

## 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'

<b>Application number</b>	DC/20/1831/OUT
<b>Appeal number</b>	APP/X3540/W/22/3300310
<b>Site</b>	Land off St Andrews Place and Waterhead Lane, Melton, Woodbridge, Suffolk IP12 1QX
<b>Description of development</b>	Outline Application with Some Matters Reserved - Residential development of up to 55 dwellings, with access off St Andrews Place
<b>Committee / delegated</b>	Committee
<b>Appeal decision date</b>	16 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	Whether the proposed development would provide suitable, safe and convenient access to the development proposed, the impact on local traffic conditions, and whether it would provide adequately for the use of transport other than the private car.
<b>Summary of decision</b>	<p>On-street parking and narrow width of the carriageway, combined with tight bends to access the application site could prove tricky during the construction phase. However, there is no doubt that St Andrew's Place would be able to cater for normal day to day traffic associated with the number of dwellings proposed. The configuration of the streets does not encourage anything other than slow and careful driving there would be adequate safety post construction with the traffic flows generated.</p> <p>There will be additional use of the Station Road and Wilford Bridge Road junctions however any delays at these junctions cannot be described as significant. Similarly, although the extra journeys in motor vehicles would be likely to have an impact on the functioning of the traffic light controlled junction in Melton, it is equally clear that any delays and increased congestion would be relatively modest.</p> <p>The off-site works include improvements to footways to make access on foot to Wilford Bridge Road more convenient. This in turn would enable access to the bus stops nearby, and to Melton railway station. The walk from the appeal site to the bus stops or</p>

	Melton Station via St Andrew's Place is easy and takes just a few minutes. The proposed scheme would provide sufficient opportunity for residents to travel other than by private vehicle.
<b>Learning point / actions</b>	It was a finely balanced decision however it was noted that the use of this access would also avoid there being a single access to the wider allocated land, as required by policy. Also, minor disruption during the construction period is unlikely to lead to unsafe highway conditions because of the configuration of the roads and resultant slow speeds and there would not be a severe cumulative residual impact on the road network therefore in NPPF terms there are no grounds to refuse planning permission.

<b>Application number</b>	DC/21/3016/FUL
<b>Appeal number</b>	APP/X3540/W/22/3301868
<b>Site</b>	Land west of Norwich Road, Halesworth, Suffolk
<b>Description of development</b>	Assisted Living Development (Class C2) comprising 80 Assisted Living Units, Communal/Health facilities, access, roadways, parking, open space and landscaping.
<b>Committee / delegated</b>	Delegated.
<b>Appeal decision date</b>	23 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	Whether or not the appeal site is an appropriate location for an assisted living development, having regard to local and national planning policy and guidance, in particular Policy WLP1.2 of the LP; and, whether or not the proposal makes adequate provision for affordable housing, with particular regard to Policy WLP8.2 of the LP.
<b>Summary of decision</b>	<p>Location The site lies outside the settlement boundary, but it was common ground it was in an accessible location with good access to services and facilities.</p> <p>Policy WLP1.2 lists the types of development that will not be permitted in the countryside, including residential development. The footnote to WLP1.2 confirms that 'residential development' is that falling within use classes C3 and C4. The Inspector did not accept the Council's case that the meaning of residential development includes use class C2. There was the option to</p>

	<p>include C2 extra care housing in the list of development not permitted in the countryside had the Council, or the Local Plan Inspector, wished to do so. But they did not.</p> <p>The need for extra care accommodation is not a relevant consideration as there is no policy basis for requiring that need be demonstrated.</p> <p>The proposal for a use class C2 development outside of a defined settlement boundary does not conflict with Policy WLP1.2 of the LP or the overall spatial strategy. The appeal site is, therefore, an appropriate location for an assisted living development.</p> <p><b>Affordable Housing</b>  The S106 secures a commuted sum payment for affordable housing which equates to 13% of the proposed homes (as the only viable approach) but Policy WLP8.2 requires 30%. The policy states that a reduction will only be acceptable where the scheme has 'wider sustainability benefits'. Wider sustainability benefits are not defined in the policy.</p> <p>The proposal would result in a number of sustainability benefits, including the provision of public open space, a new cycle route and job creation. It is also in an accessible location.</p> <p>The benefits do not go beyond normal benefits applying to a proposal of this type. However, the proposal also secures: biodiversity net gain for hedgerows and habitats; Health and well being benefits for occupants with knock-on positive effects on the NHS through reduced demand for services and freeing up existing family sized housing.</p> <p>These benefits go beyond the proposal and the site itself and are therefore wider sustainability benefits. They outweigh the modest shortfall in affordable housing of 17%.</p>
<p><b>Learning point / actions</b></p>	<p>The appeal Inspector did not accept the Council's interpretation of the footnote to Policy WLP1.2 and therefore it would be beneficial to continue to reflect on the policy in relation to proposals falling within Use Class C2.</p>

