



## STRATEGIC PLANNING COMMITTEE

Monday, 9 September 2019

### PLANNING APPEALS REPORT

#### EXECUTIVE SUMMARY

This report provides an update on all appeal decisions received from the Planning Inspectorate between 27 May 2019 and 21 August 2019

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| Is the report Open or Exempt? | Open   |
| Wards Affected:               | All  |
| Cabinet Member:               | Councillor David Ritchie<br>Cabinet Member for Planning and Coastal Management   |
| Supporting Officer:           | Liz Beighton<br>Planning Development Manager<br>01394 444778<br><a href="mailto:Liz.beighton@eastsuffolk.gov.uk">Liz.beighton@eastsuffolk.gov.uk</a> |

## **1 INTRODUCTION**

- 1.1 This report provides a summary on all appeal decisions received from the Planning Inspectorate between the 27 May 2019 and 21 August 2019.

## **2 APPEAL DECISIONS**

- 2.1 A total of 28 appeals have been received from the Planning Inspectorate since the 27 May 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two appeals (Raedwald Road Rendlesham and Crown Nurseries Ufford) both scheduled for Public Inquiries have been withdrawn at the request of the appellants.
- 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 Very few planning refusals are appealed (approximately 20%) and nationally on average there is a 42% success rate for major applications, 27.25% success rate for minor applications and 39.25% success rate for householder applications. Taken as a whole that means that slightly over 36% (or 1 in 3) of app planning appeals are successful.
- 2.5 Of the 28 appeal decisions received three were determined by the Planning Committee with the remaining 25 being delegated. One appeal was made on the grounds of non-determination.
- 2.6 25 of the decisions were dismissed (89%) and three allowed (11%). These statistics show that the Council's success rate in defending appeals is above the national average and provides confidence that the Council is able to robustly defend against unacceptable development and has a suite of policies available to assist defence.
- 2.7 The Council has also been granted costs in their favour in relation to three appeals. Crown Nurseries Ufford and Raedwald Road Rendlesham were both withdrawn and the scheme in Kirton was dismissed. The costs were granted on the grounds of the Council being able to demonstrate a five year supply of housing.
- 2.8 There are no areas of concern raised in any of the appeals, although it is noted in two one decision no reasons for refusal were appended to the decision notice but the Inspector considered the officer's report and justification was sufficiently robust. This is an isolated instance and mechanisms have been put in place to ensure that this remains isolated.
- 2.9 The decisions usefully endorse the Council's approach to development in the countryside, Part Q conversions and how backland (tandem) development is approached.
- 2.10 It is also important moving forward with the evidence that the Council (both the Waveney and Suffolk Coastal Local Plan areas) can demonstrate a five year supply of housing and therefore officers should routinely consider whether applications for award of costs are appropriate to take forward.

### 3 REASON FOR RECOMMENDATION

3.1 This report is for information only.

#### RECOMMENDATION

That the contents of the report, updating the Strategic Planning Committee on appeal decisions received, be noted and endorsed.

#### APPENDICES

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| <b>Appendix A</b> | Summary of Appeal Decisions received from the Planning Inspectorate between 27 May and 21 August 2019 |
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#### BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website [www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk) but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

| Date                     | Type   | Available From  |
|--------------------------|--|---|
| 27 May to 21 August 2019 | Appeal Decisions received from the Planning Inspectorate | <a href="http://www.eastsuffolk.gov.uk/planning/planning-applications/publicaccess/">http://www.eastsuffolk.gov.uk/planning/planning-applications/publicaccess/</a> |

## APPENDIX A

The following appeals have been received between 27 May 2019 to 21 August 2019. The full reports are available on the Council's website using the unique application reference.

