

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'

Application number	DC/20/1521/FUL
Appeal number	APP/X3540/W/21/3280740
Site	Land off Yarmouth Road, Melton
Description of development	Care Village comprising an 80 bedroom care home together with 72 assisted care bungalows, cafe/club house, bowling green, car parking, open space provision with associated infrastructure and access
Committee / delegated	Committee
Appeal decision date	22 November 2022
Appeal decision	Dismissed
Main issues	<p>Whether the proposed development would be in a suitable location, having regard to the countryside and access to services and facilities;</p> <ul style="list-style-type: none">• what is the need for specialist accommodation and whether this is adequately addressed by the Local Plan;• the effect of the development on the character and appearance of the area; and• whether the development would provide suitable accommodation, having regard to the affordable housing requirements of Policy SCLP 5.10 and the types and sizes of accommodation proposed.
Summary of decision	<p>Location and connectivity</p> <p>In terms of access to local services and facilities, the proposed development was found to be acceptable as there would be an improved walking route as well as new bus stop. However, as a result of the site's location outside the main settlement, there would be a breach of Policy SCLP3.3 of the Local Plan and Policy MEL1 of the MLP which needs to be given weight in the planning balance. The proposal would however comply with the provisions of Policy SCLP7.1 insofar as it requires development to incorporate measures that will encourage people to travel using non-car modes including considering and taking all available</p>

	<p>opportunities to enable and support travel on foot, cycle and public transport, being located close to and providing safe pedestrian and cycle access and not reducing road safety. The proposal would also comply with paragraphs 110 and 112a) of the National Planning Policy Framework (the Framework).</p> <p>Specialist accommodation Based on the age of the local plan (adopted in 2020), there is no indication that the need for such housing for an ageing population cannot be met, also having regard to the completions and likely pipeline supply. The provision of this type of accommodation to meet an identified need carries very substantial weight in the planning balance.</p> <p>Character and appearance The proposed development would represent a significant incursion into the countryside, which would result in the collective urbanisation of this part of Yarmouth Road when seen in the context of the existing sporadic development clusters. It would fundamentally alter the character and appearance of the area and would result in the loss of this important area of open, undulating land which itself contributes to the character of the area and keeps this part of the road distinct from the nearby settlements conflicting with Policy SCLP3.3 SCLP10.4. of the Local Plan and MEL1 of the MNP</p> <p>Housing mix A mix of 1-bed and 2-bed properties would be required based on the evidence from the Council. The scheme as it stands would conflict with Policy SCLP5.8 of the Local Plan.</p> <p>Conclusion The benefits of the proposal would not be sufficient to outweigh the level of harm found in relation to the character and appearance of the area which would be fundamentally altered by the development, and the conflict with the policies and therefore the Development Plan as a whole.</p>
<p>Learning point / actions</p>	<p>Significant weight given to development plan policies, particularly as it is relatively recently adopted. Also, significant weight given to landscape character and visual impact on the Countryside.</p> <p>Disappointing conclusion in relation to connectivity to services and facilities in Melton.</p>

Application number	DC/20/1001/OUT
Appeal number	APP/X3540/W/21/3281602
Site	Land to the north of School Road, Ringsfield
Description of development	Outline Application (Some Matters Reserved) - Construction of up to 33 dwellings, open space, landscaping, visitor car park and site access from School Road
Committee / delegated	Committee
Appeal decision date	6 December 2022
Appeal decision	Allowed
Main issues	<ul style="list-style-type: none"> • Whether the appeal site is capable of accommodating the quantum of development proposed and in particular, its resultant effect on the character and appearance of the surrounding area. • The effect of the proposed development on the integrity of European Sites.
Summary of decision	<p><u>Character and appearance</u> “...there is no substantive evidence to demonstrate why the proposed development could not be of a high-quality which is in keeping with the character of the surrounding area. This is a matter which would be considered at reserved matters stage upon submission of plans showing detailed design. Nonetheless, the surrounding development in the village is predominantly linear and there is some development in depth to the west of the village. Clearly, the development of the allocated site for 33 dwellings, would result in a residential development of differing character to that which prevails. But this is inevitable, given the allocations location, size and the approximate number of dwellings allocated.” – para 19.</p> <p><u>European sites</u> “The s106 Agreement includes provision for this sum to be paid prior to commencement of development. I am satisfied that this obligation will ensure that the proposed development would make the required contribution to the mitigation measures outlined within the RAMS.” – para 30.</p> <p><u>Planning obligations</u></p>

“...the obligations set out within the s106 [RAMS, affordable housing, open space, visitor car park] are all necessary to make the development acceptable, directly related to the development; and fairly and reasonably related in scale and kind to the development. The planning obligation therefore meets the tests set out under Framework Paragraph 57 and Regulation 122(2) of the CIL Regulations. I have therefore taken it into account in determining this appeal.” – para 38.