Planning Appeals relating to 'Minors'

<b>Application number</b>	DC/21/3393/FUL
<b>Appeal number</b>	APP/X3540/W/22/3296951
<b>Site</b>	146 Kirton Road, Trimley St Martin
<b>Description of development</b>	Proposed café, wool-stores and workshop.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	21 February 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	<ul style="list-style-type: none"> <li>• Whether the proposal would be in a suitable location for new retail and commercial uses having regard to local and national policy; and</li> <li>• The effect of the proposal on the character and appearance of the area having regard to a nearby tree.</li> </ul>
<b>Summary of decision</b>	<p>The development includes a new building comprising retail development and a café which would fall within main town centre uses as set out in the Framework.</p> <p>The appeal site is situated in a rural location and the proposal would fail to accord with policies SCLP4.5b (economic development in the rural areas) and SCLP4.8 (New retail and commercial leisure development) by virtue of it being within a village and away from any town, district or local centre.</p> <p>No evidence was provided towards assessing alternative locations which could be sequentially preferable to the appeal site, as required by the Framework. Therefore, the proposal would fail to accord with the expectations of Policy SCLP4.8 and paragraph 87 of the Framework in this regard.</p> <p>There is no evidence that there would be a sufficient scale of population within the community to support the proposal and, while a café would be capable of providing a meeting place for isolated residents, this would provide only a limited social benefit.</p> <p>Support for local economic development that the proposal would provide through local spending and job creation would also result in a limited economic benefit.</p>

	<p>Taken together, the proposal would not be in a suitable location for new retail and commercial uses having regard to local and national policy.</p> <p>The positioning of the proposal would be located beneath part of the canopy of a large mature oak tree which lays just outside the site boundary. The oak is a highly visible feature in the street scene due to the absence of any other significant scale trees in the area.</p> <p>The appeal site's settlement edge location where development transitions into more open countryside means that the tree makes a significant positive contribution to the transition between the developed area and countryside and thereby the character of the area.</p> <p>The proximity of the proposed building is such that damage to the root system during construction cannot be ruled out and an adverse impact on the tree avoided and the appellant has not provided any evidence that the proposal would not result in harm to the oak tree.</p> <p>As such, it is found that the proposal would result in a harmful effect on the character and appearance of the area having regard to a nearby tree. As such, the proposal would fail to accord with Policies SCLP10.4 (Landscape character), SCLP11.1 (Design Quality), SCLP12.34 (Strategy for the rural areas) which collectively seek to ensure development proposals will be expected to demonstrate their location, scale, form design and materials will protect and enhance distinctive landscape elements including trees and take account of any important landscape features and provide enhancements for biodiversity.</p> <p>The proposal would also fail to accord with paragraph 174(b) of the Framework which seeks for planning decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefit from natural capital and ecosystem services, including, amongst other things, trees.</p>
<p><b>Learning point / actions</b></p>	<ul style="list-style-type: none"> <li>• The limited social and economic benefits of the proposal are not significant enough to allow the appeal to be determined</li> </ul>

