



STRATEGIC PLANNING COMMITTEE

Monday, 9 March 2020

PLANNING APPEALS REPORT

EXECUTIVE SUMMARY

1. This report provides an update on all appeal decisions received from the Planning Inspectorate between 22 November 2019 to 21 February 2020.

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

- 1.1 This report provides a summary on all appeal decisions received from the Planning Inspectorate between the 22 November 2019 to 21 February 2020.

2 APPEAL DECISIONS

- 2.1 A total of 25 planning and listed building appeals have been received from the Planning Inspectorate since the 22 November 2019 following a refusal of planning permission from either Suffolk Coastal District Council, Waveney District Council or the newly formed East Suffolk Council. In addition, two enforcement appeal decision was received.
- 2.2 A summary of all the appeals received is appended to this report.
- 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 Of the 25 appeal decisions received three were determined by the Planning Committee with the remaining 22 being delegated. No appeals were lodged against non-determination.
- 2.5 13 of the planning application and listed building decisions were dismissed (52%) and 12 allowed (48%). It is unfortunate that this percentage is lower however some of the site's which have had permission granted at appeal have been the subject of multiple appeals which to a degree skews the results. Whilst some of the decisions are disappointing, it is not felt by officers that they cause significant harm to the application of planning policy across the district or good decision making.
- 2.6 Two enforcement appeals decisions have been received, both of which have been dismissed. These relate to long-running enforcement matters which have been resolved to the favour of the local authority. Officers will proactively monitor the compliance period in respect of both of these sites and seek to take appropriate action if required. The North and South Planning Committee's will be updated monthly, via the enforcement reports, on these cases.
- 2.7 Three cost decisions have been received. In respect of one appeal both the appellant and local planning authority failed to secure costs against the other party. With regards to the third site, The Great House Orford, the Inspector found fault against the Council in that they did not have due regard to a previous permission for a similar scheme at the site in reaching a decision and this resulted in award of costs against the Council. This application was determined by the Planning Committee South and refused contrary to officer recommendation. Members will note that permission has also been given to the proposed development.
- 2.8 There are no areas of concern raised in any of the appeals, though it is noted that some lessons could be learnt and these are included in the summaries. In particular, it is important to have due regard to previous decisions and also when referring to emerging policy the Inspector is furnished with appropriate detail over these policies (including the level of objection) so that appropriate weight can be afforded.

3 REASON FOR RECOMMENDATION

3.1 This report is for information only.

RECOMMENDATION
That the content of the report is noted.

APPENDICES	
Appendix A	Summary of Appeals

BACKGROUND PAPERS - None

Appeal reporting

The following appeals have been received between 22 November 2019 to 21 February 2020. The full reports are available on the Council's website using the unique application reference.

Appeals relating to Planning, Listed Building and Advertisement Applications

Application Number	DC/18/3623/FUL
Appeal Number	APP/J3530/W/19/3229396
Site	Eureka, Cliff Road, Waldringfield IP12 4QL
Description of Development	Demolition of existing dwelling and outbuildings, erection of three houses and one bungalow and alterations to existing access.
Committee / Delegated	Application refused at committee (22 March 2019) contrary to officer recommendation to approve.
Decision Date	22 November 2019
Appeal Decision	Allowed
Main Issues	The main issue is the effect of the proposed development on the character of the Area of Outstanding Natural Beauty (AONB).
Summary of Decision	<ul style="list-style-type: none"> Inspector gave great weight to the need to conserve and enhance landscape and scenic beauty in the AONB in determining this appeal. The additional fourth dwelling would not be a prominent feature when viewed from neighbouring properties due to its limited height. While the proposal would result in a more constrained form of development than on some surrounding plots, the proposed development would have a limited visual impact when seen from the public highway or neighbouring properties. The effect on the character of the AONB would not be harmful due to the limited visual impact. The scale of the proposed development is therefore appropriate for this site, and it would not result in harm to the character of the AONB. Each of the four houses would have private garden space available, and a total of eight parking spaces would be provided. The development would provide vehicle turning space within the site for all the houses, and the Highways consultee has accepted that this would be sufficient for cars. With regard to larger vehicles such as delivery vans, the evidence demonstrates that sufficient turning space would be available within the site. The Highways consultee has not raised any objection to visibility at the access, and the development includes proposals to improve the footpath approaching the school from within Waldringfield. In addition, the site entrance is next to a speed bump. Accordingly, the proposed development would not result in harm to highway safety. The proposed development differs most significantly from the previously approved scheme in the introduction of an additional dwelling. As a one-bedroom dwelling, it is considered unlikely that the proposal would result in additional harmful disturbance to neighbouring occupiers.

	<ul style="list-style-type: none"> • The proposed development includes external oil tanks for each of the houses. No evidence has been provided that there is a significant prospect of these being a fire risk. While no evidence has been provided to demonstrate that oil delivery vehicles would be able to turn on site, such deliveries are only likely to take place on an occasional basis, and it is therefore not considered that this would represent a significant risk to highway safety. Similarly, access for emergency vehicles is only likely to be required rarely, and the Building Regulations specify necessary measures to be included in residential development if site access for fire appliances is restricted. • While the proposed development would involve a more intensive use of the site, increasing the extent of hard surfacing. Given the relatively small scale of the site, and the benefits associated with providing additional housing, refusal of permission is not warranted.
Learning Point / Actions	<ul style="list-style-type: none"> • Planning permission was previously granted for three detached houses on this site. That was the main consideration in the determination of the appeal. • The replacement of a single storey cart lodge/storage structure with a similar scale single storey dwelling was ultimately not considered to represent an over intensification of the site or result in a development that would cause an unacceptable degree of harm to highway safety, residential amenity or the character of the immediate and surrounding area. • Advice provided by the highway authority should be given a higher degree of weight when judging the planning acceptability of proposals on highways grounds. The NPPF (para.109) makes clear that <i>'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'</i>. • While no appeal for costs was submitted by the applicant, the modest differences of the proposal from that already permitted may well have presented the applicant with an increased likelihood of being awarded costs, if such an appeal had been made. The risk of costs being awarded to applicants should therefore be given greater consideration by decision takers prior to the determination of applications that are substantially similar to development already permitted.

Site	Low Grange Farm, Long Lane, Heveningham, Halesworth IP19 0EF
Description of Development	Retention of residential mobile home
Committee / Delegated	Delegated
Decision Date	22 November 2019
Appeal Decision	Allowed
Main Issues	<p>It was common ground between the main parties that the development conflicts with the Council's development plan policies with respect to the isolated location of the development.</p> <p>The main issue was whether the personal circumstances of the applicant outweighed this conflict with policy</p>
Summary of Decision	<ul style="list-style-type: none"> - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. - The inspector considered that evidence provided relating to the health of the appellant's son who occupies the dwelling was detailed and

	<p>compelling and considered that I was clear from this evidence that this specific site fulfils particular needs of the occupant in relation to his health and is imperative for his well-being.</p> <ul style="list-style-type: none"> - The inspector had due regard to Article 8 of the of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998 and concluded that the dismissal of the appeal would amount to a grave interference with his Article 8 rights and attached significant weight to this point. - Regard was given to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for the use of the occupant who has a particular health condition, it is for a person who shares a protected characteristic for the purposes of the PSED. - The inspector concluded that in this particular case that these material considerations outweigh the development plan conflict given the limited harm that would arise.
Learning Point / Actions	<ul style="list-style-type: none"> - Although personal circumstances are generally given very limited weight in planning decisions it is interesting that such significant weight was given to them in this case based on the Human Rights Act 1998 and the Equality Act 2010.

