal would have reasonable access to regularly required services and facilities; • the proposal would be appropriate with regard to the loss of the existing dwelling and to its effect on the setting of grade II listed Grove Farmhouse; • any effects of the proposal on European designated nature conservation sites in the wider area would be mitigated.
Summary of decision	<p>The Inspector agreed with the LPA that the site is poorly connected to local services and facilities, explaining that whilst Public Rights of Way may provide some attractive rural walking routes, it would be less likely they would be used to access services and facilities on a day-to-day basis, and opportunities to use sustainable transport would be limited in this location, so travel to and from the site would be heavily reliant upon private motor vehicles, and the scheme is contrary to Policy WLP8.21, and paragraphs 105 and 124 of the NPPF.</p> <p>The Inspector also agreed that whilst there is a gap between 'Camelot' and the group of dwellings at Grove Farmhouse, the site did not constitute a clearly identifiable gap within a built-up area of settlement within the countryside, particularly as there are not dwellings on two sides, and in whatever way the dwellings were to be arranged, they would extend further into the undeveloped countryside. The scheme was therefore contrary to Policies WLP8.7, WLP1.1, WLP1.2 and WLP7.1.</p> <p>It is agreed that the existing dwelling is a Non-designated Heritage Asset (NDHA). The Inspector agreed that the proposal provides no firm evidence that the building is beyond viable repair or could not be sustained as part of an alternative scheme. Its demolition would therefore conflict with Policy WLP8.38.</p>

	<p>The adjacent dwelling (Grove Farmhouse) is a Grade II Listed building, and therefore the requirements of the Listed Buildings and Conservation Areas Act 1990, require special regard to its setting. The Inspector concluded there would be harm to its setting through the construction of four dwellings, no matter their design or layout, by virtue of the historically isolated setting of the listed building and how this is appreciated.</p> <p>The Inspector concluded as the RAMS payment had not been provided, they were unable to reach a conclusion of there being no adverse effects on the integrity of European Sites, and therefore the scheme fails to satisfy the requirements of the Habitats Regulations and Policy WLP8.34.</p> <p>The inspector also considered the potential benefits of a net increase of 3 dwellings, the demand for self-build dwellings in the locality, and potential economic benefits, concluding that whilst they may be of some benefit, these did not outweigh the harm.</p>
Learning point / actions	<p>This confirms our approach to the application of Policy WLP8.7 in relation to dwellings in the countryside, and our approach in relation to the consideration of the loss of NDHAs and the setting of Listed Buildings.</p> <p>It also confirms the need for RAMS payments for such proposals.</p>

Planning Appeals relating to 'Others' (including householders)

Application number	DC/21/4699/FUL
Appeal number	APP/X3540/D/22/3291450
Site	14 Yewdale, Carlton Colville, Lowestoft, NR33 8WF
Description of development	Construction of a balcony to porch roof.
Committee delegated	Delegated
Appeal decision date	21 June 2022
Appeal decision	Dismissed
Main issues	The effect of the proposal on the character and appearance of the streetscene, and on the living conditions of neighbouring occupiers.
Summary of decision	The inspector concluded that the balcony would be visible from the adjacent public footpath, and that the balcony in particular

	<p>the obscured glazed side panels would be jar with the generally restrained architecture of this group of properties and the estate generally.</p> <p>In addition, they concluded that normal consideration for neighbours would effectively avoid any loss of privacy. However, they considered that the use of the balcony could result in unintended noise and disturbance to the neighbour. This would be different to activity that occurs in a next door garden behind a substantial fence, because of the height at which it would take place. Therefore, they deemed the proposal would be harmful to both the character and appearance of the 'streetscene' and to the living conditions of neighbouring occupiers.</p>
Learning point / actions	The key matters for consideration were matters of judgement by those determining the application/appeal, but the decision suggests normal considered use of a balcony should be taken into account when assessing overlooking.

Application number	DC/20/2751/FUL
Appeal number	APP/X3540/D/225/3291289
Site	9 The Street, Cratfield, IP19 0BS
Description of development	The erection of a detached garage building.
Committee delegated /	Delegated
Appeal decision date	27 June 2022
Appeal decision	Dismissed
Main issues	The effect of the proposal on the streetscene.
Summary of decision	The inspector concluded that the proposed garage would cause adverse visual impact and therefore, be harmful to the streetscene to an unacceptable extent. The harm arising as a result of this application would be considered to outweigh the private benefit gain that the garage would bring to the appellants.
Learning point / actions	Good decision indicating that detached outbuildings/garages ahead of the principal elevation cause adverse impact upon the streetscene and should be resisted where there is no given precedent.