	<p>other than in accordance with the relevant policy considerations.</p> <ul style="list-style-type: none"> <li>• It has not been sufficiently demonstrated that the proposal could be implemented without undermining a neighbouring mature oak tree which provides an important positive contribution to the character of the area.</li> </ul>
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<b>Application number</b>	DC/21/3082/FUL
<b>Appeal number</b>	APP/X3540/W/22/3303790
<b>Site</b>	Land And Buildings West Of Playford Lane (Adjacent The Stables And 6 Playford Lane), Playford Lane, Rushmere St Andrew IP5 1DW
<b>Description of development</b>	Construction of a single storey dwelling
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	23 February 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue in this appeal is whether the site is a suitable location for the proposed dwelling having regard to development plan and national planning policies.
<b>Summary of decision</b>	<p>The site lies outside but adjacent to the settlement boundary of Rushmere St Andrew and is defined as countryside by Policy SCLP3.3 of the Local Plan. It is therefore countryside for planning purposes where development is only permitted subject to the exceptions defined in Local Planning Policies and the NPPF.</p> <p>The Inspector concurred with the view of the LPA that the site does not form part of a 'Cluster' as set out within the Local Plan and the associated Supplementary Planning Guidance on clusters, because the adjacent dwellings lie within the settlement boundary and therefore do not form part of a defined cluster.</p> <p>The development would have also been harmful to the rural character of the site and its immediate environs, representing an extension of the built-up area into the countryside.</p> <p>The appellants sought to make a case that the scheme should be allowed on the basis of personal circumstances to provide specialist accommodation for their disabled child and access to the nearby Ipswich Hospital for frequent emergency treatment and riding facilities. However, the Inspector stated they had limited evidence regarding the child's condition or frequency of</p>

	<p>treatment, whether the location is essential to the provision of treatment or whether such treatment could be provided elsewhere. They also had no evidence to demonstrate that access to riding for the child is essential for its wellbeing or treatment or that other provision to exercise could not be made without the development.</p> <p>It was not demonstrated to the satisfaction of the Inspector that the personal circumstances or benefits to the child outweigh the harm associated with the development, and therefore there was no justification to set aside Planning Policy, so the appeal was dismissed for the reasons outlined above.</p>
<b>Learning point / actions</b>	This decision demonstrates the usefulness of the recently adopted Supplementary Planning Document relating to clusters and confirms the adopted approach to exclude dwellings within a settlement boundary from forming part of a cluster.

<b>Application number</b>	DC/21/2638/FUL
<b>Appeal number</b>	APP/X3540/W/22/3291082
<b>Site</b>	Cosy Camping Suffolk, Tenth Road, Bucklesham, IPSWICH, IP10 0BP
<b>Description of development</b>	Change of use to permit the siting of a temporary dwelling (a mobile home) to house a site manager to oversee the day-to-day management of the Cosy Camping Suffolk facilities.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	9 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Whether there is an essential need for a dwelling to accommodate a rural worker.
<b>Summary of decision</b>	<p>The Inspector found policy SCLP 5.6 provided an appropriate basis for establishing whether there is an essential need for a rural worker to live permanently on the site as set out in the PPG and Para 80 of the NPPF.</p> <p>The argument that the presence of an on-site manager would act as both a deterrent and enable pre-emptive action to be taken to avoid an unfortunate event which could place visitors in danger was not sufficient to persuade the Inspector that living on site is the only option available to the appellant to manage these risks.</p>

	<p>The site has a reception building located close to the entrance to the site which doubles as a shop and office. A communal building has also recently been approved on site which will provide a café/bar, wet weather games area and enable the holding of events. When this building is operational it will mean that staff will be present on site between 7.30am and 10pm. Furthermore, a late night patrol could take place to ensure that there were no problems arising from noise and disturbance before the staff departed the site.</p> <p>The appellant confirmed they had not considered employing a night watchman to provide security during the night and to oversee the site and any CCTV.</p> <p>The Inspector concluded that it has not been demonstrated that even during the peak summer periods that the number of calls received would be so significant to warrant a permanent on site presence and that this could not be dealt with by an individual living within a reasonable travel distance of the site. This was further supported by both the applicant and her husband sharing the responsibilities.</p> <p>A temporary permission would be appropriate for new enterprises in order to establish its viability, but it does not remove the need to demonstrate a functional need for someone to live on the site.</p>
<b>Learning point / actions</b>	The Inspector suggests that other measures should be explored to help demonstrate the need for permanent dwelling.

<b>Application number</b>	DC/21/4195/FUL
<b>Appeal number</b>	APP/X3540/W/22/3295569
<b>Site</b>	Old Hall Farm, Bartholomews Lane, Wenhaston With Mells Hamlet IP19 9DG
<b>Description of development</b>	The development proposed was installation of a timber outbuilding to be used as a farm garden office.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	9 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The main issue was the effect on the character and appearance of the area including the effect on the setting of nearby listed buildings.