Application Number	DC/19/1605/FUL
Appeal Number	APP/T3535/W/19/3235344
Site	35/37 Ferry Road, Southwold IP18 6HQ
Description of Development	Demolition of the existing single family dwelling and residential annexe at 35-37 Ferry Road Southwold and construction of a replacement two storey 3 bedroom family dwelling.
Committee / Delegated	Delegated
Decision Date	22 November 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> • The effect on the character and appearance of the site and surrounding area with particular regard to the effect on the Southwold Conservation Area (CA); and, • Whether the proposed development would be of an appropriate size and scale for its countryside setting.
Summary of Decision	<p>The site is located within the Conservation Area, AONB, and also outside of the settlement boundary for Southwold. Whilst the new dwelling was narrower than the existing development, it had an increased height, which would create one of the widest and tallest dwelling in the immediate vicinity. The inspector concluded that the proposed dwelling would, as a result of its height, width and proximity to the front boundary of the plot and its front gables be an incongruous and dominant feature of the street scene. The development would therefore fail to preserve or enhance the character of the CA.</p> <p>Furthermore, the inspector concluded that the size of the proposed development as a result of its height and width would therefore result in a replacement dwelling of inappropriate size and scale in this countryside location. It would be harmful to its character, and contrary to the requirements of LP policy WLP8.9 which requires that such developments be sensitive to their countryside setting.</p>
Learning Point / Actions	The inspector gave weight to the dominance of a new building in the street scene of a conservation area were several dwellings have been recently re-developed.

	Also where no additional harm arises this should be seen as a neutral point in determining the application.
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Application Number	DC/19/1461/FUL
Appeal Number	APP/X3540/W/19/3232531
Site	Hill Farm Cottage, Englishes Lane, Ilketshall St John, Beccles NR34 8JE
Description of Development	Sub-division of existing residential property including conversion of existing outbuilding to form a separate dwelling
Committee / Delegated	Delegated
Decision Date	25 November 2019
Appeal Decision	Allowed
Main Issues	Whether the site represents sustainable development in respect to its isolated location in the countryside.
Summary of Decision	<ul style="list-style-type: none"> - The inspector considered the proposal against paragraph 79 (d) of the NPPF which allows the subdivision of dwellings in the countryside. It was concluded that as this proposal related to the conversion of an outbuilding, which is considered to be incidental to the main dwelling and not a dwelling in its own right the proposal did not comply with criterion 79 (d). - The inspector then considered this against criterion 79 (c) which allows for the conversion of redundant buildings in the countryside of which Policy WLP8.11 of the LP relates to as this also allows for the conversion of rural buildings to residential subject to certain criteria such as that they must be locally distinctive and of architectural merit. - The inspector concluded that this additional requirement of policy WLP8.11 was more restrictive than the Framework which allows for isolated homes in the countryside where the development would re-use a redundant or disused building and enhance its immediate setting and gave the policy limited weight. - The inspector concluded that the building was redundant as the property had been extended to provide a carport making the garage redundant. - Although this is a modern building of 1980's character the inspector considered that the building contributed positively to the rural character of the area through use of vernacular materials and therefore is of some architectural merit. - The inspector also considered that the removal of a non-native species hedge represented an enhancement to its immediate setting. - Limited weight was given to the isolated location as this was a small dwelling and would generate limited trips. - The appeal was allowed due to compliance with Paragraph 79 (c). Policy WLP8.11 was given lesser weight due to its conflict with the framework
Learning Point / Actions	<ul style="list-style-type: none"> - It was surprising that the inspector considered that a policy in a very recently adopted Local Plan could be considered in conflict with the Framework when it had recently been through the examination process. - That the removal of a non-native species hedge would be enough to meet the test of enhancing the immediate setting. - Limited weight was given to the reliance on car travel due to the small scale of the unit.

Application Number	DC/19/0587/FUL
Appeal Number	APP/J3530/W/19/3228047
Site	13 Ipswich Road, Newbourne, IP12 4NS

Description of Development	Erection of 2 new 1.5 storey dwellings in place of former piggery building with existing prior approval to be converted to two dwellings
Committee / Delegated	Delegated
Decision Date	28 November 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> • whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to services and facilities; • the effect of the development on the character and appearance of the area; • living conditions, with specific regard to the privacy of occupiers of neighbouring properties.
Summary of Decision	<p>The Inspector went into detail about the sustainability of Newbourne and concluded that it was not a suitable location for new residential dwellings. 'The existence of other dwellings with poor access to shops, services, community facilities and transport choices other than the private car should not be used to justify further unsustainable development' finding the principle of development contrary to both local and national policies.</p> <p>With regards to the appearance of the buildings the Inspector put a high emphasis on the character density of the area and found the scheme would result in a more densely built-up residential frontage to this part of the village. Where a hedge row had been proposed by the appellant the inspector stated 'I do not consider the screening of a development by landscaping to be a sound basis upon which to justify an otherwise harmful visual impact as this could be repeated too easily and often for all forms of poor quality development.'</p> <p>The Inspector found in favour of the appellant with regards to the impact on residential amenity.</p> <p>Little weight was placed on the approved prior notification with the inspector stating 'The appellant has referred to a previous scheme granted prior approval for the conversion of the existing piggery building to 2 residential dwellings and that the proposed development has a similar overall footprint. However, whilst I consider it highly likely that the previous scheme would be implemented if the current appeal is dismissed, and have given this substantial weight in my assessment, the proposed development would be of a much greater volume and height, and much closer to the road. The fallback position is therefore materially different from the scheme before me and does not therefore justify its approval. In any event, the proposed scheme would in my view be more harmful than the fallback scheme in terms of its overall impact on the character of the area'</p>
Learning Point / Actions	The prior approval for conversion of an agricultural building is not a 'blanket yes' for any residential building on the site.

Application Number	DC/18/1306/FUL and DC/18/1307/LBC
Appeal Number	APP/J3530/W/18/3217588 and APP/J3530/Y/18/3217589
Site	1 Frogmore Cottages, Hall Road, Burgh, IP13 6JN
Description of Development	Erection of two storey extension comprising extension of gable end and insertion of first floor and roof extension over existing kitchen. Installation of flue pipe within extended building. Erection of single storey rear extension providing utility accommodation.
Committee / Delegated	Delegated
Decision Date	28 November 2019
Appeal Decision	Allowed
Main Issues	Will the extension have an impact on the listed building and its setting, the appeal decision does not go into detail of how the proposal will not harm the setting of the listed building, or what this setting is. The appeal decision does not

	explain how the extension will not dominate the rear of the host dwelling when it is going to be as tall as it.
Summary of Decision	It has been summarised in the appeal decision (in short) that there is no effect on the listed building and that the proposal is in conformity with the current and emerging policies.
Learning Point / Actions	Will need to go into further detail when stating what the setting of a listed building is.