Application number	DC/20/4426/CLP
Appeal number	APP/X3540/X/21/3277801
Site	Glebe Farm Church Road, Ellough, BECCLES, NR34 7TR
Description of development	The development for which a certificate of lawful use or development is sought is confirmation that following the completion of development under planning permission DC/14/1917/FUL as amended by planning permission DC/18/4872/VOC condition 1 of planning permission reference DC/18/4872/VOC no longer applies to the site and additional units can be placed on the site without being constrained by the approved layout subject to the site remaining in a mixed use of caravan and equestrian uses
Committee delegated	/ Delegated
Appeal decision date	18 July 2022
Appeal decision	Dismissed
Main issues	Whether the decision to refuse to grant the certificate of lawful development was well-founded.
Summary of decision	<p>The inspector sets out the relevant planning history including DC/18/4872/VOC, and explains it is for the appellant to prove all elements of their case on a balance of probabilities, and they must prove that:</p> <ul style="list-style-type: none"> a) The Permission is extant; b) That if Condition 1 on the Permission had been fully complied with it would not have a continuing effect to restrict the layout; and c) That additional units could therefore be placed on the site without being constrained by the layout plan subject to the site remaining in a mixed caravan and equestrian use. <p>The Inspector states that the parties accept that this consent is extant and that condition 1 prevents the use of the development until it has been completed in accordance with the approved plans.</p> <p>At no point during the application or appeal has the appellant provided a specific number of additional units to be considered, and this leads to imprecision in the description of the proposed development.</p> <p>The Inspector states in paragraph 14 of the decision: <i>"It is not possible from the appellant's description of proposed development to know whether the stationing of additional units would lead to a material change of use, irrespective of whether it would remain in the same mixed use. The description is simply too vague and as it is not possible to ascertain whether there</i></p>

	<p><i>would be a material change of use, it is therefore also not possible to say whether the proposed development would be lawful.”</i></p> <p>The inspector also explains in paragraph 17 of the decision that: <i>“While there may be no conditions limiting the number of units that can be stationed on the site, an increase in the number of units could lead to a material change of use which would require express permission as set out above.”</i></p>
Learning point / actions	The descriptions on Lawful Development Certificates need to be precise and avoid being too wider as to preclude future enforcement action if intensification occurs, that results in a material change of use.

Appeals relating to Part 3 Prior Notifications

There were no appeal decisions relating to Prior Notifications under Part 3 of the General Permitted Development Order, during this quarter.

Enforcement Decisions

There were no appeal decisions relating to Enforcement Notices, during this quarter.

Costs Decisions

Application number	DC/21/1549/FUL
Appeal number	APP/X3540/W/22/3290649
Site	7 Sea Road, Felixstowe
Description of development	Conversion of ground floor commercial unit to provide new homes, including minor ground floor infill.
Committee delegated /	Committee
Appeal decision date	28 July 2022
Appeal decision	Application for costs Refused
Main issues	The applicant’s basis for claiming full costs relates to the Council’s alleged incorrect interpretation and implementation of its own development plan policy SCLP4.4.
Summary of decision	<p>The Council’s concern is that the property was marketed during a period of unusual economic circumstances, particularly related to the Covid-19 pandemic and that an additional period of at least 12 months marketing should be undertaken.</p> <p>It is generally accepted that the circumstances resulting from the pandemic were highly exceptional, including periods of significant economic inactivity and uncertainty. Given these highly exceptional circumstances, it was not found unreasonable</p>

	<p>for the Council to have regard to them as material to its interpretation of Policy SCLP4.4.</p> <p>Moreover, had the Council accepted that the marketing met the requirements of the policy it is not possible to infer that it would have reached a different decision given that the application was also found contrary to SCLP12.14, specifically that the loss of the commercial space would not support resort related uses on the Sea Road frontage.</p> <p>Taking these findings as a whole, it was found that there is no basis upon which to conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, had been demonstrated and an award of costs is therefore not justified.</p>
Learning point / actions	The Council's approach with regard to this proposal did not amount to unreasonable behaviour on its part.

