

Appendix A

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

The appeal decisions summarised in this appendix are categorised and set out in the following sections (click on a bullet point to jump to that section):

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13. [Appeals against Community Infrastructure Levy \(CIL\) Decisions](#)
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Within each section the appeal decisions are listed in date order based upon the date of the appeal decision issued by the Planning Inspectorate.

[Appeals against Refusal of applications for Planning Permission for 'Major' development](#)

This section relates to appeals against the refusal of Planning permission for 'Major' developments, that is applications for 10 or more dwellings, more than 1,000sqm of floorspace or site area greater than 1ha.

There were no appeals of this type during this reporting period.

[Appeals against Refusal of applications for Planning Permission for 'Minor' development](#)

This section relates to appeals against the refusal of Planning Permission for 'Minor' developments, that is applications for up to 9 dwellings, up to 1,000sqm of floorspace, site area less than 1ha.

Application number	DC/23/0767/FUL
Appeal number	APP/X3540/W/23/33321317
Site	Apartment 4, St Georges House, The Esplanade, Lowestoft, Suffolk, NR33 0QG
Description of development	Retrospective Application - Change from French doors to Bi-fold doors.
Committee / delegated	Delegated
ESC Decision Date	25 April 2023
Appeal valid date	01 August 2023
Appeal start date	17 October 2023
Appeal decision date	11 December 2023
Appeal decision	Dismissed
Appeal Procedure	Written Representation
Main issues	The impact of the retrospective development upon the character and appearance of the South Lowestoft Conservation Area.
Summary of decision:	The widening of this window and the introduction of contemporary bi-fold doors has disrupted the balanced proportions to the openings on this elevation and eroded some of its original architectural character and were not deemed to be particularly high standard of design. The development therefore conflicts with Policy WLP 8.39. Additionally, the CA Appraisal identifies that the building as a non-designated heritage asset, and the development fails to conserve or enhance its character and appearance as such conflicting with Policy WLP 8.37.
Learning point / actions:	Poor development in Conservation Areas should be refused.

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Application number	DC/22/3201/OUT
Appeal number	APP/X3540/W/23/3315931
Site	Oak Tree Farm, Newbourne Road, Martlesham, IP12 4PR
Description of development	Replacement of three existing outbuildings with a single bungalow style dwelling (C3) of a smaller footprint
Committee / delegated	Delegated
ESC Decision Date	4 October 2022
Appeal valid date	28 March 2023
Appeal start date	19 May 2023
Appeal decision date	21 December 2023
Appeal decision	Dismissed
Appeal Procedure	Written Representation
<p>Main issues</p> <ul style="list-style-type: none"> - Whether the location of the site would be a suitable location for a dwelling with regard to the spatial strategy of the Local Plan - Whether there would be suitable access to local services and facilities - Effect of the proposal on highway safety, specifically with regard to the access 	
<p>Summary of decision:</p> <ul style="list-style-type: none"> - Although close to the Settlement Boundary, the location of the proposed dwelling would not result in urban creep and not accord with the spatial strategy of the Local Plan, nor the Neighbourhood Plan - The proposed dwelling would have limited access to services and facilities by sustainable means thereby conflicting with the aims of the Local Plan seeking to locate development close to services and facilities and also the sustainable transport objectives within the NPPF - Insufficient evidence has been provided to demonstrate there would be safe and suitable access for all, contrary to the Local Plan and NPPF 	
<p>Learning point / actions:</p> <p>Just because development might be near to a larger settlement (in this case Brightwell Lakes), it does not mean that it is suitable for development.</p> <p>The Inspector noted harm caused by ‘urban creep’.</p> <p>Suggestion by the appellant that a conversion may be possible was given neutral weight given conversion applications are considered differently</p>	

Application number	DC/22/3881/OUT
Appeal number	APP/W3540/W/23/3314696
Site	Grange Nurseries, Jackson Road, Newbourne, IP12 4NR
Description of development	A dwelling (all matters reserved)
Committee / delegated	Delegated
ESC Decision Date	24 November 2022
Appeal valid date	28 February 2023
Appeal start date	9 May 2023
Appeal decision date	4 January 2024
Appeal decision	Dismissed
Appeal Procedure	Written Representations
Main issues	
Whether the location of development would be suitable with particular regard to its impact on the character and appearance of the former Land Settlement Associations Holding (LSAH).	
Summary of decision:	
<ul style="list-style-type: none"> - Development would not be in a suitable location and would result in harm to the character and appearance of the former LSAH conflicting with the spatial strategy for development and seek to protect the former LSAH. There would also be conflict with SCLP11.1 which requires development shows understanding of key features of local character. 	
Learning point / actions:	
<ul style="list-style-type: none"> - Site noted as being within Countryside and within a cluster however conflict with SCLP5.4(d) and SCLP11.9(e) and (f) noted in relation to impact on local character 	

