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Planning Appeals

Application number	DC/20/2357/FUL
Appeal number	APP/X3540/W/20/3266115
Site	Red Lodge, The Street, North Cove NR34 7PU
Description of development	Demolition of existing dwelling and replacement with three detached bungalows, garages and all associated works.
Committee / delegated	Delegated
Appeal decision date	7 April 2021
Appeal decision	Dismissed
Main issues	The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to external amenity space.
Summary of decision	The inspector concluded that the proposal effectively was a small cul-de-sac arrangement, and that this layout would harm the lower density character of the Fountains Lane. The retention of two large trees in the rear garden of Plot 3 would result in significantly lower levels of natural lighting within the rear garden, which would pressure to lop, top or even remove the trees, which would harm the character and appearance. The proximity of Plot 3's dwelling and rear garden area to the retained trees would result in overshadowing and overbearing impacts on the external space, detrimental to the living conditions of future occupiers.
Learning point / actions	<p>Even if a condition to retain the trees were imposed, it would be difficult to resist an application to vary such a condition in order to undertake work to the trees, particularly if applications were proposed in the interest of resident safety or damage to property.</p> <p>An extant application for outline consent with all matters reserved does not suggest that two storey dwellings could be constructed as suggested by the appellant, as matters of scale and form had not been considered.</p>

Application number	DC/20/2651/FUL
Appeal number	APP/X3540/W/20/3262487
Site	Westhouse Cottage, Saxmundham Road, Theberton, IP16 4TH

Description of development	“New detached residential dwelling and associated garage”
Committee / delegated	Delegated
Appeal decision date	16 June 2021
Appeal decision	Dismissed
Main issues	<p>This application was for full planning permission to demolish the existing red brick dwelling (formerly 2 cottages) , which is set perpendicular to the road with a shallow dual pitched roof, and the erection of a detached two-storey L-shaped dwelling set further back on the site with a detached garage and parking area in front. The new dwelling was proposed to be contemporary in character with timber vertical cladding and a standing seam roof and grey windows.</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - The ecological implications, as bats had previously been identified as being on site, and there was a pond which a 2017 ecological assessment suggested may be suitable habitat for Great Crested Newts, - The visual appearance of the dwelling and garage, and whether they would be more visually prominent in the countryside, - The potential need for an appropriate assessment due to the location of the site within 13km of Protected Sites.
Summary of decision	The inspector dismissed the appeal on the two key reasons that were cited in the Local Planning Authority decision notice, that related to the lack of up to date ecological assessments, and that the proposal would be more visually intrusive in the rural landscape and be unacceptably urban in character.
Learning point / actions	<p>Support the view taken by the LPA that:</p> <ul style="list-style-type: none"> - Up to date ecological assessment is essential where protected species likely to be on site (as per paragraph 175 of the NPPF, and Policy SCLP10.1). - Replacement dwellings in the countryside must be appropriately designed to respect their locality and be no more prominent in the landscape than the building they are proposed to replace (As per Policies SCLP5.3 and SCLP11.1).

Application number	DC/20/1895/FUL
Appeal number	APP/X3540/W/21/3266395
Site	Land adjacent 6 Spring Lane, Wickham Market, Woodbridge, IP13 0SP
Description of development	Erection of a detached 3 bedroom dwelling.
Committee / delegated	Delegated
Appeal decision date	28 May 2021
Appeal decision	Dismissed

<p>Main issues</p>	<p>This application sought to erect a detached two storey dwelling within the Wickham Market settlement boundary and Conservation Area. Consent had historically been approved for a dwelling in this location, however had not been implemented.</p> <p>The main issues were:</p> <ul style="list-style-type: none"> - The character and appearance of the area, and whether it would preserve or enhance the character or appearance of the Wickham Market Conservation Area - The living conditions of the neighbouring properties, with regard to privacy and outlook; - Flood risk; and - The safety and convenience of highway users.
<p>Summary of decision</p>	<p>The Inspector identifies that the proposed development would cause less than substantial harm to the Wickham Market Conservation Area (CA), as the dwelling would diminish the spatial quality of the of the CA by infilling an identified space between the existing terraced cottages to the south and more modern development to the north. In accordance with paragraphs 193 and 196 of the National Planning Policy Framework, the modest potential benefits of the development would not outweigh the harm identified. The proposal would, therefore, fail to preserve or enhance the significance of, th windows e designated heritage asset and would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.</p> <p>The development would have an adverse impact on living conditions of the occupants of 4 Spring Lane, with particular reference to privacy contrary to policy SCLP11.2 which requires decisions to have regard to privacy and overlooking, due to the development being within close proximity to the boundary and introducing at a raised level (due to flood mitigation levels).</p> <p>The site is located within Flood Zones 2 and 3. Paragraph 158 of the Framework states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The appellant has provided a brief summary of the constraints of the locality and stated that there are no reasonable alternative sites for the scale and type of development. However, the sequential test area has not been robustly justified. The appellant has advanced a case whereby the dwelling, due to its raised floor level and use of voids beneath the building, would not result in a loss of floodplain storage. However, in the absence of a sequential test, the proposed development is unacceptable in principle, and therefore it is not necessary to consider the detailed flood mitigation proposals. The proposal is contrary to policy SCLP9.5, the Framework and the PPG.</p>
<p>Learning point / actions</p>	<p>The appeal decision supports the officers recommendation and three of the four reasons for refusal. However, the Inspector found that the slight intensification of the existing access to serve the proposed and existing dwellings was acceptable, contrary to Suffolk County Highways</p>