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| Application Number         | DC/18/0817ful  |
| Appeal Number              | APP/T3535/W/18/3207307   |
| Site                       | 33 Lakeside Rise, Blundeston NR32 5BE  |
| Description of Development | Construction of an end terraced house  |
| Committee / Delegated      | Delegated  |
| Decision Date              | 3 July 2019  |
| Appeal Decision            | Dismissed  |
| Main issues                | <ul style="list-style-type: none"> <li>• The effect of the proposed development on the character and appearance of the area; and</li> <li>• The effect of the proposed development on the living conditions of the occupiers of No 33 Lakeside Rise with regard to outlook and daylight</li> </ul>   |
| Summary of Decision        | <p>The host building has a prominent position at the end of a terraced row of dwellings, with garden land to the rear and side. The surrounding residential estate comprises relatively uniform dwellings with a reasonable plot size which are generally well spaced and reasonably well set back from their front boundaries. These factors, together with the estate's generous provision of open space, give the immediate area an open and spacious character.</p> <p>The proposed dwelling and its plot would have a limited scale which would be incongruous within the spaciousness of the locality. No equivalent development lies at the other end of the terrace, and the proposal unbalances the terrace causing significant harm to the character and appearance of the area.</p> <p>The proposal consequently conflicts with Policy WLP 8.29 of the WLP, which states that development proposals should respond to local context and the form of surrounding buildings in relation to scale, character and massing. Further conflict exists with Policy 8.33 of the WLP, which sets out that housing development on garden sites will be supported where the scale and siting of the proposal is in keeping with the character and density of the surrounding development and would not generate a cramped form of development.</p> <p>Living conditions</p> <p>The rear elevation to the host dwelling contains a kitchen window and in the single storey rear extension forms a dining room, with French doors which would face the side elevation to the new dwelling and lose the current spacious outlook over the dwelling's gardens. The length and proximity of the new dwelling would result in a significant enclosing effect on that property significantly diminishing outlook and losing light into the rooms..</p> |
| Learning Point / Actions   | <p>The inspector has accepted fully the amenity and grain arguments made. The decision notice was issued without conditions but the Inspector accepts that the officer report was sufficiently explicit to understand the reason for refusal. While therefore this was a regrettable error on our part it had no bearing on outcome.</p> <p>The five year supply argument carries limited weight for a single unit, and further is not either accepted or rejected as insufficient</p>   |

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|  | <p>information is available, similarly the argument we advanced in the lack of a RAMS contribution as removing the “presumption in favour” is also not debated as no further supporting information was provided in this case.</p> <p>Residential garden policies locally and in the NPPF outweigh the “Brownfield” land argument made</p> |
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| Application Number         | DC/18/2241/OUT   |
| Appeal Number              | APP/T3535/W/18/3212605   |
| Site                       | Former caravan site adjacent to 69 Beccles Road, Bungay, Suffolk, NR35 1HT   |
| Description of Development | Outline Application (Some Matters Reserved) - Construction of one dwelling   |
| Committee / Delegated      | Delegated  |
| Decision Date              | 23 July 2018   |
| Appeal Decision            | Dismissed  |
| Main issues                | The main issue is the character and nature of the street scene and the suitability of the site for a new dwelling.   |
| Summary of Decision        | <p>In view of the character and nature of the street scene, the site is not suitable for a new dwelling since its development would reduce the openness of the gap to the detriment of the distinctiveness and appearance of the area and would be contrary to development plan policies. The change in the settlement boundary in this location is clearly intended to recognise the clear break in development, and its value as a green corridor within an urban setting.</p> <p>Despite this being in a sustainable location it is encouraging that the inspector recognised the contribution of this gap in the urban area and the reasons for not including it within the settlement boundary of Bungay. This outweighed the benefits of providing a single dwelling well located to services and facilities nearby.</p> |
| Learning Point / Actions   | None   |

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| Application Number         | DC/17/5300/FUL  |
| Appeal Number              | APP/J3530/W/19/3219939  |
| Site                       | Land At Former Beach Station , Beach Station Road, Felixstowe   |
| Description of Development | Provision of container storage units and open caravan/boat open storage.  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 28 June 2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | The main issue is the effect of the proposed development on the character and appearance of the area.   |
| Summary of Decision        | <p>The proposed development would harm the character and appearance of the area. Therefore, it would conflict with Suffolk Coastal District Local Plan Core Strategy &amp; Development Management Policies Development Plan Document July 2013 (CS) Policy SP1(k) which seeks development that maintains and enhances a sense of place, and with CS Policy SP15 which seeks development that protects and enhances the various distinctive historical and architectural value as well as landscape value and character areas of the district. It would also conflict with CS Policies DM21(a), (b) and (f) which require development that relate well to the character of their surroundings, provide a positive improvement in the standard of the built</p> |

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|                          | <p>environment and give attention to the spaces between buildings and the boundary treatment of individual sites respectively.</p> <p>The proposal would also conflict with emerging LP Policy SCLP6.1 which supports development that improves the visitor experience, albeit this Policy carries limited weight.</p> <p>Despite the current appearance of the site (security fencing, railway paraphernalia, etc) and uses immediately opposite the site, the Inspector has accepted that Felixstowe, in the existing adopted Core Strategy, Felixstowe Area Action Plan and Emerging Local Plan sets out the aim to achieve a thriving seaside town and port, of which the proposal would be in conflict with those aspirations.</p> |
| Learning Point / Actions | None  |