Application number	DC/22/2547/OUT
Appeal number	APP/X3540/W/23/3318779
Site	29 High Road East, Felixstowe, IP11 9JS
Description of development	Outline Application (All Matters Reserved) - Demolition of two flats, construction of two houses and two bungalows, new access with existing access stopped up.
Committee / delegated	Delegated
ESC Decision Date	22 December 2022
Appeal valid date	27 May 2023
Appeal start date	15 June 2023
Appeal decision date	08 January 2024
Appeal decision	Dismissed
Appeal Procedure	Written Representations
<p>Main issues</p> <p>The main issues are the effect of the proposed development on:</p> <ul style="list-style-type: none"> • the character and appearance of the area; • the living conditions of neighbouring occupiers with particular regard to noise; • the living conditions of future occupiers with regard to privacy; and bats. 	
<p>Summary of decision:</p> <p>The proposal would result in significant adverse harm to the character and appearance of the area. As such, it would fail to comply with Policies SCLP5.7; SCLP10.4; and SCLP11.1 of the Local Plan insofar as they seek to ensure high quality design that is informed by local landscape character and that development in back gardens should not harm the character of the area.</p> <p>Although the application is outline in nature with all matters reserved, submitted plans show a shared vehicle access along the boundary with No. 31 High Road East and an associated parking area. While the location of the access and parking area would be a reserved matter, due to the nature and shape of the site it remains that this noise would likely occur in close proximity to boundaries with either No. 27 or No. 31 High Road East. In any event, even if set back from these boundaries it would be of a level over and above that to be expected on a site of this size within the area. It would result in undue disturbance arising from sources such as increased vehicular movements, engines starting and running, and car doors closing and slamming that would be readily experienced by immediate neighbours, impacting their living conditions. The proposal would result in significant adverse harm to the living conditions of neighbouring occupiers with regard to noise and disturbance. As such, it</p>	

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would fail to comply with Policies SCLP5.7 and SCLP11.2 of the Local Plan insofar as they seek to ensure that development does not harm the residential amenity of existing occupiers with regard to noise.

Learning point / actions:

The Inspector agreed with the points raised by officers within the delegated decision, in that the proposal would result in backland development which is out of context with the surrounding character of development and that the development would also result in an unacceptable impact to residential amenity as a result.

Application number	DC/22/1763/FUL
Appeal number	APP/X3540/W/23/3317919
Site	Ivy Meadow, The Street, Bredfield, IP13 6BA
Description of development	Construction of 5no. residential dwellings associated parking and vehicle access at Ivy Meadow.
Committee / delegated	Delegated
ESC Decision Date	09 September 2022
Appeal valid date	02 May 2023
Appeal start date	16 June 2023
Appeal decision date	16 January 2024
Appeal decision	Allowed with conditions
Appeal Procedure	Written Representations
Main issues	
<p>i) the effect of the proposed development upon character and appearance of the area;</p> <p>ii) the effect of the proposed development upon the setting of the Grade II listed building, Tudor Cottage; and</p> <p>iii) the effects on the integrity of the Suffolk Coast RAMS Zone of Influence of the Sandlings SPA; Deben Estuary SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site.</p>	
Summary of decision:	
<p>The proposed development would not have a harmful effect upon character and appearance of the area as it seeks to provide a good standard of design which respects and relates to the character and context of the area; as required by SCLP11.1.</p> <p>The harm to the significance of the heritage asset (Tudor Cottage) would be less than substantial. In this respect, the Inspector gave considerable importance and weight to the desirability to preserve the heritage asset and its setting. Five dwellings would make a modest contribution to the Council's housing land supply and add variety to house types, on a site allocated for development in the NP. There would be social and economic benefits associated with the proposal relating to construction employment and spend within the local economy once the dwellings are occupied. Across the site frontage the proposal would include a footway link to the village. This would provide an alternative to walking on the road between a few houses and the village, and therefore would provide a safer route for pedestrians. The Inspector therefore found that the public benefits outweighed the level of harm identified and accords with LP policies SCLP11.1, SCLP3.2 and SCLP11.3.</p>	