Reduced site area

“Whether or not the appellant or another party proposes further development to the north of the site in the future is not a consideration which carries any significant weight. This is because, any such proposal would need to be considered on its own merits and there is no substantive evidence to indicate that this is the appellant’s intention.” – para 41.

Objections to principle of development

“...the principle of a residential development comprising approximately 30 dwellings has already been established on the allocated site. I acknowledged that 33 dwellings are proposed within a reduced site area. However, I have concluded that 33 dwellings fall within the ambit of the term ‘approximately 30 dwellings’. I have also concluded that, despite the reduced site area, the proposed development complies with the requirements of Policy WLP 7.14. For these reasons the principle of the proposed development is acceptable.” – para 43.

Heritage impacts

“The Parish Council highlighted that there are Listed buildings within 1km of the appeal site. However, given the significant distance of these buildings⁵ to the appeal site and the intervening urban and natural landscape features, the appeal site is not within (and would not affect) the setting of these listed buildings.” – para 45.

Conditions

Some conditions were amended so that they are enforceable, precise, relevant, necessary and reasonable in all other respects:

- Some of the conditions in the list provided by the Council relate to issues which can be addressed under reserved matters (e.g., matters pertaining to refuse storage and hard/soft landscaping)
- A condition requiring submission of details pertaining to internal access and circulation routes is necessary, as details of

	<p>'access' have only been supplied for the pedestrian and vehicular junctions with School Road.</p> <ul style="list-style-type: none"> • In addition to the standard timescale conditions a condition specifying the relevant drawings is imposed, as this provides certainty. • Condition imposed to provide clarity as to the maximum number of dwellings approved. <p><u>Conclusion</u> "The proposed development complies with the development plan taken as a whole. There are no material considerations raised, of sufficient weight, to warrant a decision other than in accordance with the development plan. As such, the appeal is allowed." – para 61.</p>
<p>Learning point / actions</p>	<p>Cannot justify the refusal of an outline application based on design quality/impact to character of an area, especially when it is an allocated site with a prescribed density – this is a matter which would be considered at reserved matters stage.</p> <p>A reduced site area to that allocated is not of concern if the stated density is still achievable. Whether or not an applicant proposes further development to a remaining part of a site in the future is not a consideration which carries any significant weight because any such proposal would need to be considered on its own merits – unless there is substantive evidence to indicate otherwise.</p> <p>Useful input re. strengthening outline conditions, particularly in terms of a separate condition pertaining to internal access and circulation routes as details of 'access' have only been supplied for the site entrance, and a condition to provide clarity as to the maximum number of dwellings approved.</p>

Planning Appeals relating to 'Minors'

Application number	DC/22/0983/OUT
Appeal number	APP/X3540/W/22/3300220
Site	4 Nightingale Piece, Orford, IP12 2NP
Description of development	Erection of self-contained, 2-bedroom eco dwelling on side garden
Committee / delegated	Delegated

Appeal decision date	13 December 2022
Appeal decision	Dismissed
Main issues	The effect of the proposed dwelling on the character and appearance of the appeal site and the surrounding area.
Summary of decision	<p>The proposal would require development to extend close to the side boundary resulting in a loss of the characteristic openness to the side of the dwelling undermining the planned layout of the cul-de-sac which provides an open and spacious character.</p> <p>Due to the proximity of the new dwelling to the boundary, the proposal would appear as a cramped form of overdevelopment compared to the more spacious planned layout. The creation of a short terrace of three dwellings would not respond to the local context and the form of surrounding buildings, where there is a clear pattern of paired semi-detached dwellings and bungalows.</p>
Learning point / actions	Cannot refer to indicative plans for outline applications. Otherwise, the appeal decision was in agreement with the Council's position.

Application number	DC/21/4887/FUL
Appeal number	APP/X3540/W/22/3292262
Site	Hill House, Mill Lane, Hasketon IP13 6HQ
Description of development	Change of use from domestic garages / workshops to vehicle bodywork workshop / spray shop
Committee / delegated	Delegated
Appeal decision date	7 February 2023
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposed vehicle bodywork workshop / spray shop on the living conditions of surrounding occupiers and occupiers of the host property, with particular reference to noise, disturbance and odour.
Summary of decision	In a residential area, there is a reasonable expectation of low levels of background noise when using the garden.