	objection. Albeit no comment was provided in respect of the proposed parking layout or provision, the Inspector concluded that the development would not have an unacceptable impact on the safety and convenience of highway users. The development was therefore considered to accord with policies SCLP5.7 and SCLP11.1 of the Local Plan which requires development to include appropriate highway layouts and well-designed accesses, in addition to paragraph 109 of the National Planning Policy Framework. This alone would not have made the development acceptable, however identifies that further consideration of the intensification of existing accesses on low speed roads may be applicable by both the Local Planning Authority and respective Highways Authority.
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Application number	DC/20/4633/FUL
Appeal number	APP/X3540/D/21/3270591
Site	Albermarle House, Bealings Road, Martlesham, IP12 4RW
Description of development	“Alteration and extension”
Committee / delegated	Delegated
Appeal decision date	21 July 2021
Appeal decision	Allowed with conditions
Main issues	<p>The application sought a large extension to the already largely extended outbuildings which had been granted permission to be converted and connected via a link extension. The extensions were initially submitted as an annexe, which was refused for non-compliance with SCLP5.13, in addition to SCLP11.1 as the proposed extension and annexe accommodation was considered too large in context of the already extended host. This proposal sought the same amount of floor area and design as previously sought, however as ancillary residential accommodation (gym, sauna, cinema room, etc) rather than an annexe. The scale of the development was not considered to have overcome part of the reason for the earlier refusal.</p> <p>The main issue is the effect of the proposal on the character and appearance of the dwelling.</p>
Summary of decision	The Inspector considered that there is limited visual impact beyond the immediate setting of the dwelling. The development would appear proportionate given the size of the host building and respond to the local context. There would be no impact on any of the tree preservation order trees or the setting of Beaconhill House, a grade II listed building (as noted in the delegated report).
Learning point / actions	In this instance, the Inspector considered that the extension was proportionate to the dwelling as had been permitted to be converted and extended (partly completed), rather than the original buildings which were much smaller.

Application number	DC/20/1112/FUL
Appeal number	APP/X3540/W/21/3266276
Site	The Poultry Farm, High Road, Trimley St Martin, IP11 0RG
Description of development	Erection of 7 no. bungalows and garaging

Committee / delegated	Delegated
Appeal decision date	28 May 2021
Appeal decision	Dismissed
Main issues	Highway Safety
Summary of decision	<p>The limited width of the access means that it would not be possible for two vehicles to pass resulting in cars either having to wait within the site, or on the highway when entering or exiting the site. The narrow width would also mean the access would be a shared space between vehicles and pedestrians putting them at greater risk.</p> <p>The previous use of the site for agricultural purposes would have used the access more intensively however since then the scale of the site has decreased and unlikely for this use to re-establish therefore this is not a realistic fallback position.</p> <p>The development would not result in a safe and suitable access from the development for both cars and pedestrians contrary to Policies SCLP7.1 and SCLP11.1 of the Local Plan and paragraphs 108, 109 and 110 of the (previous) NPPF.</p>
Learning point / actions	<p>Although the development would not result in frequent conflicts between vehicles entering and exiting the site, even limited incursion into traffic passing along High Road would result in an unacceptable impact on highway safety.</p> <p>Significant weight given to the requirement for safe and secure access for all and that safe pedestrian access to local services would be limited.</p>

Application number	DC/20/4757/FUL
Appeal number	APP/X3540/W/21/3269616
Site	Hardstanding off Presmere Road, Pettistree, IP13 0HZ
Description of development	Two small light industrial "starter" units (Class E), housed within a singular dog-leg building. Each unit will have a floor area of approximately 65m ² and will benefit from two parking spaces. The total gross internal floor area of the building will be 130m ² .
Committee / delegated	Delegated
Appeal decision date	28 May 2021
Appeal decision	Dismissed
Main issues	Whether or not the proposed development would accord with the adopted strategy for the location of new employment development.
Summary of decision	The principle of development would not be acceptable having regard to the location of the site in the countryside. While there are benefits of the proposal including the provision of employment (with the NPPF

	stating that significant weight should be placed on the need to support economic growth and productivity), the NPPF also confirms that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. In this case, the conflict with the development plan is not outweighed by other Considerations.
Learning point / actions	The marketing exercise carried out in this application is not the same as a sequential test which Policy SCLP4.2 requires and this should be carried out first prior to considering sites in the Countryside.