Judicial Review Applications of previous Planning Appeals

Application number	DC/20/4032/PN3
Appeal number	APP/X3540/W/21/3274988
Site	Barn A, Land adjacent Former Woodbarn Cottages, Seckford Hall Road, Great Bealings, Suffolk, IP13 6NX
Description of development	Prior Notification - Conversion of an agricultural building to a dwelling house pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning
Committee / delegated	Delegated
Application for Judicial Review decision date	27 July 2022
Application for Judicial Review decision	<p>The application for Judicial Review was refused, and the costs of the process were to be paid by the claimant (i.e. the applicant) to the defendant (the planning inspectorate).</p> <p>Summaries of the appeal decision (dismissed) and the associated application for costs was also made by the appellant (refused) (appeal reference APP/X3540/W/21/3274988) can be found in Appendix A of the report to Strategic Planning Committee in June 2022.</p>
Main issues	The application for Judicial Review was submitted on the basis of the two grounds on which the appeal was dismissed and the claimant (i.e. the applicant) sought permission to challenge the

	decision of the Planning Inspector to dismiss the appeal 3 March 2022.
Summary of decision	<p>There have been five refused applications on this particular building since 2012, two planning applications and three Prior Notifications, the third of which was the subject of this appeal. The two previous appeals relating to Prior Notification for the change of use of this building and associated works were also dismissed (references DC/14/1941/PN3, APP/J3530/A/14/2229019 and DC/16/3427/PN3, APP/J3530/W/17/3166437)).</p> <p>The Inspector dismissed the appeal against the refusal of the application for Prior Notification Approval for the conversion of a building to a dwelling under Class Q. The decision was made on two key grounds, the first of which related to the extent of the agricultural unit and whether the application complied with the relevant parts of Class Q Permitted Development Rights. The Inspector concluded that there was insufficient evidence to confirm the extent of the agricultural unit in 2013 (which was not restricted to the 12-acre tenancy) and whether any relevant development had taken place.</p> <p>The application for Judicial Review decision states that the Inspector considered this appeal on its merits, and it is not arguable that she misdirected herself to any material degree. It also states that these were straightforward factual issues, and it was plainly rational and lawful for the Inspector to determine, on the submitted evidence that insufficient information had been provided to enable her to establish whether the proposal complied with the limitations concerning previous permitted development across the relevant agricultural unit. This ground is unarguable.</p> <p>The second ground for appeal and the second ground which was subject of the application for Judicial Review related to the extent of the proposed works. The decision states <i>"The Inspector concluded that, based on the evidence before her, it had not been demonstrated that the required works would be limited to building operations reasonably necessary to convert the building, so as to be permitted development. As she correctly observed it was a matter of planning judgment whether the works were of such a magnitude that in practical terms what was being undertaken was a rebuild..."</i></p> <p>The decision also explains that <i>"The Inspector was plainly entitled to arrive at the view that very little of the existing building would</i></p>

	<p><i>be utilised and that as a result the works went beyond a conversion and what could be considered reasonably necessary for the building to function as a dwelling house.”</i></p> <p>The decision also makes reference to the application for costs which was made alongside the planning appeal. The application for Judicial Review decision makes it clear that the costs decision reached by the Inspector to dismiss the application for the award of costs against the councils was correct in that “...<i>whilst there were areas of agreement and disagreement with the interested party there had been no unreasonable behaviour resulting in unnecessary or wasted expense. This decision is unimpeachable and the contrary is unarguable.</i>”</p>
Learning point / actions	<p>This decision confirms that the Appeal Decision reached by the Inspector to dismiss the planning appeal was sound, and that the Inspector also acted appropriately in dismissing the application for costs.</p> <p>This is further confirmation of the correct decision process by the Local Planning Authority in refusing the Prior Notification Application for the conversion of the building under Class Q.</p> <p>This decision confirms the importance of research into the history of the site and understanding the extent of the agricultural unit, so its planning history and any implications in terms of Permitted Development Rights can be fully understood.</p> <p>Whilst each site and scheme must be judged individually, this appeal decision is clear that when only the steel frame of the building is to be retained and panels providing structural and insulation properties are to be installed, the works are beyond those which are considered reasonably necessary and such a scheme does not constitute a conversion under Class Q.</p>