



Appeal Decision

Site visit made on 7 July 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th July 2025

Appeal Ref: APP/X3540/W/24/3356679

Larks Rising, Easton Lane, Reydon, Suffolk IP18 6SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Anne Jones on behalf of Easton Bavents Ltd against the decision of East Suffolk Council.
 - The application Ref is DC/23/4736/FUL.
 - The development proposed is described as 4 residential properties to be built to replace 3 cottages already lost to erosion and 1 house due to be lost in next 20 years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of conciseness, I have amended the appellants description of development in the banner heading above, omitting elements that do not relate to the operative part.
3. Accompanying this appeal is an Addendum to the Landscape and Visual Impact Assessment (LVIA) dated November 2024 and a revised landscaping plan. The Addendum provides an updated LVIA based on the amended plans upon which the Council made their decision and is supplementary only. The landscaping plan is ordinarily a matter that could be dealt with through the imposition of conditions.
4. Also submitted with the appeal is a Planning Statement and Business Case by Cheffins dated January 2023 (the Cheffins report). This did not accompany the planning application, but was submitted alongside an earlier pre-application enquiry and extracts were referred to in the Design and Access Statement, so it should not come as a surprise to the Council.
5. These plans and documents have not been subject to formal public consultation but the Council have had an opportunity to formally consider and comment on them as part of the appeal. Given this, accepting them at this stage would not be unfair or deprive those who should have been consulted the opportunity of such consultation. Therefore, having regard to the principles of Holborn¹, acceptance of them would not be procedurally unfair and as a result I have taken them into account in determining this appeal.
6. Evidence on updated coastal erosion projections for Easton Bavents published in January 2025 by the Environment Agency (EA) as part of their Shoreline Management Plan (SMP) has also been submitted. Given its publication date, I am

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

satisfied that this evidence could not reasonably have been provided earlier, is material to the decision and should be considered. The Council has provided comment on this following an agreed extension of time. I am satisfied that there would be no procedural unfairness in accepting this and so I do.

Main Issues

7. The main issues are:

- whether the appeal scheme constitutes the appropriate replacement and relocation of dwellings affected by coastal erosion in the countryside; and
- the effect of the development on the character and appearance of the surrounding area, including whether the proposal conserves and enhances the landscape and scenic beauty of the Suffolk and Essex Coasts and Heaths National Landscape.

Reasons

Whether appropriate replacement

8. A Coastal Change Management Area (CCMA) is identified on the Policies Map and defined by Policy WLP8.25 of the Waveney Local Plan (2019) (LP). Policy WLP8.26 of the LP relates to the relocation and replacement of dwellings affected by coastal erosion. It states that proposals will be permitted in the countryside subject to 4 criteria. These are that (1) development replaces a permanent building which is within the identified CCMA and is forecasted to be affected by erosion within 20 years of the date of the proposal; (2) the relocated dwelling should be in a location which exhibits a similar or improved level of sustainability with respect to access to services and facilities as the original dwelling; (3) the relocated dwelling is outside of the identified CCMA; and (4) the existing site is either cleared and made safe or put to a temporary use beneficial to the local community.
9. The dispute between the parties relates to the first criterion and only in relation to the proposed replacement of The Warren, a permanent dwelling and the only one of the four that still stands. It is located outside of the appeal site and is also outside of the defined CCMA as defined by the Policies Map.
10. However, latest evidence published by EA points to coastal erosion far exceeding previous predictions. The 2025 coastal erosion risk projections show that by 2055, The Warren would be lost to the sea in all 3 modelled scenarios. This represents the most up to date information on coastal erosion risk, which produced on behalf of a government agency is reputable and scientifically robust evidence. As such I afford it significant weight, noting that Policy WLP8.25 acknowledges this should be the case in applying the policy.
11. The development plan is clear that CCMA's are based on the area's likely to be impacted by coastal change within the next 100 years (using a 2005 baseline) as identified in the Shoreline Management Plans. When factoring in the new baseline and its predictions within 30 years, I find that The Warren should enjoy the same status as if it were within the CCMA.
12. Evidence presented within the Cheffins report suggests that The Warren would need to be demolished by 2040 based on erosion rates and allowing for a mandatory 10m buffer from the cliff edge, plus time to allow relevant permissions

to be granted. However, it is not clear how the erosion rates have been derived in the scenario where the coast benefits from defences. As such I can only attribute it modest weight.

