



STRATEGIC PLANNING COMMITTEE

Monday, 8 March 2021

PLANNING APPEALS REPORT

EXECUTIVE SUMMARY

This report provides an update on all appeal decisions received from the Planning Inspectorate between 1 December 2020 and 12 February 2021.

Is the report Open or Exempt?	Open
Wards Affected:	All Wards in East Suffolk
Cabinet Member:	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer:	Liz Beighton Planning Manager 01394 444778 Liz.beighton@eastssuffolk.gov.uk

1 INTRODUCTION

- 1.1 This report provides a summary on all appeal decisions received from the Planning Inspectorate between the 1 December 2020 and 12 February 2021,

2 APPEAL DECISIONS

- 2.1 A total of 28 planning appeals, two appeals relating to certificate of lawful use applications, one enforcement appeal and one appeal against increased construction hours have been received from the Planning Inspectorate since the 1 December 2020 following a refusal of planning permission from East Suffolk Council.
- 2.2 A summary of all the appeals received is appended to this report. The summary contains 31 decision notices in total.
- 2.3 The Planning Inspectorate monitor appeal success rates at Local Authorities and therefore it is important to ensure that the Council is robust on appeals, rigorously defending reasons for refusal. Appeal decisions also provide a clear benchmark for how policy is to be interpreted and applications considered.
- 2.4 Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% success rate for major applications, 27.25% success rate for minor applications and 39.25% success rate for householder applications. Taken as a whole that means that slightly over 36% (or 1 in 3) of app planning appeals are successful.
- 2.5 All bar one of the appeal decisions related to applications which were delegated decisions determined by the Head of Planning and Coastal Management. The one committee item relates to a dismissed appeal at 32 The Thoroughfare in Woodbridge, and Members will note that a subsequent application was received to deal with the reason for refusal which was subsequently approved via delegated means.
- 2.6 Of the planning appeals 21 of the decisions were dismissed (75%) and seven of the decisions were allowed (25%) by the Planning Inspectorate. These statistics show that the Council's success rate in defending appeals is above the national average and provides confidence that the Council is able to robustly defend against unacceptable development and has a suite of policies available to assist defence. The summaries of the appeals include a section on key issues and any lessons which could be learnt.
- 2.7 There are no significant issues arising with the planning appeals which have been allowed, with the Inspector reaching a different conclusion to the Council on matters primarily relating to design and appearance. On the contrary, of the planning appeals which have been dismissed there is strong support for recently adopted policies across both Local Plans in particular with regard to development beyond the settlement boundary, application of the cluster policy and support for commercial premises. Additionally, there is also a useful appeal decision in respect of a Class Q application and the level of work required to enable the existing structure to be converted into a residential use.
- 2.8 Regarding the enforcement notice appeal, this relates to the provision of an external stairlift to a property in Queens Head Lane in Woodridge with the enforcement notice being successfully upheld.
- 2.9 There were two appeals decisions (heard via a Hearing) in relation to the refusal of a certificate of lawful (existing use) at one site at Mill Road in Badingham. In both instances the

decisions were allowed with the Inspector concluding that the evidence provided by the applicant was sufficient to grant the certificate. In respect of these appeals, the applicants were also awarded costs in their favour with the Inspector noting that the Council should have requested an extension of time to resolve the perceived deficiencies in information which would have negated the need for a second CLE (certificate of lawful use – existing) application which incurred additional cost and time to the applicant.

2.10 The Council also received a decision in respect of a request to increase the construction hours on a residential development beyond those stipulated in the Construction Management Plan. The Inspector allowed the application reaching a different view to the Council on the harm to amenity which would occur with increased hours, approving in accordance with the governments post covid 19 recovery plan for the construction industry.

3 REASON FOR RECOMMENDATION

3.1 This report is for information only.

RECOMMENDATION

That the contents of the report be noted.

APPENDICES

Appendix A	Appeals Decisions Received
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BACKGROUND PAPERS – None

APPENDIX A

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

Certificate of Lawful Use Appeals

Application number	DC/19/0622/CLE
Appeal number	APP/J3530/X/19/3228391 (1 of 3)
Site	The Stables, Mill Road, Badingham, IP13 8LF
Description of development	Non-commercial use for stabling of four horses and ancillary storage. (As agreed at the Appeal Hearing on 20 October 2020)
Committee / delegated	Delegated
Appeal decision date	17 December 2020
Appeal decision	Allowed
Main issues	Whether or not the use of the building for non-commercial use for stabling of four horses and ancillary storage is lawful
Summary of decision	<p>The statutory declarations and evidence provided are given significant weight in considering the use of the building. From these the Inspector was satisfied that the building had been erected in 1988 and had been used for the keeping of horses since that time for a continuous period until at least October 2018. The Council had conceded on appeals APP/J3530/X/19/3228391 and APP/X3540/X/19/3236963 in respect of the certificates prior to the hearing as it was felt that the evidence provided through the applications and appeals was sufficient to grant the certificate.</p> <p>The appellant also made a cost claim, the decision in respect of this is within the costs section of this report.</p>
Learning point / actions	The applicant had sought an extension of time to provide additional information, which would have prevented a second application for a certificate of lawfulness. The clarification on matters raised could have been resolved within the initial application, without incurring additional costs to the appellant or Council by agreeing an extension of time.

Application number	DC/19/2786/CLE
Appeal number	APP/X3540/X/19/3236963 (2 of 3)
Site	The Stables, Mill Road, Badingham, IP13 8LF
Description of development	Non-commercial use for stabling of four horses and ancillary storage. (As agreed at the Appeal Hearing on 20 October 2020)
Committee / delegated	Delegated
Appeal decision date	17 December 2020
Appeal decision	Allowed
Main issues	Whether or not the use of the building for non-commercial use for stabling of four horses and ancillary storage is lawful.
Summary of decision	The statutory declarations and evidence provided are given significant weight in considering the use of the building. From these the Inspector was satisfied that the building had been erected in 1988 and had been used for the keeping of horses since that time for a continuous period until at least October 2018. The Council had conceded on appeals APP/J3530/X/19/3228391 and APP/X3540/X/19/3236963 in respect of

	<p>the certificates prior to the hearing as it was felt that the evidence provided through the applications and appeals was sufficient to grant the certificate.</p> <p>The appellant also made a cost claim, the decision in respect of this is within the costs section of this report.</p>
Learning point / actions	<p>The applicant had sought an extension of time to provide additional information, which would have prevented a second application for a certificate of lawfulness. The clarification on matters raised could have been resolved within the initial application without incurring additional costs to the appellant or Council by agreeing an extension of time.</p>