Application number	DC/20/4643/FUL
Appeal number	APP/X3540/W/21/3270811
Site	102 Garrison Lane, Felixstowe
Description of development	Change of Use of house (Use Class C3) to a large HMO (Use Class Sui Generis).
Committee / delegated	Delegated
Appeal decision date	26/07/2021
Appeal decision	Dismissed
Main issues	Whether the property was suitable to be used as a large HMO. The site was a modest sized bungalow that had been extensively extended over the years and has more recently been used as a small HMO for up to 6 people. The proposal wanted to use the site as a large HMO for up to 8 people. The main issues on the site were that one of the rooms proposed for the HMO was situated in the middle of the property and had little natural light or fresh air and highway safety concerns relating to the use of the adjacent crossing point as an access into the parking area at the front of the site. Loss of residential amenity to local residents was also considered.
Summary of decision	That although the proposal was not considered to harm the living conditions of neighbouring occupiers it would adversely affect highway safety and would fail to provide acceptable living conditions in relation to one of the bedrooms for the future occupiers with regards to light and outlook.
Learning point / actions	The adverse impacts on the living conditions of future occupiers and on highway safety to significantly and demonstrably outweigh the limited benefits of the proposal with regards to its sustainable location.

Application number	DC/20/4794/FUL
Appeal number	APP/X3540/D/21/3270483
Site	News Hill Barn, Methersgate Hall Drive, Sutton, Woodbridge IP12 3FD
Description of development	"Proposed detached double garage"
Committee / delegated	Delegated
Appeal decision date	31 August 2021
Appeal decision	Conditionally Allowed

Main issues	<p>This application was for full planning permission to erect a two bay garage on the site of News Hill Barn which is a recently converted barn into a large residential dwelling. The approved conversion scheme sought to retain the intrinsic character of the building, considered to be a Non-Designated Heritage Asset, and sought to avoid the creation of a residential curtilage that would harm its present open landscape setting.</p> <p>The main issue was:</p> <ul style="list-style-type: none"> - The proposal for a domestic garage within this sensitive rural area, would harm both the character of the barn conversion and its present isolated landscape setting and fail to preserve the AONB landscape.
Summary of decision	<p>The inspector dismissed the appeal as they found that the design and discreet profile of the garage would not dominate the barn or be visually intrusive so as to adversely impact its setting. The proposal would therefore preserve and enhance the character and setting of the host building and would conserve the landscape and scenic beauty of the Suffolk Coast and Heaths AONB</p>
Learning point / actions	<p>In this instance, the Inspector considered that the proposed garage would not harm the character of the dwelling or the setting of it within the AONB due to the design of the garage being rural in appearance and that its size and materials were suitable for the location.</p>

Application number	DC/20/3414/FUL
Appeal number	APP/X3540/W/21/3267603
Site	Longwood, Church Field, Walberswick IP18 6TG
Description of development	Demolition of an existing bungalow and garage and the erection of two new dwellings with a car port and garage.
Committee / delegated	Delegated
Appeal decision date	10 September 2021
Appeal decision	Dismissed
Main issues	<p>The main issue is the effect of the proposed development on the setting of the Grade I listed building, known as St Andrews Church, and the Walberswick Conservation Area, and the landscape and natural beauty of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.</p>
Summary of decision	<p>The existing dwelling has a limited impact on the setting of the Church and WCA. The proposed dwellings would be significantly more noticeable within the setting of these heritage assets. The Inspector considered that the proposal would be harmful to the settings of the Grade I listed church and WCA; resulting in a negative effect on the significance of these designated heritage assets. The harm identified would equate to less than substantial harm to the significance of these assets. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals. The Inspector considered an array of potential public benefits, including net gain of one additional dwelling for the housing supply, self or custom build properties, energy efficiently performance, short term benefits to the local economy associated with the construction of the development and whether the proposal would be a</p>

	<p>more efficient use of the site, however concluded that the public benefits outlined would not justify allowing development that would be harmful to the settings of the Grade I listed church and WCA. In accordance with paragraphs 199 and 202 of the Framework the public benefits do not outweigh the great weight to be given to the less than substantial harm which was identified. Although the proposed development would not have an unacceptable effect on the AONB, the decision concludes that the development would have an unacceptably harmful effect on the setting of the listed building, St Andrews Church, and the WCA. Hence, the proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199, 200 and 206 of the Framework and conflicts with the design and heritage aims of Policies SCLP10.4, SCLP11.3, SCLP11.4 and SCLP11.5 of the Council's Local Plan.</p>
Learning point / actions	The view of the Inspector accords with the main reason for refusal noted by officers.