<b>Summary of decision</b>	Essentially, the Inspector disagreed with the Council's refusal reason, by finding that the building would be appropriate for its context which included the setting of a listed building.
<b>Learning point / actions</b>	The Inspector clarified that the appellant did not have to justify the need for the development, as there were no Development Plan policies requiring this.

<b>Application number</b>	DC/21/2584/OUT
<b>Appeal number</b>	APP/X3540/W/22/3297315
<b>Site</b>	Land to South of 19 Mill Road, Part of The Ugli Nursery, Mill Road, Newbourne, Suffolk IP12 4NP
<b>Description of development</b>	Outline Application (Some Matters Reserved) - Construction of a three Bedroom Detached Dwelling
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	20 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Whether the proposed development would provide a suitable location for housing, having regard to its effect on the character and appearance of the area
<b>Summary of decision</b>	<p>The erection of a new dwelling in Newbourne is acceptable in principle, provided it satisfies the detailed requirements of Policies SCLP11.9 and (in this case) SCLP5.4. When considered together, these policies require that the proposed development amounts to infilling along an existing road frontage, while avoiding harm to the character and appearance of the area, including the distinctive characteristics of the LSAH area.</p> <p>In the surrounding area, detached dwellings are interspersed with substantial parcels of open land and several ranges of glasshouses are visible, set back from both sides of the road. As such, the pattern of former holdings can still be discerned.</p> <p>While the scale and appearance of the dwelling are not defined at this stage, this would amount to a significant encroachment of residential development into agricultural/horticultural land. The development would establish a more domestic character along the road frontage, leaving little sense of the former holding to the rear. This would disrupt the distinctive pattern of smallholdings which is characteristic of the LSAH area, to a harmful extent.</p>

	Given the extent of separation between the adjacent dwellings, the proposed development would not amount to infill of a clearly defined gap in an existing frontage.
<b>Learning point / actions</b>	Policy SCLP11.9 to be used alongside SCLP5.4 in relation to Newbourne. Significant weight given to the character and appearance of the LSAHs and the importance of spacious residential development and evidence of horticultural uses.

<b>Application number</b>	DC/21/5391/FUL
<b>Appeal number</b>	APP/X3540/W/22/3308126
<b>Site</b>	The Crown, King Georges Avenue, Leiston IP164JX
<b>Description of development</b>	Change of Use from former Public House to HMO providing a total of 11 rooms
<b>Committee / delegated</b>	Non-determination
<b>Appeal decision date</b>	27 March 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The main issue is whether the proposed conversion of a community facility to residential use is adequately justified.
<b>Summary of decision</b>	<p>The Crown is a 2 storey public house with letting rooms and a large car park, situated on the edge of Leiston town centre. An application to register The Crown as an Asset of Community Value (ACV) was not successful. Suffolk Coastal Local Plan (LP) policy SCLP8.1 states that proposals to change the use of a community facility not registered as an ACV will only be permitted if one of 3 criteria applies. The criteria applicable to this case are, in summary: (a) demonstration that there is no community need for the current use or an alternative community use; or (b) demonstration that the current or alternative community uses are not viable, including marketing evidence.</p> <p>The Inspector considered that the presence of other local pubs and drinking establishments, the lack of reference in the NP and the ACV bid's lack of success all indicate that there is no clear community need for the use of The Crown as a pub.</p> <p>The Inspector acknowledged the marketing evidence requirements within the Local Plan, and that in the view of ESC the asking price was too high, but concludes that the asking price was not unreasonable or unrealistic. He also made reference to the fact that although there was evidence of interest in the</p>

	<p>property when marketed, there was no evidence of a bid being made and rejected, even below the marketed price.</p> <p>The Inspector also concluded there was no conflict with Policy SCLP4.9, which supports a flexible approach to future uses and redevelopment opportunities within town centres. The proposal would add to the range and amount of residential accommodation in the central area.</p> <p>The appeal was allowed subject to conditions.</p>
<b>Learning point / actions</b>	<p>The alternative facilities around a site can be a determining factor in assessing the potential community need for a facility.</p> <p>If the marketing is undertaken in general accordance with Policy SCLP8.1 and Appendix E of the Local Plan and no substantive interest is shown, then the requirements of part (b) of the Policy will have been met.</p> <p>The determination of this application within the nationally set statutory timescales may have avoided an appeal.</p>