	<p>The Inspector noted that they were unable to use conditions to request acoustic reports and working with closed doors to mitigate noise levels. The outcome of any acoustic assessment is unknown and may have to incorporate as yet unspecified extraction equipment. The extent of any mitigation it may recommend, assuming that mitigation would indeed be possible, is not known. It is not clear that ensuring the workshop doors would be closed would be enforceable. Furthermore, access to the site would be taken from the existing access which serves the host property. This passes in proximity to a number of windows serving the dwelling. While hours of operation could be controlled by condition, it would not be reasonable, in light of the advice and guidance contained within the Framework and the PPG, to control the number of vehicle movements to that identified by the appellant as this could affect the viable operation of the business. It was concluded that the proposal would have an unacceptable effect on living conditions of surrounding occupiers and the host property with reference to noise, disturbance and odour. There would be an economic benefit from supporting the continued operation of an existing business in a location that would be convenient for its customers. However, this would not outweigh the harm identified above.</p>
Learning point / actions	<p>Decision highlights the importance of ensuring conditions are accurate and enforceable and that they are not used to mitigate against unknown factors or be imposed in a manner which would otherwise restrict viability of a business.</p>

Application number	DC/22/1500/FUL
Appeal number	APP/X3540/W/22/3306433
Site	5 Buckingham Close, Martlesham, Suffolk IP12 4SX
Description of development	Erection of a detached single storey dwelling
Committee / delegated	Delegated
Appeal decision date	6 February 2023
Appeal decision	Dismissed

Main issues	The effects of the proposal on the character and appearance of the site and the surrounding area, and on European Protected Sites
Summary of decision	<p>There is visual separation between the detached dwelling in the Close. The attached dwelling to the site has a large addition extending to the rear and side of the dwelling, and this acts visually to reduce the gap with its other neighbour. The proposed dwelling would reduce the gap between no. 5 and its neighbour however the proposal would not be prominent on the street scene nor would its effect be dissimilar from that created by the large extension built to the rear of its conjoined neighbour.</p> <p>Elsewhere in the wider area there are examples where front gardens have been paved over to allow for parking and manoeuvring. Whilst almost the entirety of the front gardens would be given up for parking, this is not an uncommon feature in the area and would not appear overly dominant in the site's context.</p> <p>Without a RAMS payment, the Inspector was unable to complete the Appropriate Assessment favourably and, as such, concluded that the proposal would cause harm to the Protected Sites contrary to SCLP10.1 and the NPPF.</p>
Learning point / actions	RAMS contribution is essential as mitigation in relation to impact on Protected Sites.

Application number	DC/22/0870/FUL
Appeal number	APP/X3540/W/22/3299052
Site	Units 1 & 2 plus workshop, Land opposite 1 Loudham Lane, Loudham Lane, Ufford, Woodbridge, Suffolk IP13 6ED
Description of development	Change of existing holiday lets and workshop to a single three-bed holiday accommodation
Committee / delegated	Delegated
Appeal decision date	9 February 2023

Appeal decision	Allowed
Main issues	The main issue is whether the condition is necessary and reasonable in the interests of ensuring the property is only occupied as holiday accommodation.
Summary of decision	<p>The site is located in an area of countryside, where for planning purposes, residential development is restricted. The permission on which the condition was proposed to be varied allows for the use of the appeal property to be used as two units of holiday accommodation and for one larger unit of holiday accommodation.</p> <p>The condition which was proposed to be varied sought to ensure that the property is occupied as holiday accommodation only and is comprised of a number of discrete elements. The variation proposed was the removal of a requirement that the holiday accommodation be associated with 1 Loudham Lane.</p> <p>The Inspector concluded that there was no planning reason as to why the restriction/requirement that the holiday units be associated with 1 Loudham Lane is necessary or reasonable to ensure that the premises is occupied as holiday accommodation and no other reason for imposing the condition was included on the decision notice.</p> <p>It was not disputed that the condition as a whole is necessary to restrict the use of the property, limiting the number of days it can be occupied and requiring the owner/operator to keep a register of occupants. The reasons these limitations are imposed is clearly set out in Local Plan Policy SCLP6.5.</p> <p>Therefore, the Inspector varied the wording of the condition to remove the reference tying the holiday accommodation to 1 Loudham Lane, but retaining the restriction on the use of the property, limiting the number of days it can be occupied and requiring the owner/operator to keep a register of occupants.</p> <p>The Inspector also highlights that <i>“A planning condition cannot prevent or restrict the sale or purchase of land in the circumstances of this appeal. Any future changes of use of the property would be assessed on their own merits at the time of any such application. It is not reasonably related to the development proposed to impose conditions to prevent the submission of future planning applications.”</i></p>