Application number	DC/20/2319/FUL
Appeal number	APP/X3540/W/21/3269892
Site	The Red House, 44 Cumberland Street, Woodbridge IP12 4AD
Description of development	The development proposed is the erection of new single-storey dwelling and detached garage.
Committee / delegated	Delegated
Appeal decision date	13 September 2021
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposed development upon the character and appearance of the Woodbridge Conservation Area.
Summary of decision	<p>The site is within the Woodbridge Conservation Area, although the relatively enclosed, views into the site are possible from neighbouring land. In consequence, the open and relatively less developed character of the appeal site is readily perceptible which the Inspector placed weight on. The proposed development would result in a significant increase in the overall level of built form which would conflict with the generally open character of the CA.</p> <p>The proposed dwelling would be constructed to a more modern style of architecture and would feature a flat roofed element and have a relatively uniform mass. This would conflict with the prevailing character of the surrounding area, which broadly comprises traditional designed and proportioned buildings with pitched roofs. These differences would render the proposed development incongruous. This would further erode the area's character which is a concern given the prominent nature of the proposed development. In particular, the proposal would be visible from a number of nearby properties, such as those in Cumberland Street. This means that the increase in built form would be readily perceptible. This effect would occur irrespective of the relatively few views from public areas.</p> <p>It was concluded that the proposed development would have an adverse effect upon the character and appearance of the CA. Whilst the harm upon the Conservation Area as a whole would be less than substantial, it would breach the requirements of Local Plan Policies</p>

	SCLP 5.7; SCLP 11.1; SCLP 11.3; and SCLP 11.5. Amongst other matters, these seek to ensure that new developments do not harm the character of the area; preserve or enhance the character and appearance of conservation areas; and demonstrate a clear understanding of the historic environment.
Learning point / actions	The view of the Inspector accords with the main reason for refusal noted by officers.

Application number	DC/20/4603/FUL
Appeal number	APP/X3540/D/21/3273075
Site	Pilot Cottage, 22 East Street, Southwold, IP18 6EH
Description of development	Replace lean-to with flat roof
Committee / delegated	Delegated
Appeal decision date	18/08/21
Appeal decision	Dismissed
Main issues	The effect of the proposal on the character and appearance of the Conservation Area
Summary of decision	<p>The Inspector considered that the proposals would change the roof profile and would be akin to a first floor flat roofed addition not characteristic of the period and architectural style of the existing building. There was disagreement with the appellants view that it would be hidden from public views, confirming it would be visible and appear as an unsympathetic feature of the roof.</p> <p>The Inspector did not consider other flat roof additions which have not enhanced the character and appearance of the dwellings and the conservation area are designs that should be encouraged and warrant acceptance of the appeal proposals.</p> <p>The justification for the alterations to increase head room to the small bedroom was not regarded as being a public benefit that would outweigh the harm caused and that the property is still capable of renting out as tourist accommodation and not materially benefit future occupants.</p> <p>It was concluded the proposals would fail to preserve and enhance the character and appearance of the building and its setting in the Conservation Area contrary to the NPPF and Development Plan policies WLP8.29; WLP8.37; WLP8.38 and WLP8.39.</p>
Learning point / actions	The view of the Inspector accords with the main reason for refusal noted by officers.

Application number	DC/20/1434/FUL
Appeal number	APP/X3540/W/20/3255490
Site	315 Victoria Road, Lowestoft, Suffolk NR33 9LS
Description of development	Construction of single storey dwelling, garage, drive access, fencing, materials
Committee / delegated	Delegated
Appeal decision date	14/06/2021
Appeal decision	Dismissed

Main issues	The effect of the proposed development on the character and appearance of the site and surrounding area, on the living conditions of nearby residents and future occupiers, and the effect on nearby European Protected Sites.
Summary of decision	<p>The inspector noted that there were no immediate examples of backland development, and therefore it would be a departure from the prevailing character, and that the positioning of the proposed dwellings close to boundaries would result in a cramped appearance and therefore a form of overdevelopment.</p> <p>The inspector also concluded that the proposed access would materially harm the enjoyment of adjacent homes and gardens despite the dwelling not generating significant vehicle movements. They also considered that the dwelling would dominant and overbearing feature for adjacent residents, and that residents of the dwelling would have poor outlook for certain windows.</p>
Learning point / actions	The view of the Inspector accords with the main reason for refusal noted by officers.

