

Appendix A

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

Planning Appeals

Application number	DC/20/4038/FUL
Appeal number	APP/J3530/W/20/3266040
Site	The Bungalow Adjacent Hightrees, Foxhall Road, Foxhall IP4 5SY
Description of development	Annex with occasional Holiday Let usage
Committee / delegated	Delegated
Appeal decision date	30 September 2021
Appeal decision	Dismissed
Main issues	<p>The main issues in this appeal are:</p> <ul style="list-style-type: none">• whether the proposal complies with development plan policies for an annex and holiday accommodation, and• the effect of the development on European Designated Sites. <p>The applicant also sought to submit revised plans through the appeal process, which would have altered the application site area, the overall form of the building, the vehicular access and the introduction of parking areas.</p>
Summary of decision	<p>In terms of the annex use, the Inspector acknowledged that the building is smaller in size than the existing dwelling on the site, but concurred with the Local Planning Authority that</p> <ul style="list-style-type: none">• the self-contained nature of the annexe,• the potential for a separate curtilage as indicated by the red line on the submitted site plan,• the level of facilities provided within the building for day to day living,• that it could be accessed separately from existing drive, and• the separation distance from the main dwelling, <p>would serve to substantially reduce the probability that the occupants of the house and annexe would function as a single household, and that the new unit would be akin to a separate dwelling.</p> <p>It was concluded that the separation distance would mean it was particularly unlikely that a person living in the annex would routinely walk to the main dwelling, or vice versa, for shared meals or to engage in other joint household activities in all weather.</p>

	<p>The Inspector agreed with officers assessment that the building was in a dilapidated state, which would require substantial rebuilding to create a unit of habitable accommodation, and that such works would ultimately result in a new building on the site, as the building is not suitable for conversion.</p> <p>The creation of a new building for the annexe use would only be justified if there was evidence that it would not be possible to extend the existing dwelling, but this would not overcome the issues created by the separation distance.</p> <p>In terms of the holiday let use, the Inspector acknowledged that the COVID-19 pandemic has resulting in more people taking holidays within the UK, but also explained that there is nothing substantive to demonstrate that this trend will continue indefinitely or that there is demand for a holiday let in this location.</p> <p>For the reasons summarised above, the Inspector concurred with the LPA that the development would be in conflict with Policies SCLP5.13 and SCLP6.5 of the East Suffolk Council Suffolk Coastal Local Plan.</p> <p>In terms of the impact upon European Protected Sites, the decision explains that as the appeal is being dismissed on other substantive issues, and therefore the Inspector considers that it is not necessary to explore the necessity for undertaking an Appropriate Assessment.</p> <p>The Inspector also concluded that in accordance with the principles established by the courts in Wheatcroft and Annexe M of the procedural guide, that the amended drawings would change the proposed development to such a degree that to consider them would unacceptably prejudice those who should have been consulted on the change including the LPA and any local residents. On that basis and in the interests of procedural fairness, the Inspector determined the appeal on the basis of the plans that were originally submitted with the application only.</p>
<p>Learning point / actions</p>	<p>This decision concurs with Policy SCLP5.13 (Residential Annexes) and our approach to ensuring that annexes are well related to the host dwelling, and seeking to resist schemes that would result in accommodation akin to a separate dwelling.</p>