Learning point / actions	The reasons for imposing conditions on use to ensure units are used as holiday accommodation should have clear justification within the associated reason set out below the condition. In some cases the reasons may need to be specific to the site and proposals, particularly if that condition seeks to control the use in association with another unit.
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Application number	DC/21/1603/FUL
Appeal number	APP/X3540/W/21/3282582
Site	1 Burnt House Lane, Kirton IP10 0PZ
Description of development	Erection of one dwelling and garage
Committee / delegated	Delegated
Appeal decision date	8 December 2022
Appeal decision	Dismissed
Main issues	<ol style="list-style-type: none"> 1. The effect of the proposed development on the character and appearance of the area; 2. The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook, noise and disturbance; and 3. Whether sufficient information is available to assess the impact of the proposed development on trees.
Summary of decision	<p>The scheme would introduce a dwelling which does not reflect the established pattern and grain of development which is of dwellings with long linear gardens set back from the road.</p> <p>As a result of its backland position down a long narrow driveway, the introduction of the dwelling and garage would appear as an incongruous addition within the surrounding area that would be out of keeping with the prevailing spacious low-density character of the area. The proposed development would significantly harm the character and appearance of the area.</p> <p>Mature trees and other vegetation located to the front of the appeal site adjacent to Bucklesham Road, including in the gardens of properties at No 1 and No 34, provide amenity value within the streetscene by providing a green break between the built development at the junction.</p>

	<p>The appellant has not provided information upon which an assessment of the effect of the proposal on trees could be reasonably assessed. Without such arboricultural evidence, the Inspector was not confident that development could be carried out in this location without adversely affecting these trees, and there is little to demonstrate that potential harm or unnecessary loss of trees could be effectively mitigated.</p> <p>While the proposed development would be partially visible from the rears of 34 and 36 Bucklesham Road, it would be separated by a sufficient distance to ensure that no existing windows or gardens would be adversely affected through the introduction of a new dwelling in this location whereby any impacts from the proposed house and garage would be minimal.</p> <p>The proposed vehicular access between No 1 Burnt House Lane and No 34 Bucklesham Road would not be typical in design terms of what is evident nearby, with driveways located to the immediate front of nearby dwellings. Nevertheless, a close relationship between vehicle movements in close proximity to houses and gardens would not be particularly unusual for a residential area. It is unlikely that there would be a large number of vehicular movements associated with the single dwelling proposed. Noise and vibration levels likely to emanate from those movements would also be commensurate with what one might expect in a residential area.</p> <p>As such, taking into account the orientation of neighbouring windows and gardens at No 1 Burnt House Lane and No 34 Bucklesham Road, It was not considered that there would be any unacceptable impact on the living conditions of the occupiers of these neighbouring properties through noise or other nuisance.</p>
<p>Learning point / actions</p>	<p>Insufficient information provided in relation to impacts on trees justifies refusal reason.</p> <p>The introduction of a new driveway access close to the side elevations of existing dwelling in order to access a back land plot would not be unusual for a residential area.</p>

Planning Appeals relating to 'Others' (including householders and Advertisements)

<p>Application number</p>	<p>DC/22/1385/FUL</p>
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Appeal number	APP/X3540/D/22/3307187
Site	21 Mill View Close, Woodbridge, IP12 4HR
Description of development	Removal of 10ft hedge and erection of 6ft fence to side of property, and Removal of 10ft hedge and erection of 6ft fence on top of retaining garden wall to rear of property.
Committee / delegated	Delegated (After being taken to Referral Panel due to WTC representation of support)
Appeal decision date	12 December 2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the fences upon the character and appearance of the appeal site and surrounding area.
Summary of decision	<p>The fences had already been erected, so this was a retrospective application and appeal. The fences that have been erected at the appeal property comprise two separate sections to the eastern boundaries, one of which is erected on top of an existing retaining boundary wall, and a shorter section to the north. The property is unusual as it has public highway on three sides.</p> <p>The Inspector concurred with the LPA that Mill View Close has an open and verdant character and appearance with well planted front gardens, semi-mature trees and the general lack of frontage boundary treatments, and that there are no other visible examples of close-boarded fencing within the street.</p> <p>The Inspector concluded that the fences are highly visible from the public realm behind and to the side of No 21, and from the surrounding dwellings. They also state that due to their height, solidity and overall presence the sections of fence are a stark and prominent features in contrast to the characteristic open and more verdant appearance of other properties. It was confirmed that the scheme was contrary to Local Plan Policy SCLP11.1 (visual amenity) and the NPPF, both of which promote good design.</p>
Learning point / actions	This decision confirms the approach and judgement of officers in relation to the installation of close-boarded fencing in such locations.