Application number	DC/20/1775/OUT
Appeal number	APP/X3540/W/20/3266109
Site	Ottawa Lodge, London Road, Gisleham NR33 7QN
Description of development	Outline Application for erection of single storey dwelling with garaging and new highway access
Committee / delegated	Delegated
Appeal decision date	13/08/2021
Appeal decision	Conditionally Allowed
Main issues	The effect of the proposed development on the character and appearance of the area, whether the appeal site is an appropriate location for the development proposed having regard to the development strategy for the area; and the effect of the proposed development on nearby European sites.
Summary of decision	<p>The inspector concluded that whilst the proposal would create a tandem form of development, this would not be out of keeping with the area given development on the on the opposite side of the road and the uniform building line of adjacent plots. They also note that whilst it would alter the appearance of the site the visual effects would be localised and would not extend beyond an existing domestic curtilage.</p> <p>The inspector goes on to consider that the proposed site meets 2 of the 3 criteria for Policy WLP8.7 (development in the countryside), but that the site is not a clearly identifiable gap within a built-up area of a settlement within the countryside, and as such there is a conflict with policy WLP8.7. However, the inspector considered that there were reasonable opportunities to access services and facilities by means other than private motorised vehicles. Consequently, they concluded that whilst the proposal to erect a dwelling in the countryside would conflict with part of Policy WLP8.7 and be contrary to the development plan in that respect, the reasonable accessibility of the site to services and facilities, lack of encroachment into the countryside and the absence of harm to the character and appearance of the area, meant</p>

	<p>they did not conclude that the proposal would undermine the overall intention of policy WLP8.7 or the development strategy.</p> <p>They also considered that a requested condition requiring the development to be single storey was unnecessary as details of scale are a matter reserved for future determination.</p>
Learning point / actions	<p>The inspector concluded that the edge of settlement position of the proposed dwelling and therefore sustainable location, and the perceived lack of harm to the character of the area, was sufficient to outweigh the conflict with policy WLP8.7 regarding the criteria for it to be a clearly identifiable gap.</p>

Application number	DC/20/2805/FUL
Appeal number	APP/X3540/W/20/3264840
Site	123 Bucklesham Road, Ipswich, IP3 8UA
Description of development	Erection of 2 detached dwellings with garages following demolition of existing bungalow
Committee / delegated	Delegated
Appeal decision date	16 September 2021
Appeal decision	Allowed with conditions
Main issues	<p>The main issues in this appeal are the effect of the proposal on the character and appearance of the area and on European Designated sites.</p> <p>Officers were concerned that the proposal represented overdevelopment, resulting in cramped plots. The garages to the front appeared quite dominant in the streetscene, partially screening the principle elevations of the dwellings, which gave a further sense of overdevelopment.</p>
Summary of decision	<p>The Inspector concluded that the proposed dwellings would be detached, thereby following the form of the vast majority of properties along Bucklesham Road. Adequate spacing to the side boundaries and between the properties would be provided so that the dwellings need not appear cramped within its individual plot or the site as a whole. The positioning of the proposed garaging to the front of the properties would not be particularly noticeable within the street scene, nor would they erode or harm the existing form of development that exists in the vicinity of the appeal site. The development therefore would not harm the character and appearance of the area. It would not be in conflict with Policy SCLP11.1 and SCLP5.7 of the East Suffolk Council Suffolk Coastal Local Plan 2020 (the SCLP) which seek, amongst other things, to ensure that developments clearly demonstrates an understanding of the key features of local character and seeks to enhance these features through innovative and creative means.</p> <p>The appellant paid the RAMS contribution prior to the determination of the appeal, as such the second reason for refusal was resolved.</p>
Learning point / actions	<p>The Insepector noted that the area has a strong residential character, this is created through a range of style and size of property that, in some instances, are developed close to one another. This gives the area a diverse and pleasant suburban character. Any subsequent proposals for intensification or infill along Bucklesham Road would need to ensure</p>

	it would not harm the established suburban character which has been identified.
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Application number	DC/20/1689/OUT
Appeal number	APP/X3540/W/21/3269034
Site	3 Ivy Cottages, The Street, Darsham, IP17 3QA
Description of development	Proposed new build dwelling.
Committee / delegated	Delegated
Appeal decision date	30 June 2021
Appeal decision	Allowed
Main issues	The main issue was the effect of the development on the safety and convenience of highway users.
Summary of decision	<p>The Inspector acknowledged that the scheme layout would involve vehicles either needing to reverse out onto the road, or manoeuvre in reverse into the site (to enter and exit the frontage parking spaces).</p> <p>The Inspector however did not concur with Suffolk County Council Highways Authority or the Local Planning Authority concerns with this access arrangement. The Inspector considered that:</p> <p><i>“Due to the overall width of the road, and its speed limit, inter-visibility between drivers manoeuvring to and from the site and both drivers and pedestrians approaching along the highway is likely to be good.</i></p> <p><i>In addition, given the number of other similar parking arrangements along The Street, the vehicular movements associated with accessing and exiting the parking area would not be unusual or unexpected. Therefore, it is likely that the potential for conflicting movements can be anticipated well ahead by all parties and collisions avoided.”</i></p>
Learning point / actions	The appeal decision highlights that a balanced judgment needs to be made when considering highways safety matters, having particular regard to the specifics of the scheme and the development site. That being said, officers are disappointed with the decision and consider it unfortunate that The Inspector determined the appeal contrary to the advice of a key statutory consultee in Suffolk County Council Highways Authority.