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| Application Number         | DC/18/4833/FUL   |
| Appeal Number              | APP/J3530/W/19/3225855   |
| Site                       | Friarscroft , Marcus Road, Felixstowe, IP11 7NF  |
| Description of Development | Proposed brickwork boundary wall fronting Golf Road and Marcus Road  |
| Committee / Delegated      | Delegated  |
| Decision Date              | 26 June 2019   |
| Appeal Decision            | <p>Allowed with conditions:</p> <p>1) The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan SDS55-1001, Garden Wall Plans &amp; Elevations Drawing No. SDS55-0106 revision P02.</p> <p>3) The hedge planting indicated on the approved plan shall be implemented in the first planting season following the completion of the wall. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p>  |
| Main Issues                | The main issue is the effect of the development on the character and appearance of the area.   |
| Summary of Decision        | <p>Owing to the scale and design of the wall and the similarity in appearance to other nearby walls, the proposed wall would not be an imposing structure and, even though it would not reflect the materials of the dwelling itself, it would be in keeping with the character and appearance of the street scene.</p> <p>It was acknowledged that the existing hedge is of a softer appearance than the proposed wall, and that the proposed hedge could take some time to become established, but once it has grown the replacement hedge would visually soften the appearance of the wall.</p> <p>The proposal would not cause material harm to the appearance and character of the area and that the proposal would accord with the National Planning Policy Framework ('the Framework') and Policies DM21 and SP15 of the Suffolk Coastal District Local Plan Core Strategy &amp; Development Management Policies.</p> |

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| Learning Point / Actions | <p>No condition was put on the permission granted for the subdivision of the site and erection for a new dwelling (planning reference DC/17/4624/FUL) for boundary treatment details or the retention of the hedgerow (although this in itself would have limited weight and enforceability).</p> <p>Whilst there were similar examples within the vicinity of the site, these were of lower height and would arguably have less impact on the streetscene; nor were they in prominent locations (corner plot of two roads). Negotiations to lower the height of the proposed piers and submission of planting details prior to determination may have resolved in an acceptable scheme under delegated powers.</p> |
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| Application Number         | DC/18/4303/FUL   |
| Appeal Number              | APP/J3530/W/19/3223508   |
| Site                       | Land to the rear of 36 Fairfield Avenue, Fronting Springfield Avenue, Felixstowe, IP11 9JQ   |
| Description of Development | Single storey dwelling on land at rear of garden including new access for donor house, site fronts Springfield Avenue  |
| Committee / Delegated      | Delegated  |
| Decision Date              | 18 July 2019   |
| Appeal Decision            | Dismissed  |
| Main Issues                | The main issues are the effect of the proposed development on the character and appearance of the appeal site and street scene; and on the living conditions of future occupiers of the proposed dwelling, with regard to outlook and natural light.   |
| Summary of Decision        | <p>Whilst the proposed dwelling would not be dissimilar in scale and appearance to the neighbouring bungalows, it would be sited on a significantly smaller plot than these dwellings and others in the surrounding area. Moreover, it would be orientated differently with its side elevation facing the road on a building line further forward than the neighbouring dwellings. As such, its layout and position would be uncharacteristic and incongruous in the otherwise uniform setting of properties with much larger plot sizes, active street frontages and a consistent front building line.</p> <p>The proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and street scene. Consequently, it is contrary to Policy DM7 of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies document (the Core Strategy), which concerns infilling and backland development, including the requirement that development should not result in a cramped form of development out of character with the area or street scene. It is also contrary to Core Strategy Policy DM21, which concerns design and which states that proposals that comprise poor visual design and layout or otherwise seriously detract from the character of their surroundings will not be permitted.</p> <p>The Inspector found in the appellant's favour with regard to the main issue concerning living conditions, however it was insufficient to outweigh the unacceptable harm and conflict with the development plan and framework concerning the effect on character and appearance.</p> |
| Learning Point / Actions   | None   |