<b>Application number</b>	DC/21/5189/OUT
<b>Appeal number</b>	APP/X3540/W/22/3294378
<b>Site</b>	36 Jackson Road, Newbourne, IP12 4NR
<b>Description of development</b>	Erection of detached dwelling, garage and access
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	29 March 2023
<b>Appeal decision</b>	Allowed with conditions.
<b>Main issues</b>	The main issue is whether the proposed development would provide a suitable location for housing, having regard to its effect on the character and appearance of the area.
<b>Summary of decision</b>	Based on the extent of the site and the indicative layout plan, it is clear that the proposed dwelling would be close to the road and that it would occupy land already used in association with an existing dwelling. There is established residential development to either side of the appeal site and along Jackson Road, as well as another dwelling immediately opposite. As such, the proposal would comprise infill development, since it would occupy a well-defined gap in an otherwise continuous built-up frontage. The

	<p>proposal was therefore considered to accord with SCLP5.4. However, the Inspector noted that the size of the plot would be smaller than that the surrounding development, although this was not detrimental to an extent that harm to the character of the cluster or streetscene was identified due to the varied streetscene.</p> <p>Matters relating to RAMS were concluded as part of the appeal, where it was confirmed that Natural England consider that the appropriate assessment and financial contribution would appropriately mitigate the likely adverse effects on the integrity of the relevant Habitats Sites.</p>
<b>Learning point / actions</b>	<p>Whilst this proposal was considered to accord with SCLP5.4 and SCLP11.9 in this instance, the Inspector is clear that the proposal would not set a precedent for future developments. In any event, the circumstances surrounding individual sites are rarely identical and any future development would be considered on its merits. The comments raised by the Inspector in considering the appeal are noted and will be consideration in assessing other 'cluster' applications in Newbourne.</p>

<b>Application number</b>	DC/22/1361/FUL
<b>Appeal number</b>	APP/X3540/W/22/3309436
<b>Site</b>	Land at 1 Charity Cottage, Swilland Road, Otley, IP6 9NE
<b>Description of development</b>	Retention of use of land for the stationing of shipping containers for storage use. Retention of access track.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	12 April 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue is whether the appeal site is in a suitable location for employment development.
<b>Summary of decision</b>	The proposal is contrary to Local Plan Policy SCLP4.2 in that it has not been demonstrated that there are no sequentially preferable sites available. There is also insufficient information in respect of the operation of the business, its staff, or its area of coverage. Therefore, the appellants' assertions that the storage of the machinery and materials elsewhere would be significantly less convenient than the appeal site, would affect the efficiency of the business, and reduce vehicle emissions, have not been robustly substantiated. Nor was there substantive evidence to

	<p>demonstrate that the appeal site is required to meet the needs of the business.</p> <p>Furthermore, the development does not comply with paragraph 84(a) of the Framework as, even if a shipping container could be considered a 'building', as functional boxes, they are not well-designed.</p> <p>In reference to the main issue, the appeal site is not in a suitable location for employment development. It conflicts with Policies SCLP3.2, SCLP3.3, SCLP4.2 and SCLP4.5 of the LP which, amongst other things, seek to control the spatial distribution of development across the plan area, direct development towards the settlement boundaries, avoid the loss of further undeveloped land in the countryside, and control the sprawl of existing settlements.</p>
<b>Learning point / actions</b>	N/A.

<b>Application number</b>	DC/21/1822/FUL
<b>Appeal number</b>	APP/X3540/W/22/3290957
<b>Site</b>	Middle Barn, Ferry Road, Bawdsey IP12 3AS
<b>Description of development</b>	Extend and convert redundant agricultural buildings to form a single dwelling.
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	12 April 2023
<b>Appeal decision</b>	Allowed
<b>Main issues</b>	The effect of the development on the character and appearance of the site and the existing barns
<b>Summary of decision</b>	<p>While the proposed extension to the barn would be a significant alteration to the existing buildings, considering what has already been approved and the fact that the extension infills a gap between three existing walls and would partially reinstate the historic form of this range of former agricultural buildings, it would not result in any harm to the character and appearance of the site or the wider AONB.</p> <p>The design of the proposed link better reflects the traditional scale and form of the buildings being converted than the</p>

	previously approved narrow corridor link, which is not a feature or characteristic of a range of historic farm buildings.
<b>Learning point / actions</b>	More weight was given to the policy than the wording in the supporting text and while it was agreed that the proposal would be contrary to part c of SCLP5.5 in that it resulted in a significant alteration, the overall design would not harm the character or appearance of the existing buildings or wider landscape.