Planning Appeals

Application number	DC/18/3932/ROC
Appeal number	APP/X3540/W/20/3252717
Site	Whitearch Park, Main Road, Benhall, P17 1NA
Description of development	Removal of conditions of condition 7(holiday occupancy restriction on units numbers 12-17) and 8 (holiday occupancy restriction on Units numbered 1-11) of DC/12/2521 - Change of use from Touring Caravan Park with Permission for 21 residential units to holiday/residential village with 18 additional Units, with improved access and entrance wall.
Committee / delegated	Delegated
Appeal decision date	10 February 2021
Appeal decision	Dismissed
Main issues	<p>The main issues were identified as:</p> <ul style="list-style-type: none"> • whether the proposal in this location would result in a sustainable form of development having regard to the spatial strategy in the development plan, access to services, facilities, and sustainable transport options; • whether the holiday lets are no longer viable and whether the loss of tourist accommodation would be acceptable, and • the effect on the living conditions of future occupants of the proposed units in respect of privacy and amenity space.
Summary of decision	<p>The decision recognised the location of the site within the countryside for the purposes of planning policy, and that in effect the proposed removal of the occupancy conditions would enable the units to be used for residential purposes rather than as holiday lets. It concluded that the proposal was contrary to Suffolk Coastal Local Plan Policies SCLP5.16, SCLP3.3 SCLP5.3, because it would result in residential development in the countryside that would not meet any of the circumstances for dwellings in the countryside defined within those policies, and thus the inspector concluded it represented an unsustainable form of development.</p> <p>In terms of the whether the holiday lets are no longer viable, the Inspector concluded that the application did not meet the requirements of Policy SCLP6.6 which indicates existing tourist accommodation will be protected. The inspector highlighted that the policy only permits such</p>

	<p>change of use in exceptional circumstances where it can be fully and satisfactory demonstrated that there is no current or future demand for the tourist accommodation, and that marketing evidence must be provided that demonstrates the premises have been marketed for a sustained period of at least 12 months in accordance with Appendix E of the Local Plan. No marketing evidence was submitted and there was no evidence that the holiday lets are no longer viable or that there is no current or future demand.</p> <p>In terms of the effect on living conditions, the Inspector did not agree with the Local Planning Authorities assessment, on the basis that the units could potentially be of any form provided they met the definition of a caravan rather than being restricted to a particular specification of cabin.</p> <p>In terms of the argument the appellants agent sought to make that the units could provide affordable homes or homes for older persons the Inspector did not agree. They concurred with the Local Planning Authorities argument that the removal of the conditions would enable the units to be unrestricted open market units and therefore they could be purchased/let by as holiday homes etc rather than providing affordable homes or home for older persons, so the social benefit would be reduced.</p> <p>The Inspector also considered that a previous appeal decision referred to by the appellants agent, did not form a precedent sufficient to allow the appeal as that case related to a site in Mid Suffolk and the particular site circumstances would have been different.</p>
Learning point / actions	This appeal confirms the application of our local planning policies in terms of the requirements upon applicants to undertake marketing and provide evidence of lack of viability when seeking to change holiday lets to full dwellings.

Application number	DC/19/4326/FUL
Appeal number	APP/X3540/W/20/3246134 (3 of 3)
Site	The Stables, Mill Road, Badingham, IP13 8LF
Description of development	The change of use and conversion of rural building to a dwelling (including removal of existing residential caravan upon grant of permission)
Committee / delegated	Delegated
Appeal decision date	17 December 2020
Appeal decision	Allowed
Main issues	The main issue in relation to this appeal is whether the proposed conversion of the building to a dwelling is acceptable, having regard to local and national planning policy.
Summary of decision	The application was determined under the former Core Strategy, however the Local Plan had been adopted by the Appeal Hearing on the

	<p>20 October 2020. Under Core Strategy Policy DM13, it was considered that the building was not redundant, as still used for stables and that it had no architectural or historic merit to warrant retention. The appellant stated that the building was superfluous to their needs, therefore no longer required for horses or other purpose, of which the Inspector considers the proposal to accord with SCLP5.5a. SCLP5.5 does not require the building to be a heritage asset to warrant retention, however does require it to have a positive impact on the landscape. The Inspector found that the existing building had a neutral impact on the landscape, therefore complied with SCLP5.5b, which would be improved further by its conversion (SCLP5.5d). For these reasons, the Inspector considered that the proposal complied with paragraph 79(c) of the Framework and LP Policies 5.3, 5.5, 10.1, 10.4 and 11.1.</p> <p>However, did agree that certain permitted development rights should be removed to ensure that there was no harm to the landscape as a result of the development, in addition to conditions for details of hard and soft landscaping.</p>
Learning point / actions	None (see comments in respect of CLE appeals)

Application number	DC/19/1589/FUL
Appeal number	APP/X3540/W/19/3242698
Site	Rear of 21 Birds Lane, Lowestoft
Description of development	Construction of a four storey dwelling with three storey each end and construction of another two, four storey dwellings, comprising nine residential units in total.
Committee / delegated	Delegated
Appeal decision date	16 December 2020
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none"> • whether the proposed housing mix is acceptable having regard to development plan policy; • the effect of the proposal on the character and appearance of the area; • the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to outlook; and • whether the proposed development would be in a suitable location with regard to local and national policies relating to flood risk.
Summary of decision	<p>In respect of housing mix, the Inspector noted conflict with Policy WLP8.2 and in the absence of any evidence to the contrary considered that there would not be a sufficient mix of property sizes to meet identified local needs.</p> <p>The scale, arrangement and plot sizes was not harmonious with the surrounding area and be unsympathetic to the existing built environment. Their height and fenestration pattern would be at odds</p>

	<p>with dwellings on adjacent roads. Additional landscaping proposed by the applicant would not mitigate the harm identified.</p> <p>Although the properties would be some 27-50m distance away from rear elevations of neighbouring properties, the significant height, proximity and massing would result in the proposal appearing unacceptably overbearing and visually intrusive when viewed from neighbouring gardens.</p> <p>With regards to flood risk, the Inspector concluded that the sequential test was not adequately undertaken and without appropriate testing, it was concluded that the principle of development is acceptable. Concern was also raised over the design of the dwellings in terms of flood risk.</p> <p>The modest contribution to the supply of housing of nine dwellings in an accessible location and the sustainable construction methods were not considered of sufficient weight to overcome the harms which have been identified.</p>
Learning point / actions	<p>With regards to the exception test on flooding, if evidence is such that there are suitable alternative winfall sites that the applicant should consider first, these details need to support any appeal documentation. In the absence of such details the Inspector was not in a position to consider them.</p> <p>Furthermore, concerns over highways were not translated into a reason for refusal and therefore not considered by the Inspector.</p>

Application number	DC/19/1907/FUL
Appeal number	APP/X3540/W/19/3236974
Site	14 Marine Parade Walk, Felixstowe
Description of development	Loft Conversion/ Extension with first floor balcony to rear elevation.
Committee / delegated	Delegated
Appeal decision date	20 January 2021
Appeal decision	Dismissed
Main issues	<ol style="list-style-type: none"> 1. The character and appearance of the host property and wider area; 2. Flood risk; and 3. The living conditions of neighbouring occupiers, with specific regard to privacy.
Summary of decision	<p>The appeal property forms a significant part of the overall composition of a block by acting as a subservient link of simple form between the more deliberately prominent and bold 2.5 storey housing to the south and three storey apartments to the north, both of which are strongly characterised by their large gables fronting onto the Promenade.</p> <p>The introduction of a gable in the roof space of the appeal building, with accompanying double-doors and balcony, would obliterate its simple form and give it a much more imposing appearance, wholly out of character with its important visual role as a subservient link building</p>