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| Application Number | DC/18/3566/FUL |
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| Appeal Number              | APP/J3530/W/18/3215981   |
| Site                       | Land North Of Saxtead Road, Dennington, Suffolk  |
| Description of Development | Retention of landscape features and equipment sheds forming part of the previously approved wildlife pond (DC/16/3554/FUL)   |
| Committee / Delegated      | Delegated  |
| Decision Date              | 11 July 2019   |
| Appeal Decision            | Dismissed  |
| Main Issues                | The following condition 4 that has been applied to the application is not sound:<br><i>"The hereby permitted landscape features; buildings and pond shall only be used as a wildlife habitat, and for no other uses, including any recreational leisure activity uses, such as swimming; watersports; fishing or (including any other order specified in the Use Classes Order and/or any other use which maybe permitted through The Town and Country Planning (General Permitted Development) (England) Order 2015, or any orders revoking or redacting those Orders). The land enclosed within the red line shown on the site location plan does not form part of the residential curtilage associated with Wynneys Hall. Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment."</i> |
| Summary of Decision        | The condition that has been applied to the application is not sound, it should have been applied to the application when it was originally determined, as this application (DC/18/3566/FUL) added additional elements to the original application.   |
| Learning Point / Actions   | Not to retrofit conditions to planning applications for issues that could arise, but not to assume would a development could turn into.  |

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| Application Number         | DC/17/5380/OUT  |
| Appeal Number              | APP/J3530/W/18/3206478  |
| Site                       | Land At Redwald Road, Rendlesham, Suffolk, IP12 2TZ   |
| Description of Development | Outline Planning Application for up to 290 dwellings, Car Parking, Open space, Including the provision of Allotments with Associated Infrastructure and Access  |
| Committee / Delegated      | Committee   |
| Decision Date              | 03 April 2018   |
| Appeal Decision            | Appeal withdrawn on the 19 February 2019 by appellant   |
| Main Issues                | Had the appellant behaved unreasonably by withdrawing their appeal prior to the inquiry.  |
| Summary of Decision        | The appellant has behaved unreasonably by withdrawing their appeal prior to the inquiry. Cost can be claimed from 30 July 2018 (inclusive) on wards for working on the appeal. The reasons given by the appellant were for commercial reasons and will try and get the site area into the Local Plan. The Secretary of State did not feel that these were good enough reasons to withdraw the appeal without prior warning that costs will be applied for.<br><br>The Local Planning Authority are currently compiling the costs. |
| Learning Point / Actions   | To only withdraw an appeal with very good reasons   |

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| Application Number         | DC/16/4134/FUL   |
| Appeal Number              | APP/J3530/W/19/3220555   |
| Site                       | 7 Main Street, Leiston   |
| Description of Development | Housing development of 5 houses, with associated parking and access. |
| Committee / Delegated      | Non determination  |



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| Decision Date            | 10 July 2019   |
| Appeal Decision          | Dismissed  |
| Main Issues              | Effect of development on listed buildings and Leiston Conservation Area.   |
| Summary of Decision      | As a consequence of the loss of part of the open space which is identified as an important open/green/tree space in the Conservation Area Appraisal; the inspector considered that there would be harm to Leiston Conservation Area from the proposed development that was not outweighed by the limited public benefits.<br>There was acknowledgement that the provision of part of the site for the establishment of the Leiston Works Railway could amount to a significant public benefit however the lack of information/legal agreement to secure the delivery of the works meant that limited weight could be given to this public benefit. |
| Learning Point / Actions | Unless there is a legal agreement in place for the establishment and operation of the Leiston Works Railway there would be insufficient public benefit to outweigh the less than substantial harm to Leiston Conservation Area.  |

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| Application Number         | DC/18/3989/FUL  |
| Appeal Number              | APP/J3530/W/19/3224893  |
| Site                       | 48 High Street, Aldeburgh, IP15 5AB   |
| Description of Development | Change of use from A2 to C3 for ground floor only.  |
| Committee / Delegated      | Committee   |
| Decision Date              | 3July.2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | Effect of development on the long-term growth and resilience of the local economy.  |
| Summary of Decision        | The property was not subject to a sufficient period of marketing, in accordance with the SCDC Commercial Property Marketing Best Practice Guide. Issues with the internal layout of the property did not outweigh the limitations of the marketing exercise. The appeal scheme was considered to have a harmful effect on the long term growth and resilience of the local economy contrary to policy DM10. |
| Learning Point / Actions   | Moderate weight can be given to the SCDC Commercial Property Marketing Best Practice Guide.   |