The RAMS payment had been secured upfront and as such the Inspector concluded that the integrity of the Suffolk Coast RAMS Zone of Influence of the Sandlings SPA; Deben Estuary SPA and Ramsar site and Alde-Ore Estuary SPA and Ramsar site would not be harmed by the development

Learning point / actions:

In this instance, the public benefits of the proposal outweighed the harm identified to a designated heritage asset; even where some of the benefits identified were not secured by means of planning condition as part of the appeal.

Application number	DC/22/3184/FUL
Appeal number	APP/X3540/W/23/3324086
Site	29 Lower Olland Street, Bungay, Suffolk, NR35 1BY
Description of development	Conversion of commercial building to 2no. residential properties
Committee / delegated	Delegated
ESC Decision Date	19 December 2022
Appeal valid date	14 June 2023
Appeal start date	3 October 2023
Appeal decision date	08 February 2024
Appeal decision	Appeal dismissed
Appeal Procedure	Written representations
<p>Main issues</p> <ul style="list-style-type: none"> • Whether the proposal would preserve or enhance the character or appearance of the Bungay Conservation Area (CA) and its effect on the significance of the non-designated heritage asset; • The effect of the proposed development on biodiversity, with regard to protected species (Bats); and • Whether the proposal would provide adequate waste and recycling storage facilities. 	
<p>Summary of decision:</p> <p>The Inspector concluded:</p> <ul style="list-style-type: none"> • The site is on one of the main approaches into the Town Centre and the former fire station retains much of its original form, with few alterations. The building is distinct in the locality and derives its significance from its stylish design and former use as a fire station serving the local area. Development at the site would have a high visual impact given the visual prominence of the site. Such unsympathetic works to convert the building would cause unacceptable harm to the Bungay Conservation Area. Such harm would be less than substantial, but the harm is to be weighed against the public benefits of reusing an existing building and the small contribution of housing supply of two dwellings. The Inspector was not persuaded that the scheme represents the only way of securing the building's future, and that the associated public benefits are limited in scale, and would not outweigh the harm to the CA and the NDHA. The scheme would fail to preserve or enhance the character and appearance of the Bungay Conservation Area and would unacceptably harm the significance of the Non-Designated Heritage Asset, contrary to policies WLP8.29, WLP8.38 and WLP8.39, and policy CH1 of the Bungay Neighbourhood Plan, and the National Planning Policy Framework (paragraph 209). 	

- A Preliminary Ecological Appraisal (PEA) was commissioned by the appellant in June 2023 following the formal decision notice by the LPA. The survey found suitable roosting features within the building, albeit the building was assessed as having low value to roosting bats – a protected species under the Wildlife and Countryside Act (Act) and as a European Protected species under the Conservation of Habitats and Species Regulations (2017). The appellant provided no evidence to demonstrate emergence or re-entry surveys for bats, to demonstrate the absence or otherwise of bats or that their presence can be mitigated. It was not satisfactorily demonstrated that the development would have no harm on biodiversity, contrary to policy WLP8.34 and the National Planning Policy Framework (paragraph 186 (a)).
- External space at the appeal site is limited, due the adjacent footway to the front/side and by a narrow rear passageway adjoining the neighbouring property at Grace Cottage. No details were submitted for the location of waste/recycling storage. Given the constraints of the site, including its location in the CA, it could not be certain that adequate waste/recycling storage within a suitable position could be provided. The development therefore conflicts with policy WLP8.29.

Learning point / actions:

- Public benefits of re-using the building for 2 dwellings, and small contribution to housing supply, did not outweigh the harm to the Conservation Area and the Non-designated Heritage Asset;
- Lack of evidence in the form of follow-up ecology surveys to assess the potential impacts on European Protected Species;
- Site constraints restricted adequate space for refuse/recycling storage, and such details could not be secured by condition.