	<p>between the two bolder architectural forms connected to it on both sides. The introduction of glazed balcony screening and grey windows, as well as the widening of the existing double-doors at first floor level, would compound these issues. The proposed balcony to the rear of the terrace, whilst modest in scale, would introduce new materials and finishes that would also detract from the simple palette of existing materials on the terrace.</p> <p>The site falls within Flood Zone Two but the application did not include a site-specific flood risk assessment as required by the adopted development plan and NPPF, even for minor 'householder' development.</p> <p>While no harm was found in respect of the main issue relating to living conditions, it was otherwise concluded that the harm identified in respect of the main issues relating to character & appearance and flood risk were sufficient to justify dismissal of the appeal.</p>
Learning point / actions	<ul style="list-style-type: none"> - The benefits to the appellant of easier maintenance do not outweigh the harm that would be caused to the wider terrace. - The fact that the terrace is not listed or in a conservation area does not remove the need for the development to be of a high-quality design or justification for identified harm. - Despite the proposal being a minor development and the site benefitting from substantial sea defences, failure to include a site-specific flood risk assessment meant the application conflicts with Policy SCLP9.5 of the Local Plan Paragraphs 163 and 164 of the Framework, and the PPG on flood risk.

Application number	DC/19/2271/OUT
Appeal number	APP/X3540/W/19/3242029
Site	Old Glebe House, Westerfield
Description of development	Erection of eight dwellings with garages
Committee / delegated	Delegated
Appeal decision date	12 January 2021
Appeal decision	Dismissed
Main issues	Principle of residential development in the countryside, impact on character and appearance of the area and of closing green gap between settlements, impact on the setting of Listed Buildings.
Summary of decision	It was accepted that the Council had a five year housing land supply and therefore the tilted balance was not engaged. The public benefits of the scheme were considered including increase in the supply of housing, locational sustainability close to the station and with good public transport links and footways and cycle routes into Ipswich and the provision of open space and a wildlife enhancement area however these were not considered sufficient to outweigh the overall departure from local plan policies, harm to the setting of heritage assets and harm to the character and appearance of the area.
Learning point / actions	Some positive weight was given to the sustainable location of the site given its proximity to the station and on a route with a bus service and footway/cycling facilities despite its location outside of the settlement

	boundary. The potential open space was also considered as a potential benefit to enable public views of the Listed Buildings.
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Application number	DC/19/3556/FUL
Appeal number	APP/X3540/W/20/3252629
Site	Green Banks, Thorington
Description of development	Proposed demolition of existing bungalow (Greenbanks) and erection of five new dwellings comprising three detached bungalows and two semi-detached houses.
Committee / delegated	Delegated
Appeal decision date	4 January 2021
Appeal decision	Dismissed
Main issues	The effect of the proposed access arrangement on highway safety.
Summary of decision	<p>The appellant made the argument that, because there was space within the existing site for the parking of ten vehicles, that the new access would not be used any more intensively than the proposal for five dwellings. The Inspector disagreed with this, accepting the Council's position, and concluded that the new access would be used more intensively than the existing one.</p> <p>The application/appeal was supported by speed survey data evidencing that vehicles often travelled faster than the 30mph limit in the area of the appeal site. The proposed new access would have substandard visibility splays. The appellant argued that clear visibility was only needed to the centre of the highway, rather than the nearside edge. The Council, supported by SCC Highways Authority, resisted this argument and evidenced why it was necessary to get clear visibility to the edge of the highway to deal with wider vehicles, and motorists that have travelled across the centre line (of the narrow road) – for example, to pass a cyclist or pedestrian. The Inspector accepted the Council's position and dismissed the appeal on the grounds that the scheme would have an unacceptable impact on highways safety.</p>
Learning point / actions	The appellant submitted an amended access layout, during the appeal, to try and overcome the refusal reason. The Inspector accepted the Council's argument that to consider an amended scheme during appeal would be prejudicial to the positions of the Council and interested parties. A useful decision to reinforce that an appellant cannot use the appeals process to evolve a development proposal and that the appeal must be determined on the same details considered by all parties at application stage.

Application number	DC/19/4688/VOC
Appeal number	APP/X3540/W/20/3249474
Site	The Barn, Ugli Nurseries, Mill Road, Newbourne, IP12 4NP
Description of development	Variation of Condition No.2 of DC/19/2574/FUL - Retrospective Application - Retention of building for use as holiday accommodation - Occupancy restriction
Committee / delegated	Delegated
Appeal decision date	14 December 2020
Appeal decision	Allowed

Main issues	Whether the removal of the '56 day' holiday occupancy condition would support the tourism objectives of the Local Plan.
Summary of decision	The Inspector concluded that the proposed condition to allow a closed period would ensure that the building wasn't occupied as permanent residential accommodation which wouldn't be supported by the Local Plan. Although longer term visitors may spend less in the local economy than shorter term visitors, there is still an economic benefit. The proposed variation in wording of the condition would provide for short term tourist accommodation should the demand be there and therefore supported the aims of the policy.
Learning point / actions	Providing there is some restriction on occupancy of holiday accommodation such that it cannot be occupied permanently, there are benefits to the local tourist economy.

Application number	DC/19/4699/FUL
Appeal number	APP/X3540/W/20/3246692
Site	The Bungalow, Lower Road, Westerfield, near Ipswich, Suffolk IP6 9AR
Description of development	The development proposed is construction of a detached chalet style bungalow and cartlodge outbuildings (including off road car parking) to severance plot.
Committee / delegated	Delegated
Appeal decision date	13 January 2021
Appeal decision	Dismissed
Main issues	(i) the effect of the proposed development on the character and appearance of the area and; (ii) the effect of the proposed development on the living conditions of the occupiers of The Bungalow and Laburnum Cottage with regard to noise and disturbance.
Summary of decision	The site rises to the rear and as a consequence of its scale and position and given the absence of tandem development within this row of dwellings, the proposal would appear significantly at odds with the prevailing linear pattern of development. It would be visible from the street and from neighbouring dwellings, from where it would be read as a prominent and discordant feature. The close proximity of the new dwelling to both the rear (north east) and side (south east) boundaries would result in the property appearing cramped within the site. The Inspector concluded that the proposal would cause unacceptable harm to the character and appearance of the area and therefore, it would conflict with LP Policies SCLP5.2 and SCLP5.7 which seek to ensure that development would not result in harm to the street scene or character of the area. The access drive, running past the donor house, would likely give rise to a serious adverse effect by way of noise and disturbance to the occupiers of The Bungalow, as such the proposal was found in conflict with LP Policy SCLP5.7
Learning point / actions	The inspector notes that just because a dwelling could be accommodated within the space does not of itself mean that its form would be satisfactory. The presence of the existing built form does not in itself justify the replacement of such buildings with a new residential unit.