Application number	DC/21/3493/AND
Appeal number	APP/X3540/Z/21/3284772
Site	169-170 High Street, Lowestoft NR32 1HU
Description of development	'2 fascia signs with name of business so that our customers can find us'.
Committee / delegated	Delegated
Appeal decision date	09 December 2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the advertisement on the amenity of the area and, in particular, whether it would preserve or enhance the character or appearance of the North Lowestoft Conservation Area in which the appeal property is located.
Summary of decision	<p>The Inspector concluded that “the advertisement that is in place has an unacceptably harmful effect on amenity and so does not preserve the character and appearance of the North Lowestoft Conservation Area. I have taken into account Policy WLP8.39 of the East Suffolk Council – Waveney Local Plan (2019), which concerns the effects of development in conservation areas and which, therefore, is material in this case.”</p> <p>Additionally, the Inspector stated that “Given that I have concluded that the proposal would harmfully affect the amenity of the area, including its failure to preserve the conservation area’s character and appearance, the proposal is contrary to this policy.”</p>
Learning point / actions	This decision confirms the approach and judgement of officers in relation to the effect of the advertisement on the Conservation Area.

Application number	DC/22/1424/ADI
Appeal number	APP/X3540/Z/22/3305524

Site	Advertising Right At Precision Pipework, Horn Hill, Lowestoft, Suffolk NR33 OPX
Description of development	Illuminated Advertisement Consent - Erection of new freestanding digital poster display
Committee / delegated	Delegated
Appeal decision date	8 February 2023
Appeal decision	Dismissed
Main issues	Public safety and amenity
Summary of decision	<p>The proposal would introduce a large digital display within very close proximity to an existing large poster advertisement and collectively these would form part of the same vista when travelling along the A12 on approach to Horn Hill or when using the bus stop opposite.</p> <p>The Inspector concluded that the changing of the advertisement on the display every 10 seconds would have a degree of animation that a more traditional poster advertisement would not and it would draw the eye.</p> <p>As a result of its scale, freestanding nature, position next to the roadside and changing display, the appeal proposal when viewed in conjunction with the adjacent existing illuminated poster display would lead to excessive levels of commercial presence and advertisement within the immediate area and would be overly dominant in views, and consequently this would overwhelm the residential components of the areas mixed character and appearance.</p> <p>The Inspector also concluded the appellants stated intention to remove the existing poster display were consent granted for this scheme, would not overcome their concerns.</p> <p>In accordance with the Advertisement Regulations, the Inspector concluded that the advertisement would be harmful to the amenity of the area, and conflict with Policy WLP8.29 of the Waveney Local Plan, and paragraph 136 of the NPPF, which states that the quality and character of places can suffer when are advertisements are poorly sited.</p>

Learning point / actions	This decision confirms the view of officers that the digital poster advertisement would be harmful to the visual amenity of the area.
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Application number	DC/22/2494/FUL
Appeal number	APP/X3540/D/22/3306871
Site	76 Links Avenue, Felixstowe IP11 9HE
Description of development	Two storey and single storey extensions with attached garage
Committee / delegated	Delegated
Appeal decision date	12 December 2022
Appeal decision	Dismissed
Main issues	The effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area.
Summary of decision	<p>The property is a detached two-storey dwelling located at the end of a row of detached dwellings next to a parking area and a small area of public open space.</p> <p>Despite their individual designs, the dwellings in this part of Links Avenue, including the application property, display a good degree of uniformity in terms of built form, layout and external materials, with consistent building lines and frontage widths, and the limited gaps between dwellings.</p> <p>The Inspector agreed with the LPA that the front porch addition would be a proportionate addition to the appeal property subordinate to the original build form, and that the single-storey element to the side and rear, and the single-storey garage would be of typical domestic proportions and appearance, and therefore these changes would not result in harmful changes to the property.</p> <p>The Inspector also shared the view of the LPA that the two-storey element to the side adjacent to No 74, whilst having a lower ridge than the existing dwelling and being of limited width, thereby remaining subordinate, and therefore not result in a harmful terracing effect in streetscene views.</p>