Application number	DC/22/4737/FUL
Appeal number	APP/X3540/W/23/3323835
Site	840 Foxhall Road, Ipswich
Description of development	Single storey dwelling utilising existing garage and vehicular entrance.
Committee / delegated	Delegated
ESC Decision Date	21 April 2023
Appeal valid date	22 September 2023
Appeal start date	27 September 2023
Appeal decision date	6 March 2024
Appeal decision	Dismissed
Appeal Procedure	Written reps
<p>Main issues</p> <p>The main issues are the effect of the proposal on a) the character and appearance of the area, and b) the living conditions of occupiers at 2A Brookhill Way, with particular regard to outlook.</p>	
<p>Summary of decision:</p> <p>The dwelling would occupy a noticeably set back position with no road frontage. It would therefore fail to reflect the surrounding context and the prevalent pattern of development in that it would result in undesirable and inappropriate back-land development in an area where properties predominantly have strong road frontages.</p> <p>It's incongruous and inappropriate siting, along with the introduction of a significant mass which fills much of the width of the resultant plot and would be within close proximity to a tight-knit cluster of adjacent built form, would cause the proposal to appear cramped and contrived. It would detract from the large rear gardens of properties on Foxhall Way and thus fail to complement or respond positively towards the spacious characteristics of this part of the area.</p> <p>The proposal would harm the character and appearance of the area and would conflict with policies SCLP5.7, SCLP10.4 and SCLP11.1 of the East Suffolk Council, Suffolk Coastal Local Plan (September 2020) (the SCLP) and Policy RSA 9 of the Rushmere St Andrew Neighbourhood Plan 2018-2036 (made June 2023).</p>	

The proposal would also harm the living conditions of occupiers at No 2A by reason of being overbearing to their outlook. It therefore conflicts with policies SCLP5.7 and SCLP11.2 of the SCLP which, along with paragraph 135 of the Framework, seek to ensure that developments do not result in an unacceptable loss of amenity for existing occupants.

Learning point / actions:

The assertion that the proposal would create a single storey home to allow the appellants to live together in future years without the need for external care gave the inspector cause to review the Public Sector Equality Duty contained in section 149 of the Equality Act 2010; which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age.

Nevertheless, it was found that the space to the side and rear of 840 Foxhall Road is of a substantial size and the inspector was therefore unconvinced that the host property could not be appropriately adapted to achieve the aim of providing single level accommodation. A refusal of planning permission was therefore found a proportionate and necessary response to the legitimate aim of ensuring that the character and appearance of the area and the living conditions of neighbouring occupiers can be reasonably safeguarded.

[Appeals against Refusal of applications for Planning Permission for 'Other' developments](#)

This section relates to appeals against the refusal of Planning Permission for 'Other' developments, that is applications for changes of use with no physical works and/or householder applications.

Application number	DC/23/3368/FUL
Appeal number	APP/X3540/D/23/3332478
Site	21 Blinco Road, Lowestoft, Suffolk NR32 3PB
Description of development	First floor extension above garage and utility and conversion of existing garage.
Committee / delegated	Delegated
ESC Decision Date	25 October 2023
Appeal valid date	23 January 2023
Appeal start date	10 November 2023
Appeal decision date	29 November 2023
Appeal decision	Dismissed
Appeal Procedure	Fast track Householder written reps
Main issues	The effect on the character and appearance of the area
Summary of decision:	The dwellings are in the main quite evenly and closely spaced. This proposal would bring adjacent houses at Nos. 21 and 23 much closer together than is generally the case along this street. The scheme would erode the presently quite consistent degree of built separation along this residential street, which currently preserves a degree of openness that contributes positively to its present character, failing to respond to local context in respect of the spatial relationship between buildings prevailing in the wider street scene.
Learning point / actions:	Recognises the importance of spatial relationship, as expected by compliance with Policy WLP8.29

Application number	DC/22/4469/FUL
Appeal number	APP/X3540/D/23/3322190
Site	8a Hartington Road, Aldeburgh, IP15 5HD
Description of development	First floor rear extension
Committee / delegated	Delegated
ESC Decision Date	24 February 2023
Appeal valid date	17 May 2023
Appeal start date	7 June 2023
Appeal decision date	14 December 2023
Appeal decision	Dismissed
Appeal Procedure	Householder Fast-track appeal
<p>Main issues Impact on the character and appearance of the area and the impact on living conditions of neighbours to the west, particularly in respect of outlook and privacy</p>	
<p>Summary of decision: While the proposed design was considered acceptable given its modern, lightweight appearance as a contemporary addition to the dwelling, the scale and proximity of the proposed extension with windows facing towards the neighbouring property to the west was considered to result in a feeling of being overlooked, loss of privacy and loss of outlook from the garden space.</p>	
<p>Learning point / actions: Feeling of being overlooked noted by the Inspector as a concern (as well actual loss of privacy). Inspector noted affected neighbouring residents had not objected however impacts would reduce quality of living conditions.</p>	