Application number	DC/19/4795/FUL
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Appeal number	AP/X3540/W/20/3257094
Site	Part rear garden of 113 Bedingfield Crescent, Halesworth, IP19 8EH
Description of development	The development proposed is construction of a one-bedroom single storey property on plot of land to rear of 113 Bedingfield Crescent
Committee / delegated	Delegated (07 February 2020)
Appeal decision date	08 December 2020
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none"> - The effect of the development on the character and appearance of the site and the surrounding areas - The effect of the site on the living conditions of the existing and future occupiers of the land, with particular regard to the provision of outdoor amenity space - Whether safe and suitable access can be achieved for all users and:- - The effect of the proposal on Suffolk European sites
Summary of decision	<p>With regard to the impact on the character and appearance of the area, the appeal site occupied a section of the garden of 113 Bedingfield crescent situated on the corner of this road and Kennedy Avenue. The inspector concluded that the introduction of a dwelling in this location and the reduction in the garden area for No 113 would erode the spaciousness of the site and appear cramped and incongruous when compared to the more generous spacing of other dwellings in the vicinity, particularly around junctions. This incongruity and reduction in spaciousness would, in this instance, amount to substantial harm, the benefits of the scheme would not outweigh the harm identified.</p> <p>Other matters:</p> <p>In terms of the level of amenity space to available to the existing and proposed dwellings, the inspector concluded that due to the modest size of the dwellings this would be sufficient and proportionately sized.</p> <p>The inspector concluded that extended length of dropped kerb that this access would create would not result in material harm to the safety of highway users and that safe and suitable access can be achieved.</p> <p>RAMS was not considered further as the appeal was being dismissed</p>
Learning point / actions	None of note

Application number	DC/19/4851/OUT
Appeal number	APP/X3540/W/20/3249337
Site	The Oaks, Playford Road, Rushmere St Andrew, IP5 1DW
Description of development	Demolition of existing bungalow and erection of three new dwellings.
Committee / delegated	Delegated
Appeal decision date	24 December 2020
Appeal decision	Dismissed
Main issues	The main issue is whether the proposal would be in an appropriate location, with particular regard to the spatial strategy in the

	development plan and the character and appearance of the area.
Summary of decision	The application sought to apply with the 'Cluster Policy' (SCLP5.4) of the Local Plan. The appeal decision confirms that dwellings within Rushmere St Andrew's Settlement Boundary do not form part of the cluster, as they are not within the countryside. It was considered that the site was disconnected from the settlement, despite the physical distance to the settlement. Additionally, beyond the site was open countryside, thus resulting in the proposal being in an extension of the built form into the countryside. The Inspector considered that the proposal would not have any wider adverse impact on the landscape, as there was a good level of existing screening, additionally no highways concerns were raised. Nonetheless, it was considered that the proposal would not be in an appropriate location as it would be at odds with and harmfully undermine the integrity of the spatial strategy, in conflict with LP Policies SCLP3.3, SCLP5.3 and SCLP5.4.
Learning point / actions	None

Application number	DC/20/0107/OUT
Appeal number	APP/X3540/W/20/3252328
Site	Kersey Croft Kennels, Strugglers Lane, Witnesham IP6 9HS
Description of development	The development proposed is 3 new dwellings to replace existing kennel buildings.
Committee / delegated	Delegated
Appeal decision date	24 December 2020
Appeal decision	Dismissed
Main issues	The main issue is whether the proposal would be in an appropriate location, with particular regard to the spatial strategy in the development plan and accessibility to services, facilities and sustainable transport options.
Summary of decision	The proposal failed to comply with all of SCLP5.4 criteria as such the Inspector found them to be in conflict with policies SCLP202 and SCLP5.3. The nature of Strugglers Lane, in that it is a narrow road without a footpath or lighting, was discussed and the Inspector concluded that it was not a suitable road to advocate walking and cycling. This was used to demonstrate that the site is not located within a sustainable location.
Learning point / actions	This decision discussed SCLP5.4 in relation to the site's potential as a cluster. The Inspector notes that the LP is up to date and thus so too is the spatial strategy. Accordingly, the conflict with the spatial strategy is a matter of considerable weight against the appeal scheme.

Application number	DC/20/0520/PN3
Appeal number	APP/X3540/W/20/3255996
Site	Greenside Farm, St Margaret, South Elmham
Description of development	The development proposed is change of use of an agricultural building to a single dwelling house with associated curtilage to provide access, parking and amenity space as indicated on the accompanying plans and drawings.

Committee / delegated	Delegated
Appeal decision date	2 December 2020
Appeal decision	Allowed
Main issues	The main issue is whether or not the proposal is permitted development having regard to Schedule 2, Part 3, Class Q(a) of the Order.
Summary of decision	<p>In this case the appellant has made it plain that this application seeks the change of use of the building with respect to Class Q(a) only and that permission for the works would be covered under a separate planning application for the building operations which accompanied the proposal.</p> <p>The validity of this approach was contested by the Council because of the clear likelihood that extensive building works would be necessary to convert the building to enable the change of use. However, the inspector noted that there was nothing in the GPDO that explicitly precludes prior approval applications being made for change of use only under Class Q(a) in these circumstances.</p> <p>The inspector commented that notwithstanding the content of the Council's reasons for refusal, any assessment of building operations reasonably necessary to convert the building, and whether or not such works would fall within the scope of a conversion, lie outside of my remit in this case as they are simply not proposed and cannot be considered as part of the proposal.</p> <p>The Inspector considered that the Council has erred in considering building works at this point, because they cannot be advanced or considered under an application pursuant to Class Q(a) of the GPDO.</p> <p>The inspector did provide some useful commentary on the likelihood of the change of use being implemented in this instance and that a prior approval incapable of implementation was highly unlikely to be a 'fall-back position. If significant works were required amounting to a rebuild to function as a dwelling, then class Q(a) could not be engaged.</p> <p>It was noted that the appellant may make an application for prior approval under Class Q(b) of the GPDO, or, as they have done, submit a planning application to convert the buildings to dwellings.</p> <p>The outcome of that appeal is awaited</p>
Learning point / actions	It is clear from this decision that regardless of the quality of the building subject of the change of use under Class Q (a) as long as the relevant aspects of Q.1 and Q.2 can be complied with permitted development rights for the change of use apply.