Application number	DC/20/1158/OUT
Appeal number	APP/X3540/W/21/3266229
Site	1 Hall Cottages, Wangford Road, Reydon, Southwold, IP18 6SJ
Description of development	Single detached two storey dwelling with a detached double garage and store and associated grounds, utilising the existing site access.
Committee / delegated	Delegated
Appeal decision date	23 June 2021
Appeal decision	Allowed
Main issues	The main issue was the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

Summary of decision	<p>On the main issue, The Inspector concluded that:</p> <p><i>“The development whilst increasing the density of development within the locality, would have a similar plot size to other development within the vicinity. Whilst there would be a degree of urbanisation, the development of the site would result in the infilling of the existing gap between 1 Hall Cottages and Threshers Hall and together with Hall Farm would appear part of a small cluster of development and a continuation of the visual and historical relationship of the settlement.”</i></p> <p>The scheme was therefore found to be in accordance with the Local Plan and Neighbourhood Plan as a form of ‘infill’ development within a cluster of dwellings in the countryside.</p>
Learning point / actions	<p>The Inspector applied a Principal Residence Restriction by condition in accordance with Reydon Neighbourhood Plan Policy RNP4. This is the first appeal situation where that policy and linked planning condition has been tested and upheld by The Inspectorate.</p>

Application number	DC/19/3196/FUL
Appeal number	APP/X3540/W/20/3259654
Site	Carlton Meres Country Park, Carlton Lane, Suffolk IP17 2QP
Description of development	‘Use of land for the stationing of 50 No. static holiday caravans; children's play area; recreation space and associated facilities’
Committee / delegated	Delegated
Appeal decision date	06 August 2021
Appeal decision	Allowed
Main issues	<p>The main issue in the appeal was the effect of the proposed development on the character and appearance of the area, with reference to the landscape.</p>
Summary of decision	<p>At the hearing, officers put forward a case that the appeal scheme would have an unacceptable impact on landscape character contrary to policy SCLP10.4. The main debate at the hearing was in regard to this matter, and The Inspector agreed with the Council’s position on the landscape impact of the appeal scheme:</p> <p><i>“In the context of this study area the proposal would have a moderate adverse impact on landscape character and an overall visual impact that would be slight/moderate at Year 15 with mitigation. Thus, it would not protect or enhance the special qualities of the area. Therefore, the impact would be sufficiently great to be worthy of attention. It would be a ‘significant adverse impact’ in the context of Policy SCLP10.4 and therefore at odds with it.</i></p> <p><i>The proposal would also be contrary to criteria c) of Policy SCLP6.4 of the LP, which states that tourism development outside of the AONB will be supported where the proposal avoids, prevents, or mitigates adverse impacts on landscape character. As the proposal would have a residual adverse impact it will not achieve this. By harming an attractive rural landscape the proposal would be at odds with Policy SCLP6.1, which seeks to manage tourism across the plan area in a way that protects the features that make the area attractive. The proposal would also be at odds with criteria c) of Policy SCLP6.5 of the LP.”</i></p>

	<p>However, whilst clearly acknowledging that harm and policy conflict, The Inspector concluded that this would be outweighed by the notable benefits of the appeal scheme – particularly the economic benefits of the scheme:</p> <p><i>“The LP sets out a positive strategy for tourism in PolicySCLP6.1as it delivers notable benefits to the economy. It is estimated that tourism provides about 12% of the areas employment and is worth many millions of pounds. The appellants market overview report explains that the development could add £1.48m to the local economy with an additional multiplier effect. It also explains that market research indicates that 68% of Carlton Meres’ customers said they purchased meals from restaurants or cafes in the local area and 61% visited a pub or bar other than those provided on the park. The same study highlighted that holiday park customers also supported local attractions and nearly 80% said they visited local towns and villages around the holiday park location. The economic benefits would therefore be of a high order.”</i></p> <p>For those reasons, The Inspector allowed the appeal, concluding that:</p> <p><i>“the proposed development would be contrary to the development plan but there are material considerations which outweigh this finding in this instance. Accordingly, the appeal has succeeded.”</i></p>
<p>Learning point / actions</p>	<p>At the hearing there was considerable debate about the occupancy conditions to be applied in the event the appeal was allowed. The appellant was seeking year-round holiday occupation, with a compromise position that a short (2-week) break period could be acceptable as an alternative. Officers put forward the position in the Development Plan that new holiday accommodation should be subject to a condition that limits occupancy to 56 days in a calendar year.</p> <p>The Inspector applied the 56-day condition, noting that:</p> <p><i>“Such a period will make it more likely the caravans are regularly let on a year-round basis to holiday makers and not occupied infrequently as second homes. This would benefit the local economy and safeguard local infrastructure. A condition limiting occupancy to 56 days is therefore necessary.”</i></p> <p>Whilst the appeal decision is disappointing, that the 56-day occupancy condition was tested at an appeal hearing and reinforced through this decision, is a positive outcome to support the continued application of such a condition on other tourism developments in the Suffolk Coastal area of the District.</p>

Application number	DC/20/2842/OUT
Appeal number	APP/X3540/W/20/3259858
Site	Wood Farm, Helmingham Road, Otley, IP6 9NS
Description of development	Development of up to five dwellings.