<b>Application number</b>	DC/21/3352/FUL
<b>Appeal number</b>	APP/X3540/W/21/3285489
<b>Site</b>	24 The Josselyns, Trimley St. Mary IP11 0XW
<b>Description of development</b>	Demolition of existing extension and erection of 1No. semi-detached two-storey dwelling.
<b>Committee / delegated</b>	Non-determination (I.e. the Council did not issue a decision within the prescribed period or within an agreed extension of time period).
<b>Appeal decision date</b>	11 May 2023
<b>Appeal Decision</b>	Allowed with conditions
<b>Background and main issues</b>	<p>The application follows the granting of outline planning permission for a similar proposed dwelling. However, a change in the extent of the site boundary prevented the proposed development being progressed through the submission of reserved matters.</p> <p>If the Council had they reached a decision, planning permission would have been refused for two reasons: the effect on the occupiers of neighbouring properties at the rear having regard to privacy and absence of evidence in relation to the effect of the proposed development on Habitats Sites.</p> <p>The appellant was invited to reconsider the position of a first-floor rear-facing window and provide additional submission material concerning RAMS outside of an agreed extension of time period.</p> <p>The main issues are therefore:</p> <ul style="list-style-type: none"> <li>• the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to privacy at 8 Great Field, and</li> <li>• the effect on the integrity of Suffolk Coastal Habitats Sites.</li> </ul>
<b>Summary of decision</b>	The proposed dwelling would introduce first floor windows within a part of the site where these do not currently exist.

	<p>However, there are first floor windows on the front and rear elevations of the existing dwelling and also on the rear elevations of properties fronting Great Field.</p> <p>The existing first floor windows on surrounding properties already overlook neighbouring rear elevations and back gardens and most of them are not obscure glazed, nor are they otherwise designed to prevent views between the properties.</p> <p>The degree of separation is typical of what is a relatively modern housing estate, where some degree of inter-visibility between properties is the norm.</p> <p>The dwelling at 8 Great Field is less directly overlooked than its neighbours and the proposed dwelling would be set slightly closer to this adjacent property than the existing dwelling. However, the relationship between the proposed dwelling and the rear of 8 Great Field would remain comparable to the generally established relationship between properties in this part of The Josselyns and Great Field.</p> <p>It is therefore concluded that an acceptable standard of privacy would be maintained and that the development would not harm the living conditions of occupiers of neighbouring properties, with regard to privacy at 8 Great Field.</p> <p>Subsequent to the submission of this appeal, both parties have confirmed that the required financial RAMS contribution and forms have been provided, comprising an undertaking under Section 111 of the Local Government Act 1972. This has been updated to enable a payment made in respect of the unimplemented outline planning permission ref DC/18/3956/OUT to be transferred to the appeal proposal.</p>
<p><b>Learning point / actions</b></p>	<p>The determination of this application within the nationally set statutory timescales may have avoided an appeal.</p> <p>Consider providing greater weight towards the prevailing relationship between existing neighbouring properties with respect to privacy impacts when judging proposals for infill dwellings.</p>

<p><b>Application number</b></p>	<p>DC/21/5535/OUT</p>
<p><b>Appeal number</b></p>	<p>APP/X3540/W/22/3301185</p>