	<p>The Inspector concluded in accordance with the view of the LPA that the in combination effect of the two-storey extension on the side adjacent to No 74 and the two-storey addition to the east of the property would result in a substantively larger dwelling, materially extending the dwellings frontage width, and as a consequence it would appear as a bulky and dominant built form within the streetscene by comparison to the other dwellings.</p> <p>The large upper floor window and Juliette balcony would also pay little regard to the existing fenestration and other new windows. These features together with the vertical timber boarding would result in the extension appearing as a contrived and uncharacteristic addition, which would not integrate visually with the character and appearance of the existing dwelling.</p> <p>The changes would be prominent in the streetscene and appear incongruous and uncharacteristic in appearance. It would therefore have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area, contrary to Policy SCLP11.1.</p>
Learning point / actions	This confirms officers views on the unacceptability of the design, form and scale of this proposal.

Application number	DC/22/1780/FUL
Appeal number	APP/X3540/D/22/3303131
Site	3 Gun Hill Cottages, Church Lane, Levington, Suffolk IP10 0LQ
Description of development	Two storey extension to semi detached dwelling.
Committee / delegated	Delegated
Appeal decision date	15 November 2022
Appeal decision	Dismissed
Main issues	The main issues are the effect of the development on the character and appearance of the area, including the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB), and the host and adjoining property.

<p>Summary of decision</p>	<p>The proposed extensions would alter the appearance of the building, creating a large, bulky development on the rear of the property. It would be at a larger greater height than the existing extensions creating a very large mass of building on the rear of the property. The Inspector has stated that the sheer scale of the development, taking into account the existing extensions would dominate both the host property and the adjoining property at No. 4.</p> <p>The Inspector has concluded that the proposal would not affect the landscape and scenic beauty of the wider AONB. But that the development would be visible from the highway and would be apparent from the rear of the properties and would harm the character and appearance of the surrounding area.</p> <p>The Inspector concluded that the development would result in harm to the character and appearance of the area, the host, and the adjoining property. It would conflict with Policy SCLP11.1 of the East Suffolk Council Suffolk Coastal Local Plan 2020 which seeks, amongst other things, to ensure that developments respond to local context in relation to the overall scale and character of the building and its surroundings.</p> <p>However, the Inspector does not agree that the development would result in overdevelopment of the plot, as adequate amenity area would remain.</p>
<p>Learning point / actions</p>	<p>This decision confirms the view of officers that the extension would be harmful to the character and appearance of the area. It also confirms the importance of considering the impact of the proposal on adjoining properties.</p> <p>The Inspector disagrees with the view of officers that the extension would result in overdevelopment of the plot. The decision is also useful in highlighting the importance of considering the entirety of the plot and amenity areas, in judgements on whether proposals will result in over-development.</p>

<p>Application number</p>	<p>DC/22/0351/FUL</p>
<p>Appeal number</p>	<p>APP/X3540/W/22/3297614</p>

Site	128 Carr Avenue, Leiston IP16 4AT
Description of development	<p>“I would like to move the boundary fence to the border of what is on the deeds of the property. The fence is currently running to the rear of the property which is adjacent to private car parking spaces with vehicular access for residents, this will not be moved any closer to the driveway or cause any obstruction to vehicles manoeuvring in or out of spaces. The fence then runs down to the side of the property to where it meets the house, this would be moved out to run along the pathway and extended to the front of the property. The fence will not be moved any closer to the area with vehicular access, only closer to the pathway and then extended to the front of the property. All of this will be done within the boundary deeds as per the HM Land registry document included when buying the house”</p>
Committee / delegated	Appeal against non-determination
Appeal decision date	13 December 2022
Appeal decision	Dismissed
Main issues	The effect of the proposed fence upon the character and appearance of the streets scene, including the effect on use of the adjacent footpath.
Summary of decision	<p>The footpath runs between the appeal property and no 126, providing access between the footpath to the front of the properties and a parking area to the rear. There are currently grass strips between the pathway and the garden fences on either side. The proposal would involve the relocation of the fence to enclose the majority of the grass area on 128’s side of the pathway, to incorporate it into its rear garden.</p> <p>The grass areas appear to be part of the original planning layout for the estate. As well as providing additional width to the pathway they also soften the effect of the tarmac path, brick elevations and fencing on either side. These green areas make a positive contribution to the character of the street scene and enhance user experience of the pathway.</p> <p>The loss of a large part of the green area next to the appeal property will reduce the softening effect, creating a harder urbanised appearance with a narrower, less expansive path between the properties. This harmful change would be readily</p>