	<p>This decision also confirms the need to demonstrate need for holiday accommodation as set out in Policy SCLP6.5 (New Tourism Accommodation).</p> <p>The decision also confirms that where appellant seeks to significantly amend the drawings/proposals through the appeals process, this should be questioned.</p>
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Application number	DC/21/1165/FUL
Appeal number	APP/X3540/D/21/3274339
Site	147 Stradbroke Road Lowestoft NR33 7HP
Description of development	An extension to the west side of the property, full height and to mirror the length of the original property, with an open ground floor storage area allowing access to the back of the property. The original roof will be carried across the new proposed west extension, finished with matching reclaimed roof tiles to keep the 1930 style of the house
Committee / delegated	Delegated
Appeal decision date	21.09.2021
Appeal decision	Dismissed
Main issues	The main issue is the effect of the development on the character and appearance of the host dwelling and the area
Summary of decision	<p>The Inspector considered that the proposed roof extension would introduce a bulky addition to the property. The lack of articulation in the form and continuation of the ridge line would appear disproportionate and dominant.</p> <p>Equally importantly, by extending to the west of the original dwelling, the entire width of the plot of No 147 would be infilled. Because of the close proximity of the boundary fence, the proposed extension would result in a cramped appearance when viewed from this part of Stradbroke Road and in the context of the spacious immediate neighbouring gardens and access way to No 149 Stradbroke Road.</p> <p>From the information provided, it would appear that the eaves of the roof as proposed to be extended, would overhang the boundary fence. This would in itself create a discordant feature in the street scene and contribute to the cramped appearance of the side extension. As such the proposal would cause material harm to the character and appearance of No 147 and the streetscene.</p> <p>Whilst acknowledging that the appellant has sought to balance the appearance of the dwelling and would intend to use matching reclaimed roof tiles, the Inspector considered the design would</p>

	represent overdevelopment of the plot. As such it would be out of keeping with the underlying building pattern on this part of Stradbroke Road.
Learning point / actions	This decision acknowledges the importance of streetscene pattern and the visual spacing and relationship between dwellings, as promoted in Policy WLP8.29. A similar application is currently pending, which lowers the ridge height and officers are of the opinion that the amended roof design alone would not overcome these refusal reasons.

Application number	DC/20/4969/CLE
Appeal number	APP/X3540/X/21/3270081
Site	The Chestnuts, Martlesham Road, Little Bealings
Description of development	Use of the site edged blue for parking of vehicles.
Committee / delegated	Delegated
Appeal decision date	1 October 2021
Appeal decision	Dismissed
Main issues	Whether the parking of cars within the appeal site has resulted in a material change of use of the land.
Summary of decision	<p>The appellant runs an online business selling cars. The parking of cars at the property is in association with that use, with between five and fifteen vehicles parked on the site at any one time. The business is run by the appellant, with no other staff employed.</p> <p>The Planning Practice Guidance (PPG) advises that planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second. Notable increases in traffic, disturbance to neighbours, abnormal noise or smells or the need for any major structural changes or major renovations may all be taken into account.</p> <p>The appellant provided no information on the frequency with which the cars are brought to site, how long cars are parked at the site before they are taken off site, or how the cars are prepared prior to sale. Furthermore, it is not clear what happens during a visit.</p> <p>The appellant suggests that there have been no physical alterations to The Chestnuts to facilitate the business activity. However, a number of individuals make reference to the</p>

	<p>installation of fencing and electronic gates which have 'hidden the vehicles' and 'prevents people just wandering in'.</p> <p>Although the activity of selling cars and other items privately is not unusual in a residential area, the Inspector found that the scale of the activities is unusual. The number of vehicles is also significantly greater than would be parked as a result of the residential use of the site.</p> <p>The Inspector accepted that the Covid-19 pandemic has resulted in a greater shift towards working from home and that business activities can be appropriate in residential areas. However, the acceptability of an activity was found to depend upon the details of the case. Furthermore, the appeal is not an application for planning permission and so the Inspector could not consider the planning merits of the appeal scheme.</p> <p>While the inspector agreed that there is only one planning unit, because the site has not been subdivided and the activities are carried out by the occupants of the dwelling - the lack of evidence provided by the appellant did not confirm the activities as incidental to the enjoyment of the dwellinghouse or that a material change of use has not occurred.</p>
Learning point / actions	The appellant failed to provide sufficient evidence to demonstrate, on the balance of probabilities, that a material change of use had not occurred.