13. The speed of coastal erosion is not an exact science. Nevertheless, based on the evidence provided, I accept that it is highly likely that The Warren would be affected by coastal erosion within the 20-year timeframe set by Policy WLP8.26. I note one of the overall objectives in the Coastal Adaptation Supplementary Planning Document (2023) (SPD), which supports the development plan policies, seeks (at paragraph 5.7) the timely relocation and rollback of dwellings well before erosion becomes an imminent threat, which this scheme seeks to do. Furthermore, the overriding purpose of Policy WLP8.26 is to strictly control new development and provide for the appropriate relocation of existing development within those areas already evidenced to be especially vulnerable to coastal erosion, which I find to be the case here.
14. However, explicit in Policy WLP8.26 is that it is permissive of 'replacement' dwellings only. The Warren lies outside of the appeal site boundary, is not within land edged in blue nor indeed shown on any of the formal plans provided. This lack of precision would make a Grampian condition to require its demolition problematic, as I would be unable to tie such a condition to a plan. Additionally, the appellants suggested draft condition essentially sets out that no development could commence on any of the four dwellings until The Warren is demolished, which I have concerns would be disproportionate and unreasonable. This is made more complex as the appeal involves four dwellings, and it is not clear which dwelling replaces which, making drafting a suitably sophisticated condition difficult.
15. For similar reasons, a split decision would also be inappropriate. Having carefully considered this matter, I am not satisfied that a Grampian condition would meet the Framework tests. No legal mechanism, such as a s.106 agreement, is before me. Consequently, there would be no means of controlling that it would be demolished at an appropriate point in time, thus ensuring it is a true replacement.
16. My attention is drawn to the Pathfinder project which indicates dwellings at risk of coastal erosion could be replaced and the original building retained for alternative, non-permanent residential uses, whilst still safe to do so, a matter reflected in criterion 4 of policy WLP8.26 of the LP. The appellant suggests that such conditions are commonly applied to holiday lets and other temporary forms of residential accommodation and goes on to provide suggested wording. However placing a condition, that is not pre-commencement on a property falling outside of the appeal site would be unreasonable, imprecise and unenforceable.
17. The effect of this would be that the appellant could achieve a net gain of one dwelling for what could still be a considerable period. This would undermine the policy intent. Consequently, I find that scheme conflicts with the fourth criterion of Policy WLP8.26. As I cannot be certain it would represent a replacement dwelling, it would also be contrary to policies WLP1.2, WLP7.1 and WLP8.7 of the LP, which amongst other things, set out a strategy for growth in rural settlements, including limiting development in the countryside to certain exceptions which this scheme would not meet.

Character and appearance, including National Landscape

18. The appeal site comprises flat agricultural land in the countryside, to the north of Easton Lane close to the hamlet of Easton Bevants and north of the defined settlement boundary of Reydon. Easton Farm with its linear, former poultry buildings, lies adjacent to the appeal site and there are two dwellings to its south, fronting the lane which together form a cluster of development in the rural landscape.
19. The site is located within the North Suffolk Sandlings landscape character area identified in the Waveney Landscape Character Assessment. This area forms a low lying coastal backdrop of remnant acid heathland and wooded farmland defined by the extent of sand and gravel drift deposits. Land use in the area is predominantly agricultural with a mix of farming. Fields tend to be medium to large scale, typically defined by hedgerows which I was able to observe on site. There are areas of open landscape where views are more expansive, with mature trees lining prominent skyline features.
20. The site is also located within the Suffolk and Essex Coasts and Heaths National Landscape designation. The statutory purpose of National Landscapes is conserving and enhancing the natural beauty of the area of outstanding natural beauty. Section 245 (Protected landscapes) of the Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions, which affect National Landscapes. Relevant authorities must seek to further the statutory purposes of Protected Landscapes, which includes National Landscapes.
21. Paragraph 189 of the National Planning Policy Framework (the Framework) also states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. In this case, the National Landscape covers a large area. Its status is derived partly from its underlying geology and associated natural habitats, shaped by the effects of the sea and the interaction with people and the landscape, and is valued for its scenic qualities and tranquillity.
22. Evidence shows that the cottages at 1-3 East End Cottage that have already been lost to the sea were a modest terrace of 3 dwellings. The Warren sits apart from the appeal site, in a more exposed location and comprises a two storey, four bedroom dwelling. The four proposed dwellings are considerably larger in scale and bulk than those they are to replace. However, there is nothing within Policy WLP8.26 that limits the size of the replacement dwellings, a matter that the SPD acknowledges. Indeed, the SPD advocates that the size of any relocated dwelling can include a consideration of permitted development rights and should be considered alongside other landscape and design policies, in order to minimise the risk of unnecessarily larger homes impacting the undeveloped area, which is the approach that I have taken.
23. Whilst the four new dwellings are substantial in size, they are not excessively bulky. Moreover, the proposed layout would appear as a modern interpretation of a farmstead, which I find to be appropriate for its site context and would provide for an interesting contemporary design. The farmstead would be set further north than the adjacent farm and extend development further into the open countryside away from the existing cluster of built form, which counts against the scheme.
24. However, the revised landscape plan indicates a robust and meaningful strategy to provide woodland blocks of large deciduous trees to screen the development,