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| Application Number         | DC/18/0086/FUL  |
| Appeal Number              | APP/J3530/W/18/3212935  |
| Site                       | Bank House, 177 High Street, Aldeburgh, IP15 5AN  |
| Description of Development | Demolition of existing outbuilding and garage. Erection of new dwelling (comprising basement and room-in-roof levels) with integral parking and widened vehicle cross over.   |
| Committee / Delegated      | Committee   |
| Decision Date              | 4 June 2019   |
| Appeal Decision            | Dismissed   |
| Main Issues                | Effect of development on the character and appearance of the Aldeburgh Conservation Area, with specific regard to its detailed architectural design and palette of materials.   |
| Summary of Decision        | Although the chosen materials are appropriate to the high quality architectural design proposed, the vertical timber boarding would be out of character with the prevailing historic palette of materials in the area and significantly erode the existing sense of place. As a consequence the proposed development would be harmful to the character and appearance of the conservation area. |

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| Learning Point / Actions | Choice of materials is important irrespective of the high quality of the design proposed in a Conservation Area. |
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| Application Number         | DC/19/0318/FUL  |
| Appeal Number              | APP/J3530/W/19/3225597  |
| Site                       | Land at Cireanin, Woodbridge Road, Bredfield IP13 6AW   |
| Description of Development | Proposed residential development of two bungalows and associated garages  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 1 August 2019   |
| Appeal Decision            | Dismissed   |
| Main Issues                | Two dwellings located in the countryside, but on the edge of a Physical Limits Boundary. Development in this location will lead to backland development, which is contrary to the grain of development within the Village.  |
| Summary of Decision        | <p>It is agreed that the dwellings proposed are located in the countryside as they are outside of the physical limits boundary, they do not accord with the other policies that allow development in the countryside and therefore contrary to Policy.</p> <p>Also this development if allowed would impact on the grain of development in the village and would introduce built form where there currently is none. The buildings being proposed are bungalows but development in this area would go against the character of the area.</p> <p><i>"the proposed development would have a significantly urbanising effect on the rural character of the area."</i></p> <p>The appellant argued that DM3 and SP29 are out of date, but the inspectors notes that they are broadly similar to the NPPF countryside policies. But it is not considered that they are and the tilted balance was engaged by the inspector who concluded that:</p> <p><i>"Taking these matters together, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 11 of the Framework does not indicate that permission should be granted."</i></p> |
| Learning Point / Actions   | Development on the edge of settlement boundary is still in the countryside  |

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| Application Number         | DC/17/5302/COU  |
| Appeal Number              | APP/T3535/W/18/3210016  |
| Site                       | Carriage House, Ashmans Hall, Bungay Road, Beccles, NR34 8HE  |
| Description of Development | Change of use from agriculture to use for the leisure/holiday placement of mobile homes compliant with Caravan Sites and Control of Development Act 1960, as supplemented by Section 13 of the Caravan Sites Act 1968   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 12 July 2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | Setting of listed building, character of the landscape and highway safety   |
| Summary of Decision        | Permission for two mobile homes had been granted on the site previously but the claim that the principle of development of the land for mobile homes on the site had been established was incorrect. Harm to the setting of a heritage asset might not necessarily result |

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|                          | <p>from visual considerations and that it is a matter of planning judgement whether harm would actually be caused. The setting of a heritage asset is the surroundings in which an asset is experienced. Ashmans Hall was originally set within parkland surroundings and though eroded to a degree the open parkland remains. The introduction of 12 mobile homes would be seriously harmful to the setting of Ashmans Hall, irrespective of any planting that might be introduced. Planting itself would be harmful as it would compromise the open parkland setting. Intrusion into the open parkland would have a significant adverse impact on the character of the landscape. The proposal would significantly increase traffic using the track leading to Ashmans Hall leading to an increased likelihood that traffic conflicts would occur at the junction with Bungay Road.</p> |
| Learning Point / Actions | <p>Benefits to tourism and to the local economy do not, as a matter of planning judgement, outweigh harm that would be caused to the setting and significance of a Grade II* listed building.</p>   |