Committee / delegated	Delegated
Appeal decision date	17 September 2021
Appeal decision	Dismissed
Main issues	<p>The main issues are:</p> <ul style="list-style-type: none"> • Whether the development is in an appropriate location with particular regard to the settlement hierarchy and access to services/amenities; • If the development meets the definition of a 'cluster' as outlined by Local Plan Policy SCLP5.4. <p>This application followed two previous schemes for 10 dwellings on the site which were dismissed under appeals APP/X3540/W/20/3245440 and APP/X3540/W/20/3256782 (appeal decision dated 10 November 2020).</p>
Summary of decision	<p>The Inspector notes that there is a significant distance between the farmstead to the south of the appeal site and cluster of 12 houses to the north and the intervening space occupied by the appeal site constitutes an extensive open area. As a consequence, the farmstead to the south does not visually or functionally form part of the existing cluster of dwellings to the north as 'a continuous line of existing dwellings or a close group of existing dwellings' in accordance with the definition given in Policy SCLP5.4.</p> <p>The Inspector also makes reference to the previous appeals (noted above), noting that the Inspector for the previous appeals at the site took the view that development could be considered to be an infill in the context of Policy SCLP5.4, but did not agree with this assessment for the reasons stated and as a consequence the appeal site does not constitute a clearly identifiable gap within a continuous built-up frontage.</p> <p>Furthermore, despite the appeal site being adjacent to the existing cluster of dwellings to the north, it nonetheless clearly falls outside of it to the south and in no way integrates with it as might be the case with an infill plot. As such the scheme would result in a significant encroachment of ribbon-style built-form into an undeveloped part of the open countryside and thereby be a harmful visual intrusion into the landscape, which is characterised by small, dispersed hamlets and farmsteads. Policy SCLP5.4 does not support significant extensions to existing clusters by encroachment outside of them into the open countryside landscape beyond. The Inspector noted that the average plot frontage would be comparable to those within the existing cluster to the north, however concluded that this did not mitigate the visual impact to the public realm.</p> <p>The development does not comply with Policies SCLP3.3, SCLP5.3, SCLP5.4 and SCLP5.7 of the Local Plan, which collectively offer support, amongst other things, for new dwellings within clusters and infill gaps.</p> <p>It was also noted that the site would not be considered physically isolated from other development, due to the proximity to dwellings to the north, however this does not mean that it would be sustainable in</p>

	<p>terms of access to shops, services, community facilities and transport choices other than the private car, or that it should be approved.</p> <p>The Inspector also considered the appellants offer to construct a new footway link and to upgrade an existing right of way to provide better connectivity to services within the parish. However, considered that the details provided were unclear, although unlikely to be unacceptable due to lack of streetlighting and being available for all users; thus further demonstrating the reliance on the private car to access a wider range of services in larger neighbouring settlements. Further commenting that the creation of hard surfacing to form the footway link would also harm the rural character of the area. The proposal would therefore conflict with Paragraphs 9, 92, 105 and 110 of the Framework.</p> <p>In concluding the decision, the Inspector noted the limited benefits of the development against the policies within the development plan and framework when taken as a whole; “the scheme before me is in clear conflict with the development plan and to allow it would therefore undermine a fundamental principle of the planning system;- that of it being genuinely plan led.”</p>
Learning point / actions	The view of the Inspector accords with the main reasons for refusal noted by officers.

Application number	DC/20/1790/FUL
Appeal number	APP/X3540/W/20/3264699
Site	40 King Street, Felixstowe, IP11 9DX
Description of development	Erection of a single storey dwelling
Committee / delegated	Delegated
Appeal decision date	16 September 2021
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none"> • The effect of the development on the character and appearance of the area. • The quality of the living conditions for future occupiers.
Summary of decision	<ul style="list-style-type: none"> • The development would subdivide the plot of 40 King Street to introduce a detached dwelling on a small rear plot fronting Crown Street. The scale of the building would be significant in its setting and would result in a pattern of development uncharacteristic of this part of the street. The building’s appearance would be harmfully dominant in its context, including in relation to other existing subservient outbuildings. This would harmfully erode the spaciousness and modest secondary character of this part of the street scene. • Although the proposed garden area would be overlooked by first floor windows of the King Street houses, this would not be unduly harmful for future occupiers over and above the current situation in the vicinity. The dwelling’s outlook towards garages and car parking would be undesirable but would not create an unacceptable outlook for occupants.