Application number	DC/22/3931/FUL
Appeal number	APP/X3540/D/23/3316077
Site	Journeys End, Marsh Lane, Felixstowe IP11 9RR
Description of development	Retrospective Application for a previously built ancillary annex adjoined to applicants workshop.
Committee / delegated	Delegated
ESC Decision Date	06 December 2022
Appeal valid date	13 March 2023
Appeal start date	12 April 2023
Appeal decision date	18 December 2023
Appeal decision	Allowed with Conditions
Appeal Procedure	Fast Track Appeal
<p>Main issues</p> <p>The main issue is whether the development constitutes an ancillary residential annexe or whether it would be tantamount to a separate independent dwelling.</p> <p>The annexe is in separate ownership from the host dwelling.</p>	
<p>Summary of decision:</p> <p>The Inspector concluded that the development constitutes an ancillary residential annexe and is not a separate independent dwelling. The Inspector has stated that although land ownership is a factor, it is not in itself conclusive that it is occupied or used separately, rather, it is a matter of fact and degree.</p> <p>The Inspector has concluded that the dwelling and garden, including the annex, form a single planning unit; whilst severed by ownership, the annex is not severed as a planning unit. The Inspector has also noted that same ownership is not a requirement of Policy SCLP5.13.</p>	
<p>Learning point / actions:</p> <p>Annex buildings do not necessarily need to be within the same ownership as the dwellinghouse. Although land ownership is a factor, whether an annex is occupied or used separately is a matter of fact and degree.</p>	

Application number	DC/22/4249/FUL
Appeal number	APP/X3540/W/23/3317733
Site	White House Farm, Stoney Road, Grundisburgh, Woodbridge, Suffolk, IP13 6RR
Description of development	Change of use of land to site storage container and two Portakabins for dress hire business and storage of musical equipment with associated office (Class E & B8)
Committee / delegated	Delegated
ESC Decision Date	26 October 2022
Appeal valid date	24 May 2023
Appeal start date	15 August 2023
Appeal decision date	4 January 2024
Appeal decision	Allowed
Appeal Procedure	Written Representation
Main issues	
<p>The main issue is whether this is an appropriate location for the proposed development, having regard to Local Plan policies.</p>	
Summary of decision:	
<p>The Inspector considered that the proposal accorded with SCLP4.5 in that it would make provision for two existing local businesses and the continued employment of the appellant in accordance with this policy. Furthermore the Inspector found the proposal in accordance with SCLP4.7 as the rental income from the proposed businesses would help to provide a dependable and consistent income to the farm operator, it would contribute to the viability of the farm as a whole and its continued operation. The Inspector put weight on the type of business including the personalised storage containers which the applicant uses for their business, there was considered a need for a site to be able to accommodate these containers in order for the business to function. In terms of the sequential test the Inspector accepted the evidence which was written letters to the landlords and a map showing the availability of other storage sites. The cost of other sites was also taken into account.</p> <p>The Inspector considered that the appeal site is over 50m from White House Farmhouse is a grade II listed building, with outbuildings located between the site and the listed building. Given the distance and position of the proposed development in relation to the designated heritage asset and the presence of farmyard buildings between them, the proposal would preserve the setting of the farmhouse and its significance would not be harmed.</p>	

When considering conditions the Inspector notes In terms of the Council's suggested condition restricting the use of the premises to the businesses operated by the appellant, the decision to grant planning permission does not reflect any personal circumstances of the appellant. Therefore, such a condition would not be necessary or reasonable.

Learning point / actions:

The Inspector considered the attributes of the business in terms of its portacabin and cost implicants which were significant in the sequential test when looking at other sites.