Application number	DC/20/0604/FUL
Appeal number	APP/X3540/W/20/3251334
Site	Somerleyton Road, Lowestoft
Description of development	Construction of House, Fences, Materials, Parking
Committee / delegated	Delegated
Appeal decision date	7 December 2020
Appeal decision	Dismissed

Main issues	Whether the proposal would provide acceptable living conditions for future occupiers with regards to privacy The effects of the proposal on European sites.
Summary of decision	Under the existing arrangements for No 32, although overlooking by No 30 is present, there are areas of that garden which provide private space away from the direct view of No 30. The appeal proposal would result in the subdivision of the existing garden of No 32. The areas of garden which would remain capable of providing acceptable levels of privacy for their users, would be situated toward the rear of the original plot. These areas would be associated with No32. The proposed dwelling would have its external space in close proximity to No 30 and would be overlooked. This would not be an acceptable arrangement in the view of the Inspector. With regards the second matter this was not considered by the Inspector as he found harm elsewhere with the proposal.
Learning point / actions	None of note.

Application number	DC/20/0616/FUL
Appeal number	APP/X3540/W/20/3251671
Site	Seventeen Acres Barn, East Lane, Bawdsey, IP12 3AR
Description of development	The demolition of side wings and conversion of barn to a dwelling, erection of associated cartlodge, lifting of concrete apron and associated landscaping.
Committee / delegated	Delegated
Appeal decision date	3 December 2020
Appeal decision	Dismissed
Main issues	The principle of the proposed development The effect of the proposed development on the character and appearance of the area.
Summary of decision	Where only the metal frame of the original building was retained the Inspector considered that the works would be substantial and rather than truly convert the building into a dwelling, they seemed more as a scheme to build a dwelling that happens to incorporate a skeletal part of the original building. Whilst it was noted that there are other substantial residential properties in the locality, the inspector found that the proposed development would still enclose what is a substantial area of open and flat land that relates noticeably and thus contributes positively to the local, largely uninterrupted, agrarian landscape. The introduction of other domestic features such as a detached garage, large areas of manicured garden and a driveway would exacerbate how the scheme would jar with its surroundings. In this case the appeal scheme was found to have a harmful effect on the character of the landscape, and, by virtue of that fact, the conversion would accordingly fail to enhance the immediate setting of the area. The area of curtilage land would be large and whilst this is not an uncommon feature of other buildings close by, it would in and of itself represent a noticeable urbanisation of the area, when also factoring in

	<p>how the land around the converted building would be used and function. These adverse effects would be, given the quality and importance of the local area in character and landscape terms, significant.</p> <p>The inspector felt the appeal building would be far from isolated for the purposes of the Framework. It is adjacent other dwellings and a short distance from the edge of Bawdsey, a small rural village which comprises a cluster of dwellings and a school amongst other things. Since the appeal building and thus any subsequent dwelling would not be isolated, I do not therefore find the circumstances of paragraph 79 relevant to the appeal scheme.</p>
Learning point / actions	<p>The inspector discussed the interpretations on redundancy for the purposes of planning where it was found that redundant means superfluous, no longer needed or useful. Whilst it may be a factor in some cases therefore, this is not to necessarily say that in every case a building has to be unused or not in active use for it to be redundant.</p> <p>When considering if the existing building had a positive contribution on the landscape, the inspector considered that the building was erected to fulfil a purposes, and was designed with its landscape in mind in that its function is inexorably linked to it, intended to be part of it. It was found that a positive contribution does not necessarily mean a building has to be 'pretty'.</p>

Application number	DC/20/0631/FUL
Appeal number	APP/X3540/W/20/3255784
Site	Home Meadows House, Top Street, Martlesham
Description of development	Erection of replacement dwelling
Committee / delegated	Delegated
Appeal decision date	17 December 2020
Appeal decision	Dismissed
Main issues	Impact of the design and siting on the character and appearance of the area
Summary of decision	The Inspector agreed that the proposed mock Georgian appearance wasn't appropriate for the site context and that the position of the property forward on its plot would detract from the open character of the area.
Learning point / actions	Although the existing property did not particularly relate to any of its surroundings, it did not compete with the more traditional and modest proportions of the properties opposite whereas the proposed dwelling would not be of an appropriate character or appearance. The 'fallback' position relating to potential changes to the original dwelling was given little weight.

Application number	DC/20/0648/OUT
Appeal number	APP/X3540/W/20/3253379
Site	Land rear of 17 Yarmouth Road, Lowestoft NR32 4AW
Description of development	Outline Application (All Matters Reserved) - It is proposed to demolish the existing double garage on the independent plot of land to the rear of

	17 Yarmouth Road Lowestoft and replace it with one single storey dwelling. Access to be provided from Royal Ave.
Committee / delegated	Delegated
Appeal decision date	21 December 2020
Appeal decision	Allowed
Main issues	<ul style="list-style-type: none"> the effect of the proposal on the character and appearance of the area, including the effect on the North Lowestoft Conservation Area (CA); and whether the proposal would provide acceptable living conditions for future occupiers in relation to privacy and outlook.
Summary of decision	<p>The Inspector considered that the plot was of sufficient size to accommodate a dwelling having due regard to plot sizes in the locality. Although no heritage assessment was provided, it was concluded that a suitably sized dwelling would not appear alien or discordant in this location and would not therefore harm the character and appearance of the Conservation Area.</p> <p>The Inspector noted that existing windows would overlook the property, he concluded that such a relationship was not uncommon in the area and the separation distance would be sufficient to provide adequate privacy and an acceptable outlook for future occupiers.</p>
Learning point / actions	None. The Inspector reached a different conclusion to the Council on such matters.

Application number	DC/20/0671/FUL
Appeal number	APP/X3540/W/20/3257951
Site	Lime Tree Farm, Marlesford
Description of development	Subdivision of large dwelling to form two separate dwellings
Committee / delegated	Delegated
Appeal decision date	15 th December 2020
Appeal decision	Dismissed
Main issues	The main issue is whether the existing annexe is redundant in terms of its use.
Summary of decision	The inspector concluded that it had not been adequately demonstrated that the building is redundant from its use as a residential annexe given that it remains a building which is capable of occupation as such. In addition, the use of the building as an annexe is ancillary to Lime Tree Farm House, and there was no evidence provided to demonstrate that the building is no longer required for any purposes ancillary to the occupation of the main dwelling.
Learning point / actions	The inspector concluded the dwelling was not 'isolated' due to the public footpath and proximity to the Marlesford area nearby, possible re-evaluate the isolated dwelling term when used in reports for refusals.

Application number	DC/20/0952/FUL
Appeal number	APP/X3540/W/20/3256680
Site	Rope Walk Cottage, 32 Thoroughfare, Woodbridge, IP12 1AQ
Description of development	Demolition of existing dwelling and associated garage structure. Construction of replacement dwelling.