which I find would, over time, largely be in character with the surrounding landscape. Their placement would allow for retained and important glimpses of the landscape when viewed across the site towards farmland at the south-east, such that it would assist in preserving the landscape character. It is noteworthy that the location of the proposed dwellings closely follows the pre-application advice given by the Council.

25. I am mindful that any site to accommodate replacement dwellings would, by necessity, be located within the National Landscape and that Policy WLP8.26 is supportive of replacement dwellings in principle. In this case there would be an encroachment of development away from built form, albeit landscaping mitigations proposed would help to offer visual relief to the effects of this over time to such a degree that this would largely preserve the landscape character.
26. However, without the ability to remove The Warren, the appeal scheme cannot secure the removal of a building that currently interrupts the visual connection between the land and coast and would not enhance the landscape and scenic beauty of the National Landscape. Consequently, it does not counterbalance the adverse landscape effects of the replacements, which would in the short-to-medium term be visible in the landscape owing to the size, their positioning away from the adjacent farm buildings and the lack of established screening.
27. As such, it conflicts with paragraph 185(a) of the Framework as it would, when considered in the round, compromise the character of the coast and its National Landscape designation. Therefore, I find that the development in combination with the uncontrolled retention of The Warren to amount to considerable harm to the character and appearance of the surrounding area and fails to conserve and enhance the landscape and scenic beauty of the National Landscape which conflicts with Policy WLP8.35 of the LP. Amongst other things, this expects development to demonstrate protection and enhancement with the special qualities and local distinctiveness of the area and the natural beauty of the former Suffolk Coast Heaths Area of Outstanding Natural Beauty, now the National Landscape.

Other Matters

28. The Council's officer report refers to the appeal site being located within 360m south of Benacre to Easton Bavents Special Protection Area (SPA) and approximately 680m of Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC), both of which are European designated habitat sites. Limited evidence has been provided to show the effect of the development on these habitat designations. Given my other concerns with the scheme and that this matter is not in dispute, I do not consider this further. Had I been minded to allow the appeal, further representations would have been required on this matter.
29. I have had regard to comments from interested parties, particularly in relation to ecology and wildlife, other sites offered to the appellant other planning permission granted to the appellant, highway safety and the effect on C.C Boggis Ltd. However, I have limited evidence with regard to ecology and wildlife and highway safety and note the comments from the appellant with regard to other sites and permissions and the effect on Easton Farm. As such, I do not have sufficient evidence to find harm in these regards. It is also noteworthy that the Council came to similar conclusions in relation to these matters.

Planning Balance and Conclusion

30. The proposal would result in the provision of additional sustainable and energy efficient dwellings that could be built out quickly and provide associated economic benefits from construction and future spend by occupiers. These benefits weigh in favour of the proposal, but I give them moderate weight due to the scale of development.
31. In contrast however, the proposal would result in harm to the character and appearance of the area and fail to conserve and enhance the landscape and scenic beauty of the National Landscape. The relevant policies in these regards are consistent with the Framework that seeks to conserve and enhance the natural environment. Therefore, the proposed development is contrary to the development plan as a whole.
32. During the appeal, the Council have confirmed that it cannot demonstrate a five-year supply of deliverable housing sites and I have no reason to disagree. I have found above that the proposal would cause harm to the National Landscape. This is contrary to the provisions of Chapter 15 of the Framework that protects such assets. Given footnote 7 to Paragraph 11(d)(i) of the Framework, and the harm I have identified to an asset of particular importance, this provides a strong reason for refusing the development and there is no need for me to carry out the assessment in Paragraph 11(d) (ii) of the Framework.
33. Nevertheless, I have had regard to the benefits to the supply of housing and to the economic benefits identified above. However, these benefits are limited by the scale of the proposal and the adverse effects that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
34. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Walker

INSPECTOR