Application number	DC/23/2141/FUL
Appeal number	APP/X3540/D/23/3328343
Site	Linden Cottage, 3 Lamberts Lane, Rushmere St Andrew, Ipswich IP5 1DR
Description of development	Demolition of single storey attached outbuildings to east (Lamberts Lane) and construction of part first floor (over existing single storey) and part 2 storey extensions to rear (West) and side (North) of existing building, together with associated internal and external alterations. Works to include external works, improvements to existing driveway/hardstanding and new surface water soakaway.
Committee / delegated	Delegated.
ESC Decision Date	08 August 2023
Appeal valid date	10 September 2023
Appeal start date	14 November 2023
Appeal decision date	19 January 2024
Appeal decision	Dismissed
Appeal Procedure	Fast Track
Main issues	
The main issue is the effect of the proposed north side extension on the character and appearance of the host dwelling and surrounding area.	
Summary of decision:	
The Inspector concluded that the proposed north side extension would have a harmful effect on the character and appearance of the host dwelling and surrounding area, contrary to Policy SCLP11.1 of the Suffolk Coastal Local Plan (adopted September 2020), which, amongst other things, requires the design of development to demonstrate a clear understanding of the character of the built environment and use this understanding to complement local character and distinctiveness, and respond to local context and form of buildings.	
Learning point / actions:	
The inspector placed emphasis on the requirement for extensions and alterations to respect the character and design of the original building.	

[Appeals against conditions included on a Planning Permissions](#)

There were no appeals of this type during this reporting period.

[Appeals against the refusal of Variation or Removal of Conditions](#)

There were no appeals of this type during this reporting period.

Appeals relating to Prior Notification Applications under Part 1 of the Town and Country Planning General Permitted Development Order 2015 (as amended) (i.e. Householder rear or upwards extensions)

There were no appeals of this type during this reporting period.

[Appeals relating to Prior Notification Applications under Part 3 of the Town and Country Planning General Permitted Development Order 2015 \(as amended\) \(i.e. changes of use with and without physical works\)](#)

Application number	DC/22/2336/P3Q
Appeal number	APP/X3540/W/23/3314883
Site	Agricultural Building opposite Johnsons Farm, Kelsale
Description of development	Prior Notification – conversion of agricultural barn to residential
Committee / delegated	Delegated
ESC Decision Date	4 August 2022
Appeal valid date	29 March 2023
Appeal start date	15 June 2023
Appeal decision date	19 January 2024
Appeal decision	Dismissed
Appeal Procedure	Written Representations
<p>Main issues</p> <ul style="list-style-type: none"> - Whether the proposal is permitted development - Whether prior approval should be given in respect of highways and transport - Whether prior approval should be given in respect of contamination - Effect on ecology 	
<p>Summary of decision:</p> <p>Works required for conversion would be extensive including replacement roof and most of the walls. Insufficient evidence was submitted to demonstrate that the proposed works would fall within the scope of Class Q.</p> <p>Other matters were not considered as proposal was not deemed to be permitted development</p>	
<p>Learning point / actions:</p> <p>Inspector sets out that the onus is on the developer to demonstrate compliance with Class Q.</p> <p>A structurally sound building is not alone sufficient to demonstrate compliance with Q.1.</p>	

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[Appeals relating to Prior Notification Applications under Part 6 of the Town and Country Planning General Permitted Development Order 2015 \(as amended\) \(i.e. agricultural works\)](#)

Application number	DC/23/1662/AGO
Appeal number	APP/X3540/W/23/3323933
Site	Holly Tree Farmhouse, Bell Green, Cratfield, Halesworth, Suffolk, IP19 0DN
Description of development	Prior Notification (Agricultural) - Agricultural Storage Building
Committee / delegated	Delegated
ESC Decision Date	23 May 2023
Appeal valid date	27 September 2023
Appeal start date	03 October 2023
Appeal decision date	23 February 2024
Appeal decision	Dismissed
Appeal Procedure	Written representations
Main issues	
<p>The main issue in this case is whether the proposed development would be granted planning permission under Part 6 Class A of the GPDO due to the size of the agricultural unit which is required to be larger than 5 hectares in size. The application was refused on the basis of the agricultural unit falling below 5 hectares in size.</p>	
Summary of decision:	
<p>The measured survey of the agricultural unit was submitted as 5.19 hectares. The inspector agreed with the Council that an area of land measuring 0.6 hectares included within the area of the agricultural unit was not in use for agriculture nor were the buildings within that area occupied for the purpose of farming the land. Therefore, that part of the site does not fall within the GPDO definition of agricultural land and do not form part of the agricultural unit.</p> <p>Therefore, the agricultural unit is less than 5 hectares, and the proposed development is not permitted by Part 6 Class A of the GPDO.</p>	
Learning point / actions:	
None of note.	