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| Application Number         | DC/17/3683/FUL  |
| Appeal Number              | APP/T3535/W/18/3198945  |
| Site                       | Land adjacent Hall Cottage, Church Road, Suffolk, Henstead, NR34 7LD  |
| Description of Development | Construction of a detached dwelling   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 20 May 2019   |
| Appeal Decision            | Dismissed   |
| Main Issues                | <p>Whether the site is a suitable location for a dwelling having regard to the development plan, the effect on the character and appearance of the surrounding area and whether the proposal makes adequate provision for habitat mitigation.</p>   |
| Summary of Decision        | <p>A previous appeal had been dismissed but this was determined under the now superseded policy DM22 which was permissive of certain infill developments. However, there was an additional requirement that the development needed to be accessible to local services and facilities. There is no similar requirement within LP Policy WLP8.7 and therefore, with regards to the sustainability of the location, the Inspector attached limited weight to the earlier appeal decision. The proposal could be regarded as small scale development in the countryside. The proposal would sit in close proximity to the common boundary with the neighbouring semi-detached dwellings and follow their built line of development. As such it would appear in keeping with the semi-detached dwellings to its side.</p> <p>The Inspector agreed with the previous Inspector that the proposal would not necessarily harm the setting of the listed building given its degree of separation and the surrounding development to both the east and west.</p> <p>With regards to habitat mitigation the RAMS SPD is in draft form and is at an early stage of the adoption process. As such, very limited weight was attached to it at this early stage as there is no certainty regarding the effectiveness of the mitigation measures nor their timeliness of delivery. Whilst the appellant had made a financial contribution towards the RAMS, there was no legal agreement to demonstrate that the mitigation would be effective and whether it would be secured for the specified purpose in the first place, and in a timely way.</p> |

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|                          | In relation to the suitability of the location and character and appearance of the surrounding area the Inspector was of the view that planning permission should be granted. However, the Inspector was of the view that there was no means of securing appropriate mitigation in respect of the Benacre to Easton Bavents SPA and the Minsmere to Walberswick Heaths & Marshes SAC. For this reason alone, the appeal was dismissed. |
| Learning Point / Actions | This decision was considered a somewhat 'rogue' decision. RAMS contributions can be made either 'upfront' (as was the case here) or by legal agreement. On all other applications upfront payments of the RAMS contribution has been considered sufficient habitat mitigation in line with advice from Natural England and has been accepted by other appeal Inspectors.   |

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| Application Number         | DC/18/2588/FUL  |
| Appeal Number              | APP/T3535/W/18/3216317  |
| Site                       | Hill Farm Barn, London Road, Weston, NR34 8TE   |
| Description of Development | Custom designed single storey two bedroom, self-build, retirement dwelling and site wild-scaping.   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 18 June 2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | Whether the appeal site is a suitable location for a dwelling having particular regard to the settlement strategy and the accessibility of services; and the effect of the proposal on the setting of a nearby listed building, Hill Farm House.  |
| Summary of Decision        | <p>Regarding the location it was acknowledged that the site was outside any settlement boundary and therefore in the countryside for planning purposes. The Inspector found that the site conflicted with the policies in the local plan which allow for housing in the countryside. Furthermore, it was found that accessing services and facilities in Beccles by a safe means (i.e. footpath and bridleway) was not possible particularly for the more vulnerable groups and any future occupants would be heavily reliant on the private car. This weighed significantly against the proposal.</p> <p>Turning to the impact on the listed building it was noted that the harm was 'less than substantial harm' which in turn requires an assessment against the public benefits of the proposal, as advocated in the NPPF. Paragraph 22 of the appeal decision deals with this matter and states that "<i>I find the provision of one dwelling would make only a very modest contribution to the housing supply</i>". Any benefits via construction and upkeep would, in the view of the Inspector, be modest and mainly temporary. In conclusion, the Inspector noted that there was insufficient benefit to outweigh the harm to the setting of the heritage asset and therefore failed the tests in the Framework.</p> |
| Learning Point / Actions   | This decision upholds policies that seek to prevent isolated new dwellings in the countryside having regard to accessibility to services and the settlement strategy.   |

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| Application Number | DC/18/0673/OUT |
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| Appeal Number              | APP/T3535/W/18/3210972  |
| Site                       | Manor Farm House, Church Road, Mutford, NR34 7UZ  |
| Description of Development | Outline Application (All Matters Reserved) - Construction of a single new dwelling with detached garage and the formation of a new vehicular access   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 5 June 2019   |
| Appeal Decision            | Dismissed   |
| Main Issues                | The main issue is whether the appeal site is a suitable location for a dwelling with particular regard to the settlement strategy for the area and the accessibility of services and facilities.  |
| Summary of Decision        | <p>The appeal site was located outside the defined settlement boundary and therefore in the countryside. However the Inspector agreed that the proposal would not extend further into open countryside due to there being built development to either side. However, in order to satisfy the provisions of Policy WLP8.7, the appeal site must constitute a clearly identifiable gap within a built-up area of a settlement and there must be existing residential properties on two sides of the site. The site did not meet this criteria.</p> <p>With regards to accessibility to services and facilities the Inspector noted that there was no continuous footway between the appeal site and the bus stop and the services and facilities of Mutford. Given the nature of the route future occupants would be unlikely to choose to walk. There was also limited regularity of bus services. As such, future occupiers would be highly dependent on travel by private car. This is contrary to the objectives of the Framework, and the overall aim of LP Policy WLP1.2. This was a significant factor weighing against the scheme. The Inspector concluded the site was not a suitable location for a new dwelling.</p> |
| Learning Point / Actions   | This decision upholds policies that seek to prevent isolated new dwellings in the countryside having regard to accessibility to services and the settlement strategy.   |