Committee / delegated	Committee
Appeal decision date	23 November 2020
Appeal decision	Dismissed
Main issues	The effect of the proposed first floor terrace on the living conditions of the occupants of 6 Doric Place, with regard to privacy.
Summary of decision	<p>There would be a degree of overlooking from the first-floor terrace into the modest courtyard garden of 6 Doric Place. The plans indicate that the area directly outside the conservatory would not be overlooked, and that this is the main seating area. But it was observed that the occupiers also have a further small seating area to the rear of the site. Given its modest size it is reasonable that the occupiers of no 6 would wish to utilise all of the available space within their garden and any degree of overlooking would be both obtrusive and harmful to the amenity of the occupiers.</p> <p>The living accommodation on the first floor means that the terrace would lead directly off the main living room - any overlooking from these areas would be more likely to occur for extended periods and be more intrusive, unlike the first-floor windows of the original dwelling which served bedrooms.</p> <p>Proposed landscaping is unlikely to be of sufficient size and scale to provide the level of screening required to mitigate the impact of the development.</p> <p>It is considered that the position of the proposed dwelling and the introduction of a first-floor terrace in close proximity to the rear garden would result in a loss of privacy and would cause unacceptable harm to the living conditions of 6 Doric Place - failing to accord with Policy SCLP11.2 of the local plan.</p>
Learning point / actions	The whole of the neighbouring outside amenity space is to be taken into account when assessing overlooking, rather than the main seating area – additionally, the room in which a terrace serves results in a varying degree of impact.

Application number	DC/20/1247/FUL
Appeal number	APP/X3540/W/20/3257605
Site	The Toll House, 50 Victoria Road, Aldeburgh , IP15 5EJ
Description of development	Alterations and extension of existing building to create three number one bedroom flat conversions and three number two bedroom flat conversions. Extra parking spaces to rear.
Committee / delegated	Delegated
Appeal decision date	15 December 2020
Appeal decision	Dismissed
Main issues	<p>The effect of the development on:</p> <ul style="list-style-type: none"> • the supply of guest house accommodation within Aldeburgh; • the occupants of 44-48 Victoria Road, by virtue of noise and disturbance; • the safety and convenience of highway users; and

	<ul style="list-style-type: none"> • the character and appearance of the area.
Summary of decision	<p>The development would result in the loss of an existing guest house adversely affecting the supply of guest house accommodation within the locality, contrary to Policies SCLP6.6 and SCLP12.26 of the LP.</p> <p>The proposed dwellings would be served by a parking area providing six no. parking spaces located directly behind the rear boundary of 44- 48 Victoria Road. The additional noise and disturbance resulting from the increased traffic movements would be harmful to the living conditions of 44-48 Victoria Road, contrary to policy SCLP11.2 of the LP.</p> <p>The proposal would result in additional dwellings within Victoria Road and would increase demand for parking on the street. Due to the proximity to the existing roundabout opportunities for off-street parking are limited. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. The proposed development would have a potentially harmful impact on highway safety and would conflict with Policy SCLP7.2 of the LP.</p> <p>The Inspector considered that the alterations and extension of the building will increase the prominence of the building, materially altering the character and appearance of the area. He considered that the proposed development would result in a well designed and coherent design which would significantly improve the rear elevation of the building, providing an enhancement to the appearance of the building when viewed from the public realm, concluding that the proposal would not have a harmful effect on the character and appearance of the area and would comply with policy SCLP11.1 of the LP.</p>
Learning point / actions	Support for the retention of guest house accommodation and requirements of policy SCLP6.6.

Application number	DC/20/1343/PN3
Appeal number	APP/X3540/WX3520/D/20/32570463260325
Site	Gatewood Farm, Lampard Brook, Framlingham, Woodbridge, IP13 9SB
Description of development	<p>The development proposed is Prior Notification - Change of use from an agricultural building into a single residential dwelling (Class C3) under class Q permitted development rights.</p> <p>Erection of single storey extension to front of dwelling</p>
Committee / delegated	Delegated
Appeal decision date	16 December 2020
Appeal decision	Dismissed
Main issues	<p>The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, having particular regard to whether the building operations proposed are reasonably necessary for the building to function as a dwelling house.</p> <p>Impact of design and appearance of property</p>
Summary of decision	The inspector concluded that very little of the existing building would be utilised (just the structural frame) where it was considered that went beyond a conversion and what could be considered reasonably necessary

	<p>for the building to function as a dwelling house.</p> <p>The Inspector referred to the Hibbitt judgement however concluded that the existing building in this instance would not be able to function as a dwelling and that the works outlined result in the substantial rebuilding of the pre-existing structure and cumulatively, the extent of the works required would extend beyond the building operations reasonably necessary to convert the building to residential use under Class Q.</p> <p>Although the proposed extension would be in a prominent location and its curved roof form would be uncharacteristic of the property and the street scene, it would be partially screened by an existing hedge and as the existing property has a variety of projections, heights and materials, it would not be out of character.</p>
Learning point / actions	<p>The inspector clearly states that it is a matter of judgement for the decision maker to establish in each case where the line is drawn on the amount of works necessary to constitute a new build rather than conversion.</p> <p>Single-storey scale extensions of a different form and appearance in a prominent position on the front of a dwelling</p>

Application number	DC/20/1471/FUL
Appeal number	APP/X3540/W/20/3255467
Site	1 Holly Lane, Little Bealings
Description of development	Erection of a self-build three bedroom detached dwelling and detached garage and store within garden amenity land.
Committee / delegated	Delegated
Appeal decision date	26 January 2021
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none"> • The effect of the proposal on the character and appearance of the area, including its effect on trees; • The effect on the living conditions of existing and future occupants with particular regard to outlook and privacy; and • Whether adequate mitigation would be made for the potential impacts of the development on the Special Protection Areas (SPAs) and Ramsar of Stour and Orwell Estuaries and Deben Estuary.
Summary of decision	<p>The appeal site is an undeveloped area of maintained garden land that serves No 1 Holly Lane. Although the site is contained by built form to three of its sides, it is largely open along its rear boundary with agricultural land and countryside positioned beyond it. It consists of several mature trees of a variety of species and sizes that largely screen the site and soften the transition between open countryside and the urban edge of settlement location. The proposal would introduce a detached dwelling, garage and associated parking and turning areas.</p> <p>While the overall design and appearance of the proposed dwelling would not unduly harm the character and appearance of the area, the Council's</p>

	<p>concerns relate to the loss of trees on the site to facilitate the development. On this matter, it was found that the loss of trees would have a significant adverse impact on the character and appearance of the area. Further, the lack of clear evidence submitted to demonstrate that tree protection methods would be capable of being implemented and would adequately prevent adverse harm to the health of any tree, resulted in the inspector finding that such matters should not be dealt by means of a planning condition.</p> <p>Although some degree of mutual overlooking between houses and gardens in the area was accepted, it was found that the proposal would result in a direct line of sight from a proposed bedroom window. This would significantly alter the level of privacy experienced by the occupants of the neighbours, including the host dwelling.</p> <p>During the course of this appeal, the appellant asserted that a Section 111 financial contribution had been made to the Council, however the inspector remained unclear as to whether a financial contribution would have adequately mitigated any harm to the SPA/Ramsar.</p>
Learning point / actions	<p>Lack of clear evidence to demonstrate that tree protection methods would be both capable of implementation and would adequately prevent adverse harm to the health of trees, means that such matters should not be dealt by planning conditions.</p> <p>The side wall of the proposal positioned 23 metres from the rear elevation of the host dwelling would not have an oppressive impact on existing occupants outlook.</p> <p>A sizeable tree positioned within the rear garden of a neighbouring dwelling could minimise the impact on overlooking but is not an appropriate solution to mitigate loss of privacy given seasonal changes that would affect the ability of foliage to provide year-round cover and the unreliability of the tree's retention.</p> <p>While government policy is strongly supportive of self-build homes, a lack of evidence submitted to support that the proposal would be built as and remain a self-build therefore attracts minimal weight to this benefit of the proposed scheme.</p>