<b>Site</b>	Land West of Bell Green, Holly Tree Farmhouse, Cratfield IP19 ODN
<b>Description of development</b>	Outline Application With Some Matters Reserved - Development of no. 3 residential units
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	11 May 2023
<b>Appeal Decision</b>	Dismissed
<b>Main issues</b>	<ul style="list-style-type: none"> <li>• whether the site is in a suitable location for housing development</li> <li>• the effect of the proposed development on the landscape character</li> <li>• the effect of the proposed development on the setting of two Grade II listed buildings</li> <li>• the effect of the proposed development on protected and priority species.</li> </ul>
<b>Summary of decision</b>	<p>The Inspector agreed that the appeal site is located adjacent to the defined 'cluster' and did not fall within it, contrary to SCLP5.4 (a) and Paragraph 2.2 of the Clusters SPD. Therefore, there is no need to determine whether the proposal meets criteria (b) (c) or (d).</p> <p>As the appeal site did not meet the requirements of SCLP5.4 the Inspector concluded that the appeal site would not be in a suitable location for residential development having regard to the accessibility of services and facilities and that there would be a reliance on the private car, in conflict with Policy SCLP7.1 and the framework.</p> <p>The inspector noted that the proposal would extend the built-up form of the village connecting it to a small group of dwellings that are currently isolated from the village, comprising ribbon development, which the Suffolk County Council Landscape Character Assessment states can have a considerable impact on the wider landscape. The Inspector therefore agreed that the construction of three dwellings in this location would erode the landscape setting of the village, harm the rural approach towards the village, and result in a harmful visual intrusion into the surrounding landscape.</p> <p>The Inspector was of the view that although limited information had been submitted in respect to heritage assets, nevertheless the information was sufficient to assess the proposal. This refusal reason was on the basis of lack of information rather than harm caused. The Inspector concluded that the siting of</p>



	<p>the proposed dwellings would erode the significance of the farmhouse's open and undeveloped setting and erode the uninterrupted gateway/approach to the building in any case.</p> <p>The final matter related to potential harm to a European Protected species due to lack of assessment. This matter had been resolved during the appeal process.</p>
<b>Learning point / actions</b>	<ul style="list-style-type: none"> <li>• A good decision in terms of the consideration given to the wording of the Cluster SPD and highlighted the benefit of this document.</li> <li>• Even if there is a minimal heritage information an assessment of harm should be made in any case.</li> </ul>

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

<b>Application number</b>	DC/22/1474/FUL
<b>Appeal number</b>	APP/X3540/D/22/3312808
<b>Site</b>	Plum Tree Farm, Dunwich Lane, Heveningham, Suffolk IP17 2JT
<b>Description of development</b>	The development proposed was a lodge (annexe).
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	28 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue was the effect of the proposal on the character and appearance of the property and the local landscape.
<b>Summary of decision</b>	The Inspector found in favour of the Council, agreeing that the height and siting of the lodge/annexe was inappropriate – causing harm to the character and appearance of the area.
<b>Learning point / actions</b>	The appellant relied heavily on the approval of a 1.5 storey annexe building relatively nearby; however, the Inspector made clear that each case is assessed on individual merit and dismissed the appeal. This is useful confirmation of an important planning principle that 'precedent' of other approved development is rarely material to a decision.

<b>Application number</b>	DC/22/2427/FUL
<b>Appeal number</b>	APP/X3540/W/22/3306824
<b>Site</b>	Land and verges at St Martin's Green, Trimley St Martin, Suffolk IP11 0UZ
<b>Description of development</b>	Proposed Garage
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	31 March 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The application was refused on the grounds of adverse visual amenity impact and character of the area (SCLP 11.1). The siting and scale of the proposed outbuilding would erode the openness and character of the street to a significant degree and conflicts with policy SCLP 11.1. The applicant also submitted a claim for costs against the local planning authority.
<b>Summary of decision</b>	<p>The Council were not unreasonable in coming to their decision, as following consideration of the application on its merits alone, I have concurred with the Council. Therefore, I do not find that the Council delayed a decision which should have otherwise been approved and as such, the applicant's costs associated with the appeal were a necessary part of the process".</p> <p>The proposed development would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.</p>
<b>Learning point / actions</b>	No action required. The application was refused. Even a small grass verge within a highly built-up area can provide valuable break in the building line that contributes to the visual amenity of the area.

<b>Application number</b>	DC/22/4403/FUL
<b>Appeal number</b>	APP/X3540/D/23/3316037
<b>Site</b>	65 Chatsworth Drive, Rushmere St Andrew, Ipswich IP4 5XA
<b>Description of development</b>	Erection of boundary fence
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	26 April 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	Appearance of fence to character of area and Highway safety

<b>Summary of decision</b>	The appeal was dismissed as although the inspector did not feel the appearance of the fence would harm the character of the area, the new position would increase the danger to highway safety and pedestrians walking along the footpath by restricting visibility when leaving the parking area.
<b>Learning point / actions</b>	Moving fences out to cover verges may not have such a significant impact on the character of an area as defined within policy SCLP11.1.