	<p>apparent from the front of the properties and to those using the path.</p> <p>The Inspector concludes that the proposal would have an unacceptably harmful effect on the character and appearance of the street scene and use of the adjacent public footpath. Consequently, the proposal is contrary to Policies SCLP11.1 and SCLP11.2 of the East Suffolk (Suffolk Coastal) Local Plan,</p> <p>The inspector also notes that the appellant has maintained the grass area but confirms they can give that little weight as the application must be determined on its planning merits.</p>
Learning point / actions	This decision confirms the importance of such green areas adjacent to pathways to the character of estates.

Application number	DC/21/4834/FUL
Appeal number	APP/X3540/D/22/3306202
Site	36 Ashburnham Way, Lowestoft, Suffolk NR33 8SJ
Description of development	Front porch extension, two storey side extension, rear extension, materials
Committee / delegated	Committee
Appeal decision date	09 December 2022
Appeal decision	Dismissed
Main issues	The main issue is the effect of the extensions on the character and appearance of the host dwelling and the surrounding area, including the effect on the use of the adjacent footpath.
Summary of decision	<p>The Inspector concluded that proposals would have a harmful effect upon the character and appearance of the host dwelling and on the surrounding area but would not adversely affect the use of the adjacent footpath due to its short length, with views from one end to the other, so would not be oppressive.</p> <p>The extensions would not result in an uncharacteristic change to the built form; however it was acknowledged that there is a good degree of uniformity across the estate derived from the use of</p>

	<p>brick as the principal external material, which is part of its local distinctiveness.</p> <p>In addition, a particular feature of the estate's character and appearance are the serpentine walls which are prominent in the streetscene and the Inspector recognised that the loss of this feature, replaced by a straight, rendered wall in addition to rendering and cladding the entire dwelling would result in the property being incongruous due to its particularly prominent siting in an open setting facing the main road.</p> <p>Despite the principle of the extensions and improved parking being acceptable, the change in character from the loss of uniformity of materials and design features outweighed the other issues and would harmfully undermine the planned character and appearance of this part of the estate.</p>
Learning point / actions	This is a useful decision for reference as there is great pressure to 'modernise' the exterior of residential properties due to fashion and insulation benefits. The fact that the Inspector afforded so much weight to local distinctiveness is most welcome.

Appeals relating to Part 3 Prior Notifications

Application number	DC/21/4472/PN3
Appeal number	APP/X3540/W/22/3295257
Site	'Grimmers', Agricultural Barn south of Beccles Road (B1062), Mettingham, Bungay, Suffolk.
Description of development	The development proposed is the notification for prior approval for conversion of agricultural building to dwellinghouse within Class Q(a) and (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).
Committee / delegated	Delegated
Appeal decision date	06 January 2023
Appeal decision	Dismissed
Main issues	The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and

	Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) due to Part 6 development within the Established Agricultural Unit.
Summary of decision	<p>Mettingham Castle Farm Yard complex has benefitted from two separate agricultural prior approvals under Part 6 within the relevant time period. The nub of this appeal, therefore, is whether the appeal site at 'Grimmers' comprises the same established agricultural unit as Mettingham Castle Farm Yard.</p> <p>The appellant argued that although the three farms (Grimmers, Castle and St Johns) were under the umbrella of Carlton House Farm Partnership, they should be treated as separate farms (agricultural units) supporting different farming operations.</p> <p>The Inspector concluded that there was little evidence to support this view and concluded that the wider 'Castle House Farm' constitutes a single established agricultural unit and as Part 6 development of the construction of agricultural buildings had taken place within that unit the proposal would not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal should be dismissed.</p>
Learning point / actions	Important to be aware of the extent of the agricultural unit to be able to check whether any development under Part 6 has been carried out which may affect whether a proposal is permitted development.