Learning point / actions	<ul style="list-style-type: none"> • Despite being within the settlement boundary, gaps and gardens that make an important contribution to the setting, character and appearance of an area should be protected from subdivision to form additional dwellings. • An undesirable outlook doesn't necessarily mean it would have an unacceptable impact on the amenity of occupants.
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Application number	
Appeal number	
Site	
Description of development	
Committee / delegated	
Appeal decision date	
Appeal decision	
Main issues	
Summary of decision	
Learning point / actions	

Costs Claims

Application number	ENF/2018/0543/DEV
Appeal number	APP/X3540/C/19/3232027
Site	Land at North Denes Caravan Park, The Ravine, Lowestoft, Suffolk
Description of development	The breach of planning control as alleged in the notice is operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste materials have been excavated from the site and deposited upon the surface.
Committee / delegated	Delegated
Appeal decision date	18/05/2021
Appeal decision	Partial award of costs allowed in favour of the Council
Main issues	<p>Enforcement Appeal was submitted on Grounds 2)(a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended (the Act).</p> <p>The Council applied for partial costs against the appellant under Grounds c and e in that they were ill thought out and therefore had no reasonable prospect of success at appeal.</p>
Summary of decision	The Inspector agreed with the Council and the application for a partial award of costs is allowed.
Learning point / actions	None

Enforcement Appeals

Enforcement number	Case	ENF/2018/0543/DEV
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Appeal number	APP/X3540/C/19/3232027
Site	Land at North Denes Caravan Park, The Ravine, Lowestoft, Suffolk
Description of development	<p>The breach of planning control as alleged in the notice is operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste materials have been excavated from the site and deposited upon the surface.</p> <p>The requirements of the notice were (1) Permanently remove from the land the waste soil piles, caravan bases, roadway, pumping station with settlement tank and pipe works; and (2) Permanently restore the land to the condition it was in before the unauthorised activity took place.</p>
Committee / delegated	Delegated
Appeal decision date	18/05/2021
Appeal decision	Appeal dismissed
Main issues	The Enforcement Appeal was submitted on Grounds (a), (c), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended (the Act). These grounds are explained in more detail below.
Summary of decision	<p>Appeal under Ground a - was that planning permission should be granted for the works undertaken.</p> <p>The Inspector concluded that <i>“The development was considered unacceptable in terms of its effect on open space, biodiversity, the significance of the CA, and the management of flood risk. This is contrary to WLP policies 8.23, 8.24 and 8.34 and Parts 8, 14, 15 and 16 of the Framework and the appeal on ground (a) should not succeed.”</i></p> <p>This ground failed and planning permission was not granted for the unauthorised works.</p> <p>Appeal under Ground c - For the appeal to succeed on this ground the appellant needed to demonstrate that the operational development the subject of the notice (the works) is not in breach of planning control.</p> <p><i>“The appellant was of the opinion that the works were permitted, either by comprising part of a development with an extant planning permission or under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order).”</i></p> <p>The Inspector concluded that <i>“it has not been demonstrated that the works comprise part of either the 1975 permission or the 1984 deemed permission. Even if they did form part of the latter, the nature of that permission is such that they could only have been lawfully carried out by the local authority, which they were not.”</i> This ground of appeal failed.</p> <p>Appeal under Ground e – relates to the correct serving of the Notice</p>

	<p>The Inspector concluded that <i>“While the uncertainty over ownership following the abolition of WDC may have caused the appellant frustration and concern, the service of the notice is a separate matter. The failure did not constrain the appellant’s ability to respond to the notice, including exercising his right of appeal. Consequently, it has not been demonstrated that it caused him to suffer substantial prejudice and it is therefore appropriate to exercise the discretion allowed by section 176(5).”</i> This ground of appeal failed.</p> <p>Appeal under Ground f - the steps required by the notice, it must be demonstrated that the steps required to comply with the notice are excessive and that lesser steps could overcome the breach of planning control.</p> <p>The Inspector concluded that lesser steps would not remedy the breach of planning control and therefore, this ground also failed.</p> <p>Appeal under Ground g – relates to the tie period given for the works to be completed.</p> <p>The Inspector agreed with the Council that 3 months was acceptable, and this ground also failed, but that if further time was required the appellant could request an extension of time to comply if necessary.</p> <p>It was concluded that the appeal should not succeed. The enforcement notice was upheld and the Inspector refused to grant planning permission on the application deemed to have been made under section 177(5) of the Act.</p>
<p>Learning point / actions</p>	<p>An extension of time has been granted until the end of October for the works to be completed. This is to enable the appellant to complete all the works as required by the notice.</p>