<b>Application number</b>	DC/22/3644/FUL
<b>Appeal number</b>	APP/X3540/D/22/3313863
<b>Site</b>	33 Park Drive, Worlingham, Suffolk, NR34 7DL
<b>Description of development</b>	extension to existing dropped kerb and associated extension/alterations to parking bay
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	09 May 2023
<b>Appeal decision</b>	Dismissed
<b>Main issues</b>	The main issue is the effect of the proposed development on the character and appearance of the area
<b>Summary of decision</b>	Not clear what was permitted under recent planning permission for extension to dwelling and two parking bays- however the subject of the appeal is a continuation of the raised platform and retaining wall across the whole site frontage to the eastern boundary, which the LPA considers is detrimental to the streetscene and local character of the area. The Inspector agreed with this, saying that the presence of front gardens, adds a significant sense of greenery and spaciousness to the area's attractive uniformity. The development (which has progressed without planning permission) draws attention to itself and results in entirely car parking-dominated frontage, at odds with the character of the area.
<b>Learning point / actions</b>	Contrary to WLP8.29 which seeks to retain the character and appearance of the surrounding area. Mostly retrospective, therefore this case will now be picked up and concluded by the Enforcement Team.

### Appeals relating to Part 3 Prior Notifications

There were no Appeal decisions of this type during this quarter.

### Enforcement Appeals

There were no Appeal decisions of this type during this quarter.

### Costs Decisions

<b>Application number</b>	DC/20/1831/OUT
<b>Appeal number</b>	APP/X3540/W/22/3300310
<b>Site</b>	Land off St Andrews Place and Waterhead Lane, Melton, Woodbridge, Suffolk IP12 1QX
<b>Description of development</b>	The appeal was against the refusal of planning permission for residential development of up to 55 dwellings with access off St Andrew's Place
<b>Committee / delegated</b>	Committee
<b>Appeal decision date</b>	16 March 2023
<b>Appeal decision</b>	Refused
<b>Main issues</b>	Whether the Council acted unreasonably during the course of the application
<b>Summary of decision</b>	<p>A committee resolution to grant permission subject to the completion of a S106 agreement would have been encouraging to the applicant however, until the permission is issued it cannot be relied upon.</p> <p>It was after that site visit that the Committee changed its view, which it was entitled to do. The decision took a long time to be reached however there were matters which required to be addressed including re-consultation. The Council didn't act unreasonably on this matter.</p> <p>The Committee patently took a judgement after having visited the application site. Taking a decision based on the submissions and their own observations and experience is a normal part of the decision-making process. That I have reached a different conclusion on access does not mean that the Members were unreasonable to decide otherwise.</p> <p>The phrasing of part of the reason for refusal, namely that "the scheme should provide measures to improve sustainable travel opportunities for the occupiers of the development and reduce the need for motor vehicle use which are not evident" to be erroneous. Taking that view was an unreasonable stance to take</p>

	<p>as conditions and S106 were proposed to deal with this. That said, it has not caused any unnecessary expense since the matters in issue would have had to be dealt with in any case in relation to the S106 obligation.</p> <p>The footway link is not a requirement of Policy MEL20, but there can be little doubt that it would be beneficial. The Council took a view which was defensible – that in the absence of the link the development would not maximise opportunities to encourage sustainable travel. Taking that view was not unreasonable.</p> <p>Therefore no unreasonable behaviour has occurred.</p>
<b>Learning point / actions</b>	Each element of any reason for refusal must be entirely and reasonably be justified but differing opinions on the severity of issues raised does not necessarily result in unreasonable behaviour, if justified.

<b>Application number</b>	DC/22/2427/FUL
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<b>Description of development</b>	Proposed Garage
<b>Committee / delegated</b>	Delegated
<b>Appeal decision date</b>	31 March 2023
<b>Appeal decision</b>	Refused
<b>Main issues</b>	The application was refused on the grounds of adverse visual amenity impact and character of the area (SCLP 11.1). The siting and scale of the proposed outbuilding would erode the openness and character of the street to a significant degree and conflicts with policy SCLP 11.1. The applicant also submitted a claim for costs against the local planning authority.
<b>Summary of decision</b>	PINS concluded: "I find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that a full award of costs is not justified".
<b>Learning point / actions</b>	n/a