Application Number	DC/19/2259/FUL
Appeal Number	APP/X3540/W/19/3236489
Site	4 Britten Close, Aldeburgh IP15 5HS
Description of Development	Alterations/extensions to flats 2 and 4, first floor extensions to create an additional flat.
Committee / Delegated	Delegated
Decision Date	29 November 2019
Appeal Decision	Dismissed
Main Issues	The effect of the proposal on the character and appearance of the area and the living conditions of the neighbouring properties Nos 5, 7, 9, 10, 12 and 14 Britten Close with particular reference to outlook.
Summary of Decision	The height and mass of the development will be incongruous with the surrounding built environment typified by two-storey rather than three-storey dwellings and separated by landscaping. The proposal would result in a visually cramped development due to its' extended width and reduced amenity space. The proposal is contrary to Policy DM21 of the Suffolk Coastal District Local Plan. Due to the close proximity of the proposal to Nos 5, 7, 9, 10, 12 and 14 Britten Close, the cumulative effects of the development, including the reduced amenity space, would create a sense of enclosure that would cause harm to the outlook and living conditions of the neighbouring occupants due to its overbearing scale and mass in this already tight-knit location. The proposal is contrary to Policy SP22 which says that development should not result in 'town cramming' and retain the sensitive environment generally.
Learning Point / Actions	n/a

Application Number	DC/18/3002/FUL
Appeal Number	APP/J3530/W/19/3227483
Site	1 Wood Barn Place, Seckford Hall Road, Great Bealings
Description of Development	Demolition of Barn A, Erection of single dwelling (revised siting of 'Plot 2' approved under DC/13/3360/FUL) with garage/cart lodge in part conversion of Barn B incorporation of former Plot 2 site, into garden curtilage of Plot 1".
Committee / Delegated	Delegated.
Decision Date	05 December 2019
Appeal Decision	Dismissed.
Main Issues	The main issue was the effect of the proposed development on the character and appearance of the area.
Summary of Decision	The approved re-development at Wood Barn was judged to form a relatively tight cluster, whereas the proposed dwelling would be detached from that group. Because of that separation, there would be a significant extension of residential development out into the countryside which would be prominent from the adjacent public right of way. The proposal was judged to be harmful to the character and appearance of the countryside, contrary to DM3 and DM21 of the Core Strategy, and BE1 of the Gt Bealings Neighbourhood Plan.
Learning Point / Actions	The appellant claimed that an environmental benefit of the scheme would be the use of a disused site that would otherwise be left to degrade further, to the detriment of the character and appearance of the area. However, the Inspector identified that this would not be a sound basis upon which to justify an otherwise

	harmful scheme as this could be repeated too easily and often for all forms of poor quality development and might otherwise encourage other land/property owners to carry out insufficient routine maintenance, in order to secure planning permission. A useful conclusion that can be referred back to in decision-taking.
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Application Number	DC/18/4261/FUL
Appeal Number	APP/J3530/W/19/3224515
Site	The Old Cottage, Blacklands Lane, Sudbourne IP12 2AX
Description of Development	Subdivision of existing site to form two residential plots, including retention of existing dwelling. Erection of new dwelling including associated external works. New drive to form access point from highway.
Committee / Delegated	Delegated
Decision Date	11 December 2019
Appeal Decision	Dismissed
Main Issues	<p>a) the effect of the proposed dwelling on the character and appearance of the area with particular regard to its location for housing, and the accessibility of services and facilities;</p> <p>b) whether the proposal would preserve the special architectural or historic interest of the existing listed building or its setting;</p> <p>c) the effect of the proposals on the Sandlings Special Protection Area (SPA);</p> <p>d) highway safety.</p>
Summary of Decision	<p>On the first issue, the planning inspector did find that the scheme would be contrary to CS Policies SP1, SP19, SP28, SP29 and DM3 which aim for sustainable development, identify a settlement hierarchy, strictly control new housing in other villages, and strictly limit new housing in what it defines as countryside however did consider that there were benefits of a windfall in the heart of a settlement which would support nearby services. The inspector also considered that the applicant's personal situation was a material considerations which weighed in its favour.</p> <p>The inspector found that the proposed division of the garden would retain reasonably generous amenity land for both dwellings, whether in relation to the requirements of future occupiers or the setting of the listed building. The proposed dwelling would rise up away from the cottage at a low pitch from a new boundary wall so that the roof would generally be out of sight. Although close to the side of the Old Cottage, the gap would be only slightly less than the existing separation on the other side and as such did not find the separation of land and addition of a new dwelling to be unacceptable, however it was found that the position of the dwelling in the plot and the overall design, particularly of the front wall result in a substantial feature on a line in front of the Old Cottage. The proposal would reduce its sense of importance and dominance in the street scene and detract from the listed buildings features, including the small window in the gable end, which would otherwise become more apparent with the removal of some of the hedge for the new drive as such would cause harm to the significance of the listed building.</p> <p>Whilst an upfront payment was made for RAMS the Inspectorate did not consider this was adequate as there is insufficient guarantee that the payment would be used for its intended purpose.</p> <p>Whilst the inspector accepted the risk to the highways it was concluded that was acceptable.</p>
Learning Point / Actions	The Inspector offered some weight to the personal circumstances of the applicant which could cause potential issues in the future.

Application Number	DC/18/1198/FUL
Appeal Number	APP/T3535/W/19/3229919
Site	20 Church Road, Kessingland, Lowestoft, Suffolk, NR33 7TQ
Description of Development	Erection of three no. two-bedroom bungalows
Committee / Delegated	Delegated
Decision Date	18 December 2019
Appeal Decision	Dismissed
Main Issues	Living conditions, with specific regard to whether the access road would result in noise and disturbance to neighbouring occupiers at Nos 20 and 22 Church Road and the character and appearance of the area, with specific regard to layout and scale.
Summary of Decision	<p>The proposal would conflict with Policy WLP8.29 of the Local Plan and Policy H2 of the Neighbourhood Plan as the occupiers of Nos 20 and 22 Church Road would experience unacceptable living conditions in terms of noise and disturbance from vehicular comings and goings utilising the private access road.</p> <p>However, the development would not be harmful to the character and appearance of the area and in this respect the proposal would accord with Policies WLP8.29 and WLP8.33 of the Local Plan and Policy H2 of the Neighbourhood Plan.</p>
Learning Point / Actions	Backland development is not necessarily uncharacteristic but is unlikely to be acceptable when the access is alongside and close to existing dwellings. Each case should be considered on its merits.

Application Number	DC/19/0133/FUL
Appeal Number	APP/J3530/W/19/3228198
Site	Carlton Meres Country Park, Carlton Lane, Carlton, Saxmundham, IP17 2QP
Description of Development	Use of land for the stationing of static holiday caravans for holiday occupation between 1st March in any year and 14th February in the next.
Committee / Delegated	Delegated
Decision Date	7 January 2020
Appeal Decision	Allowed
Main Issues	The main issue was whether the extended length of holiday season would be appropriate.
Summary of Decision	The site was restricted to allow occupancy of the tourism units for the 10 months of the year, resulting in an 8-week shutdown period. The Inspector held that varying the condition to allow for a 11-and-a-half month occupancy period, and a resultant 2-week shutdown period, would be acceptable with particular regard to the existing site restrictions as a fallback position.
Learning Point / Actions	The Inspector considered that the wording of policy DM18 meant that the 56-day occupancy restriction should normally be applied, but that it was not a blanket rule for all cases. Given the fallback position, the Inspector felt that the extended occupancy would be acceptable, and not lead to permanent residences. On that basis, the Inspector felt the proposal was in accordance with DM18 despite the varied occupancy period being significantly greater than the usual 56-day restriction.