[Appeals relating to applications for Advertisement Consent \(i.e. signs/advertisements requiring consent under the Advertisement Regulations 2007 \(as amended\)\)](#)

Application number	DC/23/1171/ADI
Appeal number	APP/X3540/Z/23/3328633
Site	Shell Garage, 199 Normanston Drive, Lowestoft, Suffolk, NR32 2PY
Description of development	Illuminated Advertisement Consent - 5m EV totem pole sign
Committee / delegated	Delegated
ESC Decision Date	02 August 2023
Appeal valid date	04 October 2023
Appeal start date	07 November 2023
Appeal decision date	11 December 2023
Appeal decision	Allowed
Appeal Procedure	Written Representation
Main issues	The effect of the advertisement on the visual amenity of the area.
Summary of decision:	The inspector did not consider the proposed and existing totem signs amount to a harmful proliferation. Nor did they agree there would be any serious adverse impacts to the amenity of the area when the signage is viewed in the context of the buildings, pumps, canopy and other paraphernalia entirely typical of a filling station.
Learning point / actions:	None of note

[Appeals relating to applications for Listed Building Consent](#)

There were no appeals of this type during this reporting period.

[Applications relating to Certificates of Lawfulness](#)

There were no appeals of this type during this reporting period.

[Applications relating to Enforcement Notices](#)

There were no appeals of this type during this reporting period.

[Appeals against High Hedge Notices](#)

Case Number	ENF/22/0229/OTHER
Appeal number	APP/HH/2113
Site	43 Pier Avenue, Southwold, Suffolk, IP18 6BU
Description of development	Appeal against High Hedge Remedial Notice
Committee / delegated	Delegated
Date of High Hedge Notice	31 October 2022
Appeal valid date	26 August 2023
Appeal start date	26 August 2023
Appeal decision date	06 February 2024
Appeal decision	Allowed in part and varied
Appeal Procedure	Written Representations
Main issues	<p>Appeal against Councils High Hedge Remedial Notice</p>
Summary of decision	<p>At the time of the Inspectors site visit, the hedgerow had been significantly reduced from the height at the time when ESC had served the notice. It was around 11m in height at the time when the notice was served, and around 4.5-5m in height at the time of the Inspectors visit.</p> <p>The Inspector agreed that as the height was measured at around 11m and the Action Hedge Height (AHH) was calculated at 5.5m, it was reasonable for the Council to conclude that the hedge was having an adverse effect on the enjoyment of No 45.</p> <p>The appellant sought to argue that ESC was in error in treating French doors with glazed panels on each site as the same window. However, the Inspector saw no error with this approach, explaining that glazing bars, mullions and door posts are not generally considered sufficient separation to lead to adjacent panes of glass being considered as separate windows.</p>

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The Inspector noted that the hedgerow had already been significantly reduced in height following the serving of the notice, and although there were some shoots from the cut stem and branches, they considered that further reductions in canopy height could be detrimental to the hedge's future health as it would further remove live canopy and the ability of the plants to regenerate.

The Inspector therefore concluded that it would be inappropriate to require further substantive pruning to the conifers main stems and that the Notice is broadly appropriate and proportionate.

As the main stems had already been cut at a height which is some distance below the required 5.5m, the Inspector amended the initial cut to 5m. The Inspector was satisfied this is higher than the height of the cut main stem. The preventative height in the notice was also revised to 5.25m. The Inspector acknowledged that this does not give much margin for growth but reflects their estimation of the current situation.

In final conclusion the Inspector's decision states:

"Minor errors in the Council's Notice, which I have rectified, the Notice was not flawed to any significant degree and provided an appropriate and proportionate remedy. Moreover, I have to find a balance between the parties. The hedge-owner is also entitled to reasonably expect that they can develop and maintain No 43's garden in a manner that they choose, and that works required do not exceed what can be justified under the Act and the guidance"

Learning point / actions

Officers were correct to count the French doors with glazing on either side as the same window for the purposes of calculating the Action Hedge Height.

[Appeals against Community Infrastructure Levy \(CIL\) Decisions](#)

There were no appeals of this type during this reporting period.

[Applications for the award of costs \(submitted alongside one of the appeals reported above\)](#)

There were no appeals of this type during this reporting period.