Costs Decisions

Application number	
Appeal number	APP/X3540/W/21/3284043
Site	16 Lakeside Avenue, Thorpeness, Aldringham Cum Thorpe, Suffolk IP16 4NJ
Description of development	The appeal was against the refusal of planning permission for a development described as 'proposed alterations and extensions'.
Committee / delegated	N/A
Appeal decision date	18 November 2022
Appeal decision	The application for the awards of costs is refused.
Summary of decision	The appellant made a claim for an award of costs, citing multiple grounds. Officers had to spend a considerable amount of time

	<p>responding on these points and demonstrating to the Planning Inspector that the decision to refuse was well-founded, and that the application had been handled properly by the LPA.</p> <p>Part of the appellant’s argument was that former Ward Councillors behaved unreasonably and made comments that were libellous and untrue. The Inspector clarified that comments on an application, by a Ward Councillor, did not represent the position of the Council as the Local Planning Authority. This point was dismissed.</p> <p>The appellant cited extensive delays with the determination of the application as an example of unreasonable behaviour. However, the Inspector dismissed this point, noting that they could have appealed against non-determination; however, more importantly, the Inspector noted the efforts of officers to engage with the applicant/appellant, but that an impasse was reached and therefore an appeal was inevitable – and indeed the appeals process exists for those such situations.</p> <p>Amongst other matters, it was important that the Inspector dismissed the appellant’s claim that officers were in some way biased, or close-minded when considering the application:</p> <p><i>“13. In this case, the Council specifically set out its concerns in a detailed and neutral way. The judgment it reached was therefore reasoned and grounded in policy. There is nothing of substance before me to suggest Officer approached the matter with a closed mind. The indications are that the Council and appellant simply had a difference of opinions.”</i></p>
<p>Learning point / actions</p>	<p>Overall, the decision reflects that, in some instances, the Council as LPA will have to make a decision that an applicant disagrees with, and that the appeals process is sometimes unavoidable.</p> <p>A learning point for officers is to ensure that, when listing consultees within reports, to take extra care to correctly label a consultee as having either a ‘statutory’ or ‘non-statutory’ role. A mistake was made in this case and, whilst it had no bearing on the decision, it is important to reflect on that when drafting and checking reports.</p> <p>A noteworthy conclusion from the decision is that the Inspector correctly identified the role of the Planning Referral Panel and found the decision to delegate the application to be well informed:</p>

	<p><i>“12. The Referral Panel is not tasked with considering the merits of the case. Instead, it decides whether a proposal raises matters of significance that warrant the Planning Committee’s assessment. The Referral Panel would have been aware from the Officer’s report as to the weight of objections and the matters in dispute. Thus, they were adequately informed when deciding not to refer the case to the Planning Committee.”</i></p>
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CIL Decisions

Application number	DC/20/3442/FUL
Appeal number	APP/X3540/L/21/3304973
Site	Molen, Bucklesham Road, Foxhall, Suffolk IP10 0AA
Description of development	“Outdoor, detached leisure building to consist of bar area, cinema room, kitchenette and machinery store, with toilet. Demolition and new garage to be constructed in place of existing.”
Committee / delegated	N/a – CIL APPEAL
Appeal decision date	22 December 2022
Appeal decision	The appeal is dismissed, and the surcharges are upheld.
Main issues	<p>The main issue was the ground of appeal, which was that the Charging Authority (ESC) failed to serve a Liability Notice in respect of the developments to which the surcharges relate.</p> <p>Regulation 65(1) states that the Council must issue a Liability Notice as soon as practicable after the day on which planning permission first permits development.</p>
Summary of decision	<p>ESC issued a Liability Notice by post on the applicant on 13 November 2020, and the required CIL forms 2, 8 and 9 were received by ESC as charging authority on 1 December 2020. The applicant also confirmed by email that they agreed the declarations within the exemption forms and the charging authority applied exemptions.</p> <p>A revised Liability Notice was then issued 10 December 2020 to the liable party by email which also included a reminder to submit the CIL Form 6 (Commencement Notice) at least 24 hours prior to the commencement of the development.</p> <p>The applicant considered that the Liability Notice should have been served on his agent. However, the applicant clearly</p>

	<p>engaged with the CIL process and was in correspondence with the CIL section at ESC. The applicant had also accepted liability for CIL.</p> <p>The Inspector raised concern regarding the lack of proof of postage for the first liability notice but was satisfied that the second Liability Notice had been served correctly in this case, and there was proof of this taking place as it was sent via email. Therefore, the appeal had to fail.</p> <p>The Inspector dismissed the appeal and the surcharges of £2500 were upheld.</p>
<p>Learning point / actions</p>	<p>The importance of evidencing how CIL Liability Notices are served is key, in order to demonstrate that the correct “service” process has been followed.</p> <p>Where larger sums are required, and where debt recovery actions are reaching latter stages of recovery, CIL Notices are now served through ‘signed for’ postal services in order to demonstrate the “service” of key documents.</p>