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| Application Number         | DC/18/2607/FUL  |
| Appeal Number              | APP/T3535/W/18/3212250  |
| Site                       | Rivendell, Church Road, Mutford, Beccles, NR34 7UZ  |
| Description of Development | Demolish existing double garage and remove outbuilding to allow erection of No. 1 Self Build Chalet Bungalow/one half storey house and detached garage.   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 4 June 2019   |
| Appeal Decision            | Dismissed   |
| Main Issues                | The character and appearance of the surrounding area and the living conditions of the future occupants of Rivendell, with particular regard to noise and disturbance.   |
| Summary of Decision        | The area has a pleasantly open and semi-rural character that the appeal site shares. The proposal would introduce a substantial sized dwelling. As a consequence of its scale and position and given the absence of tandem development along this length of Church Road, the proposal would appear significantly at odds with the prevailing linear pattern of development. The Inspector conclude that the proposal would cause unacceptable harm to the character and appearance of the area contrary to Policy WLP8.29 in so far as this policy requires development to respond to local context and the form of surrounding |

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|                          | <p>buildings in terms of overall scale and character, layout and height and massing.</p> <p>Access would be along the existing driveway situated alongside the existing dwelling, Rivendell. The constrained width of the existing driveway, the positioning of the parking area near to the rear boundary of Rivendell and the consequent close proximity of passing and manoeuvring vehicles, would likely give rise to a serious adverse effect by way of noise and disturbance to the occupiers of Rivendell, Resulting in a significantly unacceptable standard of living conditions.</p> |
| Learning Point / Actions | A good example to use in defence of similar proposals that may come forward for backland development. The decision makes good use of new design and backland development policies.   |

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| Application Number         | DC/18/1952/FUL  |
| Appeal Number              | APP/T3535/W/18/3212210  |
| Site                       | Land Adjacent to 48 McLean Drive, Kessingland, Lowestoft, Suffolk NR33 7TY  |
| Description of Development | Erection of a three bedroom detached bungalow plus new dropped kerb.  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 9 August 2019   |
| Appeal Decision            | Dismissed   |
| Main Issues                | The main issue is the effect of the proposed development on highway safety and convenience.   |
| Summary of Decision        | The site is located close to the end of Turrell Drive, where there is a group of publicly accessible parking spaces. There is evidently some pressure on the public parking that is available. The site is within the built up area and evidently would be sustainable in principle. However despite the on-site parking proposed the proposal would result in the loss of at least one publicly available parking space. Site access would be relatively narrow, restricted by the existing telegraph pole and requiring a tight turn for cars entering the new parking spaces. In consequence, the scheme would be awkward in itself and would add to parking pressures in the vicinity, causing unnecessary harm to highway conditions and prejudicing highway safety and convenience. |
| Learning Point / Actions   | This application was refused solely on highway grounds, which the Highway Authority expanded upon by providing a statement. The effect on highway safety and convenience, though relatively small in scale, can outweigh the benefits of a scheme.  |

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| Application Number         | DC/18/0167/FUL  |
| Appeal Number              | APP/J2530/W/18/3210761  |
| Site                       | Former Blue Cross Animal Welfare Centre, 333 High Street, Walton, Felixstowe  |
| Description of Development | Demolition of existing buildings and construction of 10no. new dwelling houses  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 9 May 2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | Effect of the character and appearance of the area, including regarding trees, the effect on the living conditions of future and neighbouring occupiers and the effect of the development on highway and pedestrian safety. |
| Summary of Decision        | The appeal was dismissed due to the scheme adversely impacting on the character and appearance of the area as a result of the loss of   |

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|                          | important trees. Also that the separation distances between dwellings was not sufficient to result in acceptable levels of privacy for occupiers of existing and the proposed dwellings. The concerns regarding highway safety and parking levels were not upheld by the Inspector who commented that the speed of vehicles entering the site given the relatively small number of dwellings would not result in an unacceptable impact on pedestrian safety. |
| Learning Point / Actions | The Highways reasons for refusal were not upheld and site specific circumstances should be considered in addition to the Highways Authority's technical requirements for accesses.<br>Good decision regarding the positive impact glimpses of single trees can make in an urban setting and also on acceptable levels of privacy.   |

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| Application Number         | DC/18/2428/FUL   |
| Appeal Number              | APP/T3535/W/19/3220766   |
| Site                       | 3 White Point, Eversley Road, Southwold  |
| Description of Development | Construction of glazed pavilion to roof terrace.   |
| Committee / Delegated      | Delegated  |
| Decision Date              | 31.05.2019   |
| Appeal Decision            | – Allowed  |
| Main Issues                | Impact upon the character of the Conservation Area.  |
| Summary of Decision        | The Inspector did not agree with the Council's view that the pavilion on the roof terrace would represent a discordant feature not in keeping with the buildings design, detracting from its strong architectural statement by adding visual clutter to the clean roofline of the building. The Inspector was of the view that the pavilion would complement the existing design rather than detract from it and because it is in keeping with the original design will preserve and enhance the character of the Conservation Area. Contrary to the view of the Council the Inspector considered the proposal would not be unduly prominent in the Conservation Area despite being visible from what he described as two near viewpoints and some private gardens. Given the prominent position of the building with frontages to two roads, the Council's view is that it would be seen from more than just two near points. |
| Learning Point / Actions   | None. There was just a difference of opinion of what constituted an acceptable design.   |

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| Application Numbers        | DC/18/2921/OUT and DC/18/2922/OUT   |
| Appeal NumberS             | APP/J3530/W/18/3216881 and 3216884  |
| Site                       | 33 Thurmans Lane, Trimley St Mary, IP11 0SR   |
| Description of Development | Severance of part garden and erection of detached dwelling; and Severance of side and erection of detached dwelling.  |
| Committee / Delegated      | Delegated decision.   |
| Decision Date              | 28 June 2019  |
| Appeal Decision            | Both appeals dismissed.   |
| Main Issues                | Whether the proposed development would provide a suitable location for housing having regard to the character and appearance of the area. Secondary issue of whether there is a requirement to provide additional visibility from the proposed access and, if so, the effect of this on the character and appearance of the area. |
| Summary of Decision        | These were two appeals which differ only in their location in relation to the existing building at No. 33 Thurmans Lane. The proposals were in outline and sought planning permission for the development of a dwelling on each side of the existing building. Whilst they were two   |

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|                          | <p>separate planning applications, they were both determined via a single appeal decision.</p> <p>The appeal site is located in the countryside and within a designated area to be protected from development within the Felixstowe Peninsula Area Action Plan DPD (2017). The Inspector identified that the narrow lane has an open, green feel derived from the modest amount of dwellings and presence of hedgerows and vegetation. It was concluded that the proposals for two detached dwellings would increase the concentration of dwellings along Thurmans Lane, resulting in additional built development that would have an urbanising effect - diminishing the open rural character of the area. It would visually expand the built up area of Trimley St Mary contrary to the aims of the Local Plan.</p> <p>The Inspector ultimately concluded that the proposed development would not provide a suitable location for housing, having regard to the character and appearance of the area.</p> <p>The Inspector acknowledged that to make the proposed new vehicular access safe that a planning condition would be necessary to secure visibility splays. It was concluded though that this would likely require the removal of significant hedgerow which would erode the rural character of the site frontage and Thurmans Lane, further harming the character and appearance of the area.</p> |
| Learning Point / Actions | <p>Along Thurmans Lane an infill dwelling was constructed adjacent the site prior to the area being designated as an Area to be Protected from Development. The Inspector did not accept that an infill plot adjacent the appeal site was suggestive that the appeals should be allowed, as this infill dwelling was approved before the area was protected from development under the Local Plan. This demonstrates that precedent from dated planning approvals does not necessarily outweigh the content of up-to-date Local Plan policies.</p>   |

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| Application Numbers        | DC/18/2068/FUL   |
| Appeal NumberS             | APP/J3530/W/18/3212128   |
| Site                       | 8 Birch Grove, Martlsham Heath, Ipswich IP5 3TD  |
| Description of Development | Proposed detached two-storey dwelling (revised scheme)   |
| Committee / Delegated      | Committee  |
| Decision Date              | 24 May 2019  |
| Appeal Decision            | Dismissed  |
| Main