Application number	DC/20/4380/FUL
Appeal number	APP/X3540/W/21/3271488
Site	Land south Carlton Road, Kelsale-cum-Carlton, IP17 2NP
Description of development	Erection of dwelling with garage (all matters reserved)
Committee / delegated	Delegated
Appeal decision date	5 October 2021
Appeal decision	Dismissed
Main issues	Impact on the settlement pattern, character and appearance of the site and policy compliance
Summary of decision	The appeal site lies outside but adjacent to the Settlement boundary for Carlton and is within locally designated historic parkland. The site forms part of an undeveloped gap between Carlton to the west and Kelsale to the east. The previous extent of the 'gap' has already been compromised by permission being granted for two dwellings. The first of these was allowed on appeal. The application site was the last open space between the

	two settlement boundaries and therefore the Inspector gave this openness and parkland character significant weight despite the previous approvals allowing development which partially eroded this. Proposal also contrary to the Development Plan and NPPF.
Learning point / actions	Even if some openness or important character of a place or space has been lost, this doesn't justify further erosion. Significant weight given to settlement coalescence and importance of open/parkland character.

Application number	DC/20/1099/FUL
Appeal number	APP/X3540/W/20/3259129
Site	Raceway Services, Back of Market Place, Saxmundham IP17 1AG
Description of development	The development proposed is change of use of self-contained ground floor unit: Class A1 to C3.
Committee / delegated	Delegated
Appeal decision date	21 st September 2021
Appeal decision	Allowed
Main issues	Main issue is the effect of proposed change of use on the vitality and viability of Saxmundham Town Centre.
Summary of decision	The appeal site is a small unit, of generally domestic appearance, situated on a quiet back street within both the Saxmundham town centre and Saxmundham Conservation Area. It is not within the recently defined primary shopping area or either the primary or secondary shopping frontages as part of the SCLP. The loss of this small, inconspicuous ground floor unit would not undermine the role and function of Saxmundham town centre as hub for main town centre uses and employment. The loss of this small, peripheral commercial unit would not adversely affect the vitality and viability of Saxmundham town centre. The proposal would not be contrary to SCLP Policies SCLP4.9 and SCLP12.28.
Learning point / actions	The decision was made prior to the adoption of the Local Plan and was in respect of the loss of an employment use. The policies of the Local Plan 2020 provided less support for the retention of a commercial use away from primary shopping area.

Application number	DC/20/1099/FUL
Appeal number	APP/X3540/W/20/3259129
Site	Raceway Services, Back of Market Place, Saxmundham IP17 1AG
Description of development	Change of use of self-contained ground floor unit: Class A1 to C3 – Costs decision
Committee / delegated	Delegated

Appeal decision date	21 st September 2021
Appeal decision	award of costs is refused
Main issues	<p>At the time of the original decision in May 2020, the extant development plan comprised the East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document 2013. The most important policy for determining the application was Policy DM10 ‘Protection of Employment Sites’.</p> <p>The emerging SCLP was a material consideration, however, given the emerging SCLP was still in examination (awaiting an Inspector’s report), remained to be adopted and would have still been subject to a period for legal challenge, the degree of weight to be given to the emerging Plan was one for a decision maker, having reference to paragraph 48 of the National Planning Policy Framework. At the time of the decision it may have been reasonable to still ascribe only limited weight to the emerging SCLP, insufficient to indicate a decision other than in accordance with extant Policy DM10.</p>
Summary of decision	Unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated and the Inspector refused the application for an award of costs.
Learning point / actions	

Application number	DC/20/1127/FUL
Appeal number	APP/X3540/W/21/3270972
Site	North Green Farm, Kelsale-Cum-Carlton
Description of development	The provision of one new dwelling.
Committee / delegated	Committee.
Appeal decision date	12/11/2021
Appeal decision	Allowed
Main issues	Whether or not the proposal is an acceptable form of development having regard to the character and appearance of the area and policies of the local plan.
Summary of decision	The application complies with the criteria of clusters as defined in SCLP5.4 and considers the non-implemented PN3 conversion to the rear to be relevant in the consideration of ‘5 or more dwellings’.

	The inspectorate notes there is a clear identifiable gap in the 'cluster' with development on two sides, and the proposal will not represent an extension of the build-up area into the countryside.
Learning point / actions	When considering clusters of 5 or more dwellings, the inspectorate counted a non-implemented application to form one of the five residential dwellings and therefore this should be considered when determining existing clusters.