Application Number	DC/18/4850/OUT
Appeal Number	APP/J3530/W/19/3233271
Site	Appletree Cottage, Woodbridge Road, Debach, Woodbridge IP13 6BY

Description of Development	A development of six affordable dwellings and a service/access road.
Committee / Delegated	Delegated
Decision Date	7 January 2020
Appeal Decision	Dismissed
Main Issues	<p>The Inspector identified the main issues as</p> <ul style="list-style-type: none"> - Whether the site is a suitable location for housing having regard to development plan and national planning policies, and - The effect of the proposal on European Designated Sites. <p>The latter of these issues was resolved during the appeal process through the submission of the RAMS financial contributions and Section 111 form.</p>
Summary of Decision	<p>The application sought Outline Planning Permission for six affordable dwellings and a service/access road, with 'appearance' and 'landscaping' reserved for future consideration. The land is located to the north-west of Apple Tree Cottage, to the north of Woodbridge Road, Debach, within an area defined as countryside in terms of planning policy.</p> <p>In terms of considering the suitability of the site for housing, the Inspector gave significant weight to Policy DM1, highlighting that this policy:</p> <ul style="list-style-type: none"> - allows for small residential development which meets a particular local need for affordable housing and abuts or is well related to the physical limits boundary of a Market Town, Key Service centre or Local Service Centre, or within an 'Other Village' where its scale is in keeping with its setting, - requires that such provision will be considered in relation to, amongst other things, the scale and character of the settlement and the availability of services and facilities, and - that the local need for affordable housing shall first have been quantified within an area to be agreed by the Local Planning Authority. <p>The Inspector also highlighted that this policy and SP19 are in general conformity with the aims of Framework that seek to 'conserve and enhance the natural environment and intrinsic character and beauty of the countryside, and to promote sustainable development in rural areas.</p> <p>The Inspector acknowledged that there are employment opportunities in the nearby area, but there are no services and facilities to cater for day to day needs of future occupiers of the site, and that the nearest settlements with a range of facilities to cater for such needs are some distance away.</p> <p>The Inspector was also of the view that the nature of the local roads, with their lack of lighting and footways, vehicular speeds and the distances involved would deter pedestrians and cyclists, particularly after dark, with children or during inclement weather, so residents would be heavily reliant upon the private motor car. The inspector gave little weight to the availability of rural footpaths, as they are unpaved, unlit and could be difficult to use during poor weather. The distance to the bus stop and the infrequency of the bus service would also mean that there was little evidence to suggest public transport would provide a realist alternative to the use of the private car.</p> <p>The Inspector also concluded that the development would not contribute meaningfully to the vitality of local villages, and that its scale would not be in keeping in terms of its scale in relation to the character of the settlement. It was therefore contrary to para 78 of the NPPF as well as Policy DM1.</p>

	<p>The Inspector assessed the submitted 'evidence' relating to need for affordable housing, acknowledging the 2017 Housing Needs Survey which identified a need for three affordable and two open market dwellings, of a size, type and tenure to be agreed with the Parish Council, Local Authority and appointed Registered Provider. There was no evidence before the Inspector that these bodies had been contacted by the appellant.</p> <p>The Inspector also reviewed the 'evidence' submitted by the appellants of the need for affordable housing, concluding that the evidence demonstrated a need within the District, but not specific to this locality, and that there was no evidence that those willing to occupy the houses within the representations of support, would fulfil the requirements for affordable housing or that the type of accommodation proposed would meet there needs.</p> <p>The Inspector also noted that no legal agreement to secure the tenure had been submitted with the appeal.</p> <p>The Inspector also confirmed that this proposal would not meet the definition of a cluster, not only because of the number of units, but also its distance from the nearest physical limits boundary and the fact it is at the end of the group of existing dwellings rather than within it.</p>
Learning Point / Actions	<p>This decision confirms the Local Planning Authorities application of the cluster policy (existing and emerging), in that a site must be within the group i.e. between existing dwellings, not at the end of a group of dwellings.</p> <p>It also confirms the Local Planning Authorities approach to only allowing for affordable housing exception sites, in locations that are well related to settlements with services and facilities meeting day to day needs of future occupiers, and where a local need has been demonstrated for the size and tenure of units proposed. It also makes reference to the relevant policies within the NPPF, which confirm this approach.</p>

Application Number	DC/18/2642/CLE
Appeal Number	APP/J3530/X/18/3216462
Site	Unit 11, Haven Exchange, Walton Avenue, Felixstowe IP11 2QZ
Description of Development	Application for lawful development certificate – Use of site has distribution centre
Committee / Delegated	Delegated
Decision Date	17 January 2020
Appeal Decision	Dismissed
Main Issues	The decision rests on the facts of the case not the planning merits. The principal question is whether material operations sufficient to start development of the approved distribution centre began within the time limit set out in the planning permission.
Summary of Decision	<p>The site is part of an allocated employment site close to Felixstowe Port. It is at the end of the estate road serving a number of office buildings, a fast food restaurant and a retail store. The site is undeveloped and overgrown and has been the subject of a number of applications.</p> <p>The appellant argued that a material operation comprising the installation of a drainage pipe was carried out within the permitted timeframe for a reserved matters application granted for a distribution centre. As proof of their claim they referred to an Initial Notice under s.47 of the Building Act 1984.</p> <p>The Council claim this Building Notice related to a different development for which reserved matters had been consented, as the notice stated it relates to <i>'Office and retail development – Units 11, 12 and 13 Haven Exchange.'</i></p>

	<p>Furthermore the plan accompanying the Initial Notice showed the drain and two buildings labelled unit 12 and unit 13, which were clearly not the plan relating to the distribution centre.</p> <p>The Inspector found the appellants claim that this plan was used as an expedient, since it was the only one available in the short timeframe that gave relative ground levels, highly dubious.</p> <p>He considered the appellants evidence is far from precise and there is considerable ambiguity as to which scheme the drainage works relate, but that on the balance of probabilities they related to some other scheme, not the distribution centre.</p> <p>He found the Council's refusal to grant a certificate of lawful use or development was well founded and that the appeal should fail.</p>
Learning Point / Actions	n/a

Application Number	DC/19/2540/FUL
Appeal Number	APP/X3540/D/19/3239344
Site	Daphne Cottage, 55 High Street, Aldeburgh IP15 5AU
Description of Development	Remove hedge and small retaining wall which edges the pavement and replace with a proper surfaced area to park a normal sized family car.
Committee / Delegated	Delegated (13 August 2019)
Decision Date	21 January 2020
Appeal Decision	Dismissed
Main Issues	Impact upon the character of Aldeburgh Conservation Area and whether the proposal would preserve or enhance the character or appearance of the Aldeburgh Conservation Area (CA).
Summary of Decision	<p>The low wall and railings to the front boundary of the property provide a broadly consistent boundary treatment with the adjoining properties. Removal would affect the contribution of the consistent property boundary to the terrace and would diminish the cohesiveness of the frontage resulting in harm to the character and appearance of the CA.</p> <p>The appellant has indicated that the provision of a parking space in the front garden would provide a public benefit by reducing parking pressure in the town centre and allow for the provision of charging point to be installed and an electric car purchased. The inspector considered that the creation of a single space would make a very limited contribution to minimising parking pressure and whilst Policy DM21 indicates that Council will support and strongly encourage the use of renewable energy, even if a charging point were installed, the benefit of the purchase of an electric vehicle by the appellant is not a matter that could be secured through the planning process. As such, these benefits are afforded limited weight and are not sufficient to outweigh the harm identified to the significance of the CA.</p>
Learning Point / Actions	Significant weight is given to the preservation of the character and appearance of the conservation area.

Application Number	DC/18/3351/VLA
Appeal Number	APP/X3540/Q/19/3239212
Site	Pitfield, Butchers Road, Kelsale cum Carlton, Suffolk IP17 2PG
Description of Development	Variation of Legal Agreement to remove S106 Legal Agreement attached to planning permission C/04/0200 - Conversion of disused stable building & store to holiday let - The Vineyard, Kelsale
Committee / Delegated	Delegated
Decision Date	22 January 2020
Appeal Decision	Allowed – Planning Obligation Discharged

Main Issues	<p>This appeal is interconnected with the two other appeals relating to Pitfield set out below (APP/X3540/W/19/3239184 and APP/X3540/W/19/3239185).</p> <p>This appeal related to a Planning Obligation (a s106) relating to a building known as The Vineyard, which was completed as part of Planning Permission C/04/0200/FUL. That obligation restricted the use/occupation of the unit to be solely for holiday purposes, stating:</p> <ol style="list-style-type: none"> (1) <i>"The Building shall not be used for any residential purpose other than the provision of accommodation for holiday lettings</i> (2) <i>Unless otherwise approved by the Council in writing in advance the Building shall not be let to any person (or to any group of persons staying in the Building as a family or party) for any period longer than ninety days in any calendar year but this stipulation shall not be applied to prevent the letting of the building to a series of guests or holiday residents through the calendar year</i> (3) <i>At the time when the building has been converted sufficiently that it may be advertised as being available for holiday lettings they will notify the Council in writing (citing reference C07/0200) of that fact"</i> <p>There was also a previously dismissed appeal related to the occupancy restriction condition on the associated planning permission (reference DC/17/5077/FUL , APP/J3530/W/18/3209977, issued 23 April 2019). In the determination of that appeal, the Inspector considered the main issue to be whether the site is a suitable location for a C3 use having regard to Local Plan Policies, and they concluded that it was not a suitable location for a C3 use having regard to local plan policies, and commented on the distance from local services and facilities, in Saxmundham and the potential deterrent to pedestrians of the unlit nature of routes, the distances and the vehicular speeds of intervening roads, leading to residents relying heavily on the private car to meet their day to day needs.</p> <p>Officers referred to the previous appeal decision during the determination of the application which was the subject of the more recent appeal relating to the variation of the Planning Obligation, and ensured that it was also highlighted to the Inspector as part of the Local Planning Authorities Statement of Case.</p> <p>However, in reaching their decision in relation to the appeal on the Planning Obligation, and the associated appeals relating to the variation of Condition applications, the Inspector considered that the main issue was</p> <p style="text-align: center;"><i>"whether or not the conditions and planning obligation are necessary, having regard to the viability of holiday accommodation, relevant planning policies and other material considerations."</i></p> <p>Therefore, the recent Inspector identified a different main consideration to that identified by the Inspector in connection with the previous appeal.</p> <p>Although not cited as a main consideration, within the decision, the recent Inspector also states that :</p> <p style="text-align: center;"><i>"The proposal would not amount to development because the proposed use would be within the same use class as the existing use.¹ However I shall examine whether the development plan policies referred to by the Council justify the conditions and planning obligation that are in dispute."</i></p> <p>Contrary to the previous Inspector, in determining the three most recent appeals, the Inspector concluded that whilst occupants would be reliant upon the car for</p>
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	<p>transport to facilities, other modes of transport are available, and a residential use would have a <i>“reasonably good level of accessibility to services and facilities.”</i></p> <p>The Inspector also considered that there was no policy justification for the retention of the holiday let. The submission of the draft Local Plan (including the specific policy within it relating to retaining tourist accommodation) was highlighted to the Inspector within the statement from the Local Planning Authority. However, due to the status of the Local Plan at the time the Inspector concluded they could give the policy limited weight.</p>
Summary of Decision	This appeal was allowed, resulting in the Planning Obligation being discharged, which means that the occupancy restriction within the Legal Agreement is no longer applicable, so the holiday unit can be occupied as a dwellinghouse without any occupancy restriction.
Learning Point / Actions	<p>Strengthening the wording of Local Planning Policy in relation to holiday let retention in the countryside would provide greater strength when seeking to resist inappropriate proposals of this nature in the future.</p> <p>This is already in place for the former Waveney area though Policy WLP8.17 (Existing Tourist Accommodation) and is proposed with the introduction of policy SCLP6.6 (Existing Tourist Accommodation) within the draft local plan for the former Suffolk Coastal Area (which is the area in which this appeal site is located).</p> <p>Both policies contain similar wording which is:</p> <p><i>“Existing tourism accommodation will be protected. Change of use will only be considered in exceptional circumstances where it can be fully and satisfactorily demonstrated that there is no demand for the tourist accommodation. Marketing evidence must be provided which demonstrates the premises have been marketed for a sustained period of a minimum of 12 months in accordance with the requirements set out in Appendix 4/E.”</i></p>

Application Number	DC/18/3235/ROC
Appeal Number	APP/X3540/W/19/3239184
Site	Pitfield, Butchers Road, Kelsale cum Carlton, Suffolk IP17 2PG
Description of Development	Removal of Condition 4 - C04/0200/FUL Date of Decision: 25/08/2005
Committee / Delegated	Delegated
Decision Date	22 January 2020
Appeal Decision	Allowed
Main Issues	<p>This appeal is interlinked with the two appeals that are summarised above and below (APP/X3540/Q/19/3239212 and APP/X3540/W/19/3239185).</p> <p>This appeal related to the removal of condition 4 from planning permission C/04/0200/FUL, which permitted the use of a stable building and store to a holiday let. The condition in question stated:</p> <p><i>“The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons of any of the units shall not exceed a period of 90 days in any calendar year, unless otherwise agreed in writing by the local planning authority.</i></p> <p><i>Reason: Having regard to planning policies, the size of units, communal land etc, the units are not suitable for permanent residential occupation.”</i></p>

	<p>There was also a previously dismissed appeal related to the occupancy restriction condition on the planning permission (reference DC/17/5077/FUL , APP/J3530/W/18/3209977, issued 23 April 2019). In the determination of that appeal, the Inspector considered the main issue to be whether the site is a suitable location for a C3 use having regard to Local Plan Policies, and they concluded that it was not a suitable location for a C3 use having regard to local plan policies, and commented on the distance from local services and facilities, in Saxmundham and the potential deterrent to pedestrians of the unlit nature of routes, the distances and the vehicular speeds of intervening roads, leading to residents relying heavily on the private car to meet their day to day needs.</p> <p>Officers referred to the previous appeal decision during the determination of the application which was the subject of the more recent appeal relating to the variation of the Planning Obligation, and ensured that it was also highlighted to the Inspector as part of the Local Planning Authorities Statement of Case.</p> <p>However, in reaching their decision in relation to the appeal on the Planning Obligation, and the associated appeals relating to the variation of Condition applications, the Inspector considered that the main issue was:</p> <p><i>“whether or not the conditions and planning obligation are necessary, having regard to the viability of holiday accommodation, relevant planning policies and other material considerations.”</i></p> <p>Therefore, the recent Inspector identified a different main consideration to that identified by the Inspector in connection with the previous appeal.</p> <p>Although not cited as a main consideration, within the decision, the recent Inspector also states that:</p> <p><i>“The proposal would not amount to development because the proposed use would be within the same use class as the existing use.¹ However I shall examine whether the development plan policies referred to by the Council justify the conditions and planning obligation that are in dispute.”</i></p> <p>Contrary to the previous Inspector, in determining the three most recent appeals, the Inspector concluded that whilst occupants would be reliant upon the car for transport to facilities, other modes of transport are available, and a residential use would have a <i>“reasonably good level of accessibility to services and facilities.”</i></p> <p>The Inspector also considered that there was no policy justification for the retention of the holiday let. The submission of the draft Local Plan (including the specific policy within it relating to retaining tourist accommodation) was highlighted to the Inspector within the statement from the Local Planning Authority. However, due to the status of the Local Plan at the time the Inspector concluded they could give the policy limited weight.</p>
Summary of Decision	This appeal was allowed, resulting in the occupancy condition being removed, so the holiday unit can be occupied as a normal dwellinghouse without any occupancy restriction.
Learning Point / Actions	As per appeal above

Application Number	DC/18/3236/ROC
Appeal Number	APP/X3540/W/19/3239185
Site	Pitfield, Butchers Road, Kelsale cum Carlton, Suffolk IP17 2PG

Description of Development	Removal of conditions 2 and 6: C/10/1601 - Erection of link building and conversion of barn to provide expansion of an existing holiday let, together with other associated works. Date of Decision: 08/09/2010
Committee / Delegated	Delegated (8 May 2019)
Decision Date	22 January 2020
Appeal Decision	Allowed
Main Issues	<p>This appeal is interlinked within the two appeals that are summarised above (APP/X3540/Q/19/3239212 and APP/X3540/W/19/3239184).</p> <p>This appeal related to the removal of conditions 2 and , which stated that:</p> <p><i>“2. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of the holiday unit shall not exceed a period of 90 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.</i></p> <p><i>The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.</i></p> <p><i>Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development”</i></p> <p>And</p> <p><i>“6. The holiday accommodation approved under planning permission C04/0200/FUL and the building hereby approved to be converted and extended shall form one unit of holiday accommodation only.</i></p> <p><i>Reason: For the avoidance of doubt as to what has been considered and approved.”</i></p> <p>There was also a previously dismissed appeal related to the occupancy restriction condition on the planning permission (reference DC/17/5077/FUL , APP/J3530/W/18/3209977, issued 23 April 2019). In the determination of that appeal, the Inspector considered the main issue to be whether the site is a suitable location for a C3 use having regard to Local Plan Policies, and they concluded that it was not a suitable location for a C3 use having regard to local plan policies, and commented on the distance from local services and facilities, in Saxmundham and the potential deterrent to pedestrians of the unlit nature of routes, the distances and the vehicular speeds of intervening roads, leading to residents relying heavily on the private car to meet their day to day needs.</p> <p>Officers referred to the previous appeal decision during the determination of the application which was the subject of the more recent appeal relating to the variation of the Planning Obligation, and ensured that it was also highlighted to the Inspector as part of the Local Planning Authorities Statement of Case.</p> <p>However, in reaching their decision in relation to the appeal on the Planning Obligation, and the associated appeals relating to the variation of Condition applications, the Inspector considered that the main issue was:</p>

	<p><i>“whether or not the conditions and planning obligation are necessary, having regard to the viability of holiday accommodation, relevant planning policies and other material considerations.”</i></p> <p>Therefore, the recent Inspector identified a different main consideration to that identified by the Inspector in connection with the previous appeal.</p> <p>Although not cited as a main consideration, within the decision, the recent Inspector also states that:</p> <p><i>“The proposal would not amount to development because the proposed use would be within the same use class as the existing use.¹ However I shall examine whether the development plan policies referred to by the Council justify the conditions and planning obligation that are in dispute.”</i></p> <p>Contrary to the previous Inspector, in determining the three most recent appeals, the Inspector concluded that whilst occupants would be reliant upon the car for transport to facilities, other modes of transport are available, and a residential use would have a <i>“reasonably good level of accessibility to services and facilities.”</i></p> <p>The Inspector also considered that there was no policy justification for the retention of the holiday let. The submission of the draft Local Plan (including the specific policy within it relating to retaining tourist accommodation) was highlighted to the Inspector within the statement from the Local Planning Authority. However, due to the status of the Local Plan at the time the Inspector concluded they could give the policy limited weight.</p>
Summary of Decision	This appeal was allowed, resulting in the occupancy condition being removed, so the holiday unit can be occupied as a normal dwellinghouse without any occupancy restriction.
Learning Point / Actions	As per appeal above

Application Number	DC/19/2027/FUL
Appeal Number	APP/X3540/W/19/3237530
Site	Agricultural building south of Lime Tree Barn, Lime Tree Farm Lane, Marlesford, Suffolk IP13 0AE
Description of Development	The development proposed is change from agricultural use (grain store) to light industrial use – occupiers propose to use building to fabricate replica gypsy/shepherds huts and garden rooms. Activity limited to part time and hobby basis.
Committee / Delegated	Delegated
Decision Date	3 February 2020
Appeal Decision	Allowed with conditions
Main Issues	The main issue was whether the light industrial use of the building is appropriate with regard to its accessibility to a sustainable settlement.
Summary of Decision	<p>The Inspector identified that:</p> <ul style="list-style-type: none"> • The development has brought into use a redundant building and has therefore provided an economic benefit to the rural economy; • No external changes to the building are proposed, which has minimised the environmental impact of the development, and the modest scale of the business is sensitive to its surroundings; and

	<ul style="list-style-type: none"> The light industrial use of the building is appropriate with regard to its accessibility to a sustainable settlement. The development therefore accords with Policy DM13 of the Local Plan.
Learning Point / Actions	The Council raised concerns that the light industrial use of the building could become more intensive, and therefore evolve from a B1 (light industrial use) to a B2 (general industrial use) that would harm wider amenity. The Parish Council raised concerns that breaches of planning control may occur in the future and that enforcement action may not be effective. The Inspector was clear that it was only the B1 use being applied for and, therefore, a future potential B2 use could not be considered in the appeal. This decision is a reminder that it is only the development being applied for that can be considered in decision-taking.

Application Number	DC/19/0188/VOC
Appeal Number	APP/X3540/W/19/3237328
Site	31 Kessingland Cottages, Rider Haggard Lane, Kessingland, Lowestoft, Suffolk, NR33 7RH
Description of Development	Variation of Condition No. 3 of W1326/31 – Construction of 16 holiday units (self catering) – Apply for change from restriction January 6 th to March 1 st to year round holiday use.
Committee / Delegated	Delegated
Decision Date	5 February
Appeal Decision	Allowed with conditions.
Main Issues	The main issue was whether the proposal would result in the loss of a self-catering tourism accommodation unit.
Summary of Decision	<p>The application sought all year round holiday use without complying with the restriction that there be no occupation between January 6th and March 1st in any year.</p> <p>Policy WLP8.15 states that <i>“New self catering tourist accommodation will be restricted by means of planning conditions or a legal agreement which permits holiday use only and restricts the period the accommodation can be occupied”</i>.</p> <p>Whilst unit 31 is not a new unit it was argued that the Policy applied to both existing and new units of holiday accommodation, otherwise it would allow newly permitted accommodation a route to re-apply to alter conditions that may restrict its occupation.</p> <p>The Inspector did not accept this argument as it is clear that Policy WLP8.15 applies to ‘new’ self-catering accommodation. Whilst the Inspector accepted that the Local Plan is geared towards protecting tourist accommodation, each application needs to be assessed on its own merits and the appeal site is clearly not ‘new’ having been granted planning permission over 40 years ago.</p> <p>Furthermore, the Inspector noted that the Council has accepted the removal of conditions that seek a similar aim at other sites and have replaced it with a condition restricting the use of the property as tourist accommodation.</p> <p>Furthermore, the general thrust of the Council’s argument to retain tourist accommodation is for the benefit of the tourism economy and restricting the use of the property as such would not be a benefit to the tourism economy as the property would be empty.</p>

Learning Point / Actions	A condition restricting use to holiday accommodation only and requiring the owner to maintain an up-to-date register of lettings is adequate to prevent residential use of existing units of tourism accommodation.
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Application Number	DC/19/2482/LBC
Appeal Number	APP/X3540/Y/19/3238095
Site	Pear Tree Farmhouse, Cratfield Road, Cookley, Suffolk, IP19 0LP
Description of Development	The proposal is to add a single storey garden room to the western gable end.
Committee / Delegated	Delegated
Decision Date	10 February 2020
Appeal Decision	Dismissed
Main Issues	The main issue in this case is whether the proposed works would preserve the Grade II listed building at Pear Tree Farmhouse or any features of special architectural or historic interest which it possesses.
Summary of Decision	<ul style="list-style-type: none"> - In 2014 listed building consent was granted for a garden room in a similar contemporary style to this proposal, to be sited on the same side of the building but much further towards the rear. - The Inspector considered that the scale of the current proposal, at some 5.4m in width, would exceed that of the extension on the eastern side of the property. Given its position close to the main front wall of the building and despite the setback, it would appear unduly disproportionate to the scale of the main south elevation of the original dwelling. - Both the oversailing roof projection and the position of the timber platform forward of the main part of the building (which differ from the previous consent) would further increase the dominance of the extension. - The Inspector concluded that given its size and siting the extension would compete with and distract from the simpler form and character of the original building. Consequently, it would be unduly dominant and would overwhelm the modest character of the south, front elevation. - It was concluded then that the proposal would not result in public benefits sufficient to outweigh the harm that would be caused and failed the test of Paragraph 196 of the NPPF.
Learning Point / Actions	<ul style="list-style-type: none"> - Alterations and extension to dwelling houses rarely have any public benefit that will outweigh harm to a Heritage Asset and that the NPPF gives a great deal of weight to the protection of designated heritage assets.

Application Number	DC/19/1539/LBC
Appeal Number	APP/X3540/Y/19/3235565
Site	The Great House, Church Street, Orford, Suffolk, IP12 2NT
Description of Development	Installation of gate in boundary wall.
Committee / Delegated	Committee
Decision Date	10 February 2020
Appeal Decision	Allowed
Main Issues	Impact of the insertion of a timber gate in the brick boundary wall.
Summary of Decision	The Inspector agreed with the Council that that the wall forms an “attractive and prominent feature in the street scene” and that “by reason of its age and appearance it contributes to the building’s significance”. However, they went on to state that the proposed gate would result in the loss of a very small section of the wall in the least prominent corner of the property and adjacent to an existing vehicular access to another property. Although it would introduce a new feature

	into the wall, the Inspector comments that gates are a common feature of many historic walls and states that he agrees with the Council's Conservation Officer that <i>"the gate will read as a minor and incidental feature of appropriate garden gate design that will not harm the special interest of the listed building"</i> .
Learning Point / Actions	The minor scale of the proposal was not considered to have such a significant impact on the character or significance of the listed building.

Application Number	DC/19/2410/FUL
Appeal Number	APP/X3540/W/19/3236570
Site	Briar House, Church Lane, Lound NR32 5LL
Description of Development	The development proposed was conversion of existing garage to an annex.
Committee / Delegated	Delegated
Decision Date	11 February 2020
Appeal Decision	Dismissed
Main Issues	The main issue was the effect of the proposed development on the character and appearance of the appeal site and the surrounding area.
Summary of Decision	The Inspector raised concerns with the converted garage appearing as a new dwelling, with its layout and separation from the main house only exacerbating the appearance of a separate dwellinghouse, rather than ancillary accommodation. The proposal was deemed to unacceptably harm the character and appearance of the area, and fail to comply with the provisions of policy WLP8.10 which requires, among other things, that annexes reflect the character and setting of the original dwelling and that the size, scale, design, location and provision of accommodation must be subordinate to its host.
Learning Point / Actions	<p>This appeal decision is an excellent example of the Planning Inspectorate upholding the Council's policies on annexe accommodation.</p> <p>Of note is that the Inspector identified that controlling planning condition or S106 legal agreement would be sufficient to restrict the use to only ancillary accommodation, but that would not overcome the separate and independent appearance of the annexe, contrary to policy WLP8.10 of the Local Plan.</p>

Application Number	DC/18/3424/FUL
Appeal Number	APP/J3530/W/19/3227271
Site	Former Council Offices, Melton Hill, Melton IP12 1AU
Description of Development	The development proposed is residential development (100 units) including affordable housing (Class C3) plus a community building (364.1sq.m) (Class D1) and a retail unit (102.3sq.m) (A1/A2/A3), car parking, means of access and landscaping, all following demolition of the buildings on site.
Committee / Delegated	Committee
Decision Date	12 February 2020
Appeal Decision	Dismissed
Main Issues	This is whether the proposal would make adequate provision for affordable housing, with particular regard to the application of vacant building credit.
Summary of Decision	The NPPF advises that VBC will not apply to vacant buildings which have been abandoned. Turning first to vacancy, the advice note provided by the Council defines a vacant building as one which has not been in continuous use for any six month period during the last three years. However, the Inspector advises that this note has not been subject to

	<p>public consultation and has not been formally adopted as part of the development plan. While vacancy is not defined in the Framework, he accepts that the Council's decision notice confirms that the site was last occupied in May 2017, almost 3 years ago. Notwithstanding the Council's definition, 32 continuous months of non-use is compelling evidence of vacancy.</p> <p>The Inspector accepts there has been no intervening use, and it is clear from the evidence of the Council's office relocation programme that the buildings were not abandoned but were vacated as part of a project of rationalisation of accommodation where staff were redeployed to more modern, smaller offices, with lower running costs.</p> <p>The PPG indicates that the intention of the VBC policy is to incentivise brownfield development, including the reuse of empty and redundant buildings, and that authorities may consider whether the building has been made vacant for the sole purposes of redevelopment. It is clear that the circumstances of this development are quite different from abandonment for the sole purpose of redevelopment of the site. All these factors suggest that VBC should apply to the proposal.</p> <p>However, the PPG also indicates that it may be appropriate to consider whether the building is covered by an extant permission for the same or substantially the same development. Since the appeal was made, the Inspector is aware that Council has granted planning permission on the same site for a substantially similar development without VBC, but which includes the policy compliant number of 32 units of affordable housing, as sought by the Council. The appellant has confirmed in writing to the Planning Inspectorate that he is content, and indeed, willing, to implement that second, permitted scheme.</p> <p>The PPG describes the intention of the VBC policy as to incentivise brownfield development. In the light of the permission granted since the appeal was made, I cannot conclude other than that there is no longer any need to incentivise the development of the site, as there now exists a permission for a similar scheme, which the appellant is willing to implement. In the absence of any viability assessment to demonstrate that the 32 units required under CS policy DM2 would make the scheme unviable, the Inspector concluded that the 16 affordable homes proposed would be an inadequate level of provision. This places the proposal in conflict with the development plan, by failing to address the need for affordable housing in the District.</p>
Learning Point / Actions	None. Interesting however to note that although the Inspector felt that VBC should apply in this instance, the compelling evidence of a more recent permission resulted in the appeal dismissed, although not for the exact reasons as specified in the decision notice.

Application Number	DC/19/1465/FUL
Appeal Number	APP/X3540/W/19/3232028
Site	Green Barn, Land to the rear of Old Nurseries, Burgh, Woodbridge, Suffolk, IP13 6JN
Description of Development	"Demolition of existing storage buildings with prior approval for conversion to residential use, and erection of new single storey dwelling and associated works"
Committee / Delegated	Delegated
Decision Date	21 February 2020
Appeal Decision	Dismissed
Main Issues	Whether the development is in an appropriate location, with particular regard to the adopted development plan settlement hierarchy and access to shops, services and community facilities and transport choices other than the private car and the effect of the development on the character and appearance of the area.

Summary of Decision	<p>The site is not located in close proximity to sustainable settlements to avoid the reliance of the use of private cars and does not fall into any category with the settlement hierarchy (SP19) or constraints of DM3 to be a permitted use in the countryside.</p> <p>The character of the barn would not be retained as part of the proposal, which would have a harmful impact on the rural character and appearance of the site. No landscaping or screening which would justify an otherwise harmful scheme as this could be repeated too easily and often for all forms of poor-quality development. The development would not therefore be sympathetic to the character of the area contrary to policies within the Core Strategy and NPPF.</p> <p>The site has an extant 'prior-notification' consent to be converted, which the Inspector does not doubt will be implemented in lieu of this dismissal; however does not consider the prior notification a viable fallback in justifying the intensified proposal which is considerably materially different to what was previously considered under the limited considerations of the prior-notification process.</p> <p>The appellant had also referenced the Core Strategy as being out of date, as it was adopted prior to the revised Framework, however the Inspector considered that the majority of the policies accorded with the aspirations of the NPPF, although did suggest that Policies SP19, SP29 and DM3 of the Core Strategy and Policy SSP2 of the Site Allocations Plan adopt a restrictive approach to development in the countryside which does not fully accord with the more balanced and open position of the Framework.</p>
Learning Point / Actions	<p>Prior-notifications (Class Q) may not be considered a viable fallback if the proposals would materially conflict with the aspirations of the development plan. There is also case law which outlines when a prior-notification could be considered a viable fall back.</p>

Appeals relating to Enforcement Action

Enforcement Case Number	ENF/2015/0279/DEV
Appeal Number	APP/T3535/C/18/3211982
Site	Land on the North side of Dam Lane, Kessingland
Description of Development	Without planning permission the erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to a highway and engineering operations amounting to the formation of a lake and soil bunds.
Type of notice	Enforcement Notice (served 5 September 2018)
Decision Date	5 February 2020
Appeal Decision	Appeal Dismissed and the enforcement notice is upheld
Main Issues	The main issues in this case were the unauthorised erection of outbuildings, wooden jetties, fencing and gates and engineering operations amounting to the formation of a lake and soil bunds.
Summary of Decision	Appeal Dismissed
Learning Point / Actions	None

Enforcement Case Number	ENF/2018/0057/DEV
Appeal Number	APP/J3530/C/19/3220721 APP/J3530/C/19/3220722

Site	The Stone House, Low Road, Bramfield
Description of Development	Without planning permission the installation of soil bunds and hardstanding for the purposes of the stationing of refrigeration units/chiller cabinets on the Land; Without planning permission the change of use of the Land for the purposes of the stationing of refrigeration units/chiller cabinets on the Land.
Type of notice	Two Enforcement Notice (served 10 December 2018)
Decision Date	13 February 2020
Appeal Decision	Appeals Dismissed under ground (a) – that planning permission be granted for the unauthorised works) and allowed under Ground (g) that the time period given within the Notice is extended
Main Issues	The main issues in this case were the unauthorised extension of the business site at Bramfield Meats onto land associated with Stone House.
Summary of Decision	Appeals Dismissed under Ground (a) and upheld under Ground (g) resulting in the time period for compliance being extended to 6 months
Learning Point / Actions	None

Costs Decisions

Application Number	DC/18/4850/OUT
Appeal Number	Costs application in relation to Appeal Ref: APP/J3530/W/19/3233271
Site	Appletree Cottage, Woodbridge Road, Debach, Woodbridge IP13 6BY
Description of Development	Application for costs by the Local Planning Authority
Committee / Delegated	Delegated
Decision Date	7 January 2020
Appeal Decision	Costs refused
Main Issues	The Local Planning Authority (LPA) were seeking an award of costs against the appellants. The LPA considered that the appellant had acted unreasonably in raising issues by calling into question whether the Council are able to demonstrate that they have a five-year supply of housing land, that have been resolved in other planning appeals involving the same agent as has prepared the statement of case for the appellants.
Summary of Decision	The Inspector, considered that there was no unnecessary or wasted expense incurred, on the basis that the Council have submitted a Statement of Housing Land Supply as of March 2019 document, which was not prepared specifically for this appeal, and would have been drawn up in any case as part of the Local Plan's process.
Learning Point / Actions	The Local Planning Authority should only seek costs where it has had to draw up documents and statements specifically for the appeal, even when the appellants agent is pursuing a point which had been resolved in other planning appeals with the same agent.

Application Number	DC/18/4850/OUT
Appeal Number	Costs application in relation to Appeal Ref: APP/J3530/W/19/3233271
Site	Appletree Cottage, Woodbridge Road, Debach, Woodbridge IP13 6BY
Description of Development	Application for costs by the applicant
Committee / Delegated	Delegated

Decision Date	7 January 2020
Appeal Decision	Costs refused
Main Issues	The appellant was seeking an award of costs against the Local Planning Authority as they considered as they consider that the Council have acted unreasonably in refusing their application in the face of what they consider to be clear and compelling evidence that permission should be granted.
Summary of Decision	The Inspector was satisfied that the Council had substantiated its reasons for refusing the application, and therefore the appellants had not incurred unnecessary or wasted expense in preparing their case.
Learning Point / Actions	This case confirms the need for the Local Planning Authority to be able to substantiate its reasons for refusal, in order to avoid the award of costs to the appellant at appeal.

Application Number	DC/19/1539/LBC
Appeal Number	Costs application in relation to Appeal Ref: APP/X3540/Y/19/3235565
Site	The Great House, Church Street, Orford, Suffolk, IP12 2NT
Description of Development	Installation of gate in boundary wall
Committee / Delegated	N/A
Decision Date	10 February 2020
Appeal Decision	Costs given
Main Issues	Reasons for the award of costs
Summary of Decision	Full Grant of Costs allowed. Whilst the Inspector recognised that Planning Committee were not obliged to follow the advice of their officers, they should have good reason to do so. In this case the Inspector noted that although the local planning authority properly substantiated the reasons for refusal in the appeal statement, it was deemed that the Council acted unreasonably in refusing the application when Planning Permission for a similar gate (along with the erection of a new holiday let) had previously been granted.
Learning Point / Actions	To ensure that cases are considered in a consistent manner such that subsequent decisions are not seen as the Council acting unreasonably.