Application number	DC/20./1814/OUT
Appeal number	APP/X3540/W/20/3256864
Site	6 Dixon Drive, Lowestoft NR33 9PE
Description of development	Erection of bungalow
Committee / delegated	Delegated
Appeal decision date	29 December 2020
Appeal decision	Dismissed
Main issues	Impact on character and appearance of the area, acceptability on living conditions of future occupiers of no.6 Dixon Drive, and mitigation to nearby European Protected Sites.
Summary of decision	The proposed development would result in both the proposed and doner property have a markedly smaller plots that others in the surrounding

	area which is noted as being remarkably uniform in character. This would result in a cramped form of development which would be intrusive and discordant feature in the street scene. The proposal would also leave the No.6 with about 75sqm of private amenity space that would be awkwardly shaped, and part covered by a canopy. The rear fence would also be about 4m from the rear of No.6, both of which would significantly be detrimental to the living conditions.
Learning point / actions	The inspector noted that whilst there is no national or local policy requiring uniform plot sizes and also support for smaller dwellings and increased densities, this is not at the expense of encouraging development that would harm the character and appearance of existing residential areas. Furthermore, just because there is no special designation such as conservation area status, that is no reason to allow harmful development.

Application number	DC/20/1996/FUL
Appeal number	APP/X3540/Y/20/3258644
Site	2 Kents Lane, Bungay, NR35 1JF
Description of development	Full planning permission for the subdivision of the property at 2 Kents Lane, Bungay, NR35 1JF into 2 separate dwelling houses
Committee / delegated	Delegated
Appeal decision date	26 January 2021
Appeal decision	Allowed
Main issues	<p>The main issues in the appeal are:</p> <ul style="list-style-type: none"> • the effect of the proposed density and form of the development and proposed arrangement for car parking on the character and appearance of the surrounding area; and • whether the proposed development would provide acceptable living conditions for future occupiers, with regards to the provision of private amenity space.
Summary of decision	<p>The inspector noted that although the appeal proposal would replace the existing integral side garage and car port structure to form an additional semi-detached single storey dwelling, this arrangement would only moderately alter and enclose the relationship of the existing single storey form at No.2 with the adjacent single storey No.4 Kents Lane. Whilst the appeal proposal would have marginally lower levels of space around the property compared to the prevailing pattern of development it would not conspicuously appear as a harmfully dense form of development in this part of the town.</p> <p>The centralised point of access providing off-street parking and areas for vehicle manoeuvre to the front of the dwellings would result in a moderately harmful car dominated appearance in the street scene, the inspectors view was that this arrangement would not be entirely uncharacteristic in this part of Kents Lane.</p> <p>It was concluded that the appeal proposal with regards to the density and form of the development would not result in significant harm to the character and appearance of the surrounding area.</p>

	<p>In terms of amenity space the inspector concluded that the are proposed would be of sufficient and compared it with Nos 7 and 9 Kents Lane approved in recent years and albeit that these areas were smaller they benefit from attractive open aspect in contrast to the other development.</p> <p>It was concluded that the proposal would provide acceptable living conditions to future occupiers.</p>
Learning point / actions	The inspector did not agree that the harm was as significant as the Council suggested, and the benefits outweighed the harm that was identified. An 'on balance' decision in favour of the appellant

Application number	DC/20/2507/FUL
Appeal number	APP/X3540/W/20/3261116
Site	Pine View, Capel St Andrew
Description of development	Demolition of existing bungalow and outbuildings, erection of new one and a half storey dwelling and outbuilding
Committee / delegated	Delegated
Appeal decision date	29 January 2021
Appeal decision	Allowed
Main issues	The main issue within the appeal is the effect the proposed development would have on the character of the area within the AONB.
Summary of decision	The proposals acceptability was finely balanced however in this case although the design had some awkward detailing, the scale and massing were harmonious and well-proportioned. The existing bungalow was particularly jarring and the new scheme would be marginally more responsive to the local character and appearance of the area. The new dwelling would also be more environmentally friendly.
Learning point / actions	As the new proposal would be no more out of character than the existing dwelling, the scheme could be supported. The awkward detailing alone was not enough to refuse the application on.

Application number	DC/20/2675/FUL
Appeal number	APP/X3540/D/20/3260235
Site	Corinthians, Ferry Road, Orford
Description of development	Erection of single-storey front extension to dwelling
Committee / delegated	Delegated
Appeal decision date	17 December 2020
Appeal decision	Allowed
Main issues	Impact on the character and appearance of the property and street scene
Summary of decision	Although the proposed extension would be in a prominent location and of an uncharacteristic form compared to the property and street scene, its location behind a hedge and on a property that has a number of materials, heights and projections means it would not be out of place.
Learning point / actions	Single-storey scale extensions at the front of properties can be acceptable even where of a different form and character.

Application number	DC/20/3100/FUL
Appeal number	APP/X3540/W/20/3255123
Site	Hill Farm Cottage, Englishes Lane, Ilketshall St. John, NR34 8JE
Description of development	Sub-division of existing residential property including conversion and extension of existing outbuilding to form dwelling
Committee / delegated	Delegated
Appeal decision date	09 February 2021
Appeal decision	Dismissed
Main issues	Whether the nature and location of the residential development proposed would be appropriate with regard to local and national planning policies
Summary of decision	<p>A previous application was allowed on appeal for the conversion of the existing building, considered by that inspector to comply with Paragraph 79 (c) of the NPPF and in that case limited weight was given to Policy WLP8.11 as it was considered to be overly restrictive.</p> <p>This proposal was for the conversion and extension of the building with a proposal which could broadly have been carried out under permitted development once the building had been converted and occupied.</p> <p>The inspector concluded that as Paragraph 79 (c) does not relate to the enlargement of redundant or disused buildings, there is not the same level of support provided through the framework. The development plan is the starting point for considerations; the proposal would lead to a significant increase in volume, creating what would appear as a bungalow rather than a former outbuilding. This would no longer be a minimal alteration nor maintain or enhance the structure, form or character of the rural building, which are both requirements of Policy WLP8.11.</p> <p>Through not meeting the requirements for permitting the residential conversion of rural buildings, this proposal would conflict generally with the spatial strategy of the LP, and specifically with policies WLP1.1 and WLP1.2</p> <p>Weight was given to the ‘fallback’ position of the previously allowed appeal for the conversion of the building and to the small social, economic and environmental benefits of the proposal. This did not outweigh the more significant harm resulting from increased amount of residential development in a relatively isolated location and the conflict with the wider spatial strategy of the Local Plan.</p>
Learning point / actions	None to note

Application number	DC/20/2172/FUL
Appeal number	APP/X3540/W/20/3260418
Site	Land adjacent to 48 McLean Drive, Kessingland, Suffolk NR33 7TY
Description of development	Construction of new dwelling on vacant site
Committee / delegated	Delegated
Appeal decision date	9 February 2021
Appeal decision	Dismissed

Main issues	The main issues are the effects of the proposal on highway safety and European protected sites.
Summary of decision	The inspector concluded that the proposed development would have an adverse impact on highway safety on three points: (i) The proposal would have resulted in the loss of two on street parking spaces, and whilst two public spaces were provided on site no details on how these were to be secured in perpetuity were provided. Furthermore, these spaces would not be clear to highways users that they were for public use due to their position effectively within the private curtilage of a dwelling. This would increase on-street parking elsewhere, which would be detrimental to the safety of users of the highway (ii) Insufficient access width and pedestrian access would likely result in vehicles over-running the existing footway which would be to the detriment of highway safety (iii) Inadequate on-site space for vehicle manoeuvring would result in vehicles reversing across the footpath with suitable mutual visibility.
Learning point / actions	The inspector added additional highway safety concerns that were not detailed in the reason for refusal but were brought up by SCC Highways in the statement to the inspector.

Application number	DC/20/2077/FUL
Appeal number	APP/X3540/W/20/3261439
Site	Plot at Broadbank, Broadview Road, Lowestoft, Suffolk NR32 3PL
Description of development	The development proposed is erection of dwelling house.
Committee / delegated	Delegated
Appeal decision date	09 February 2020
Appeal decision	Dismissed
Main issues	The effect of the proposal on: (i) the living conditions of the occupiers of the next-door dwelling (Sandings), with regard to outlook and internal daylight; (ii) the character and appearance of the area; and (iii) designated European sites in the wider area.
Summary of decision	The dwelling was judged to be of a scale and proximity such as to have a harmfully overbearing impact on the outlook from the adjacent dwelling at Sandings, and to deprive some daylight from its side rooms. The Inspector also felt the cramped nature of the development, due to the narrow plot, would be out of character. The lack of Suffolk (Coast) RAMS contribution only served to reinforce the dismissal reasoning.
Learning point / actions	The Inspector acknowledged the architectural quality of the new dwelling, as a standalone design, but considered that it would be inappropriate for the site and its verdant context, causing harm to the character and appearance of the area.

Construction Working Hours Appeal

Application number	DC/20/3285/CWH
Appeal number	APP/X3540/W/20/3259697
Site	Part Land South West of Aldringham House, Aldeburgh Road, Aldringham Cum Thorpe, Leiston IP16 4FN

Description of development	Modify the times during which construction activities may be carried out in respect of planning permission Ref DC/18/2325/FUL for the construction of 40 dwellings
Committee / delegated	Delegated
Appeal decision date	30 November 2020
Appeal decision	Allowed
Main issues	The main issue is the effect of the increased construction hours on the living conditions of nearby residents, including those within Aldringham House, with particular regard to noise and disturbance.
Summary of decision	<p>Given the proximity of the site to neighbouring properties, impact from extended use of heavy plant and machinery would have adverse impact and it would be inappropriate to allow an extension to the construction hours for external works.</p> <p>However, internal fit out works could be carried out, without significant detrimental impact because these works would be within the constructed dwellings which are located furthest away from the boundary of the site and would not require the use of heavy plant and machinery.</p> <p>The appeal scheme would not harm the living conditions of the occupants of nearby residents, by virtue of increased noise and disturbance if the CMP was amended to enable internal works only to be carried out between the hours of 06:30-21:00 Monday to Friday; 07:30- 17:00 Saturdays and no working on Sundays or Bank Holidays.</p>
Learning point / actions	An inspector is able to modify the proposed development.

Costs Claims

Application number	DC/19/0622/CLE and DC/19/2786/CLE
Appeal number	APP/J3530/X/19/3228391 and APP/X3540/X/19/3236963
Site	The Stables, Mill Road, Badingham, IP13 8LF
Description of development	Non-commercial use for stabling of four horses and ancillary storage. (As agreed at the Appeal Hearing on 20 October 2020)
Committee / delegated	Delegated
Appeal decision date	17 December 2020
Appeal decision	Allowed
Main issues	Whether the Council had acted with unreasonable behaviour in respect of the above appeals.
Summary of decision	<p>An appeal for a lawful development certificate is determined on the facts of the case and relevant planning law. It is not to do with the planning merits of the development or the impact of the matter the subject of the appeal. Costs can only be awarded in relation to unnecessary or wasted expense at the appeal.</p> <p>The appellant considers that the Council should have issued a certificate on the basis of the evidence provided in the first application or the second application. The Council sought additional information late in the determination period and failed to ask for or agree an extension of time to determine the application. The second application sought to address the concerns raised by the Council in relation to the statutory declarations and the evidence in general. The applicant raises concerns</p>

	<p>about the procedural aspects of how the applications were dealt with. The appellant considers that the Council had sufficiently precise and unambiguous evidence to grant a certificate in both applications and that there was a lack of engagement by the Council.</p> <p>On 23 June 2020 the Council confirmed that it had decided not to defend Appeal A and Appeal B because it considered that further information on the use of the building had been provided as part of the appeals, which was considered sufficient to grant a certificate. It confirmed that if a new application was submitted, along with the information submitted for the appeals a certificate would be granted.</p> <p>The evidence, although not voluminous, was adequate to demonstrate ,on the balance of probabilities, that the use had begun and had continued in excess of ten years. The Council had no contradictory evidence of its own at any stage in the consideration of the applications or the appeals. I therefore find that the Council acted unreasonably in relation to both Appeal A and Appeal Band this led to the wasted expense of submitting the appeals, preparing written evidence and 30 minutes of the Hearing sitting time. A full award of costs is justified in relation to submitting the appeals, preparing written evidence on Appeal A and Appeal B and 30 minutes of the Hearing sitting time.</p>
Learning point / actions	As noted above, agreeing an extension to time to obtain further information and seek clarification on what had been submitted would have prevented both the submission of a subsequent application and the two refusals which resulted in appeal hearings.

Appeals relating to Enforcement Action

Enforcement Case Number	ENF/2019/0035/DEV
Appeal Number	APP/X3540/C/20/3256490
Site	3-4 Queens Head Lane, Woodbridge
Description of Development	Without planning permission the installation of a wheelchair lift on the Property.
Type of notice	ENFORCEMENT NOTICE
Decision Date	25 January 2021
Appeal Decision	Appeal dismissed
Main Issues	installation of a wheelchair lift
Summary of Decision	Appeal is dismissed and the enforcement notice is upheld
Learning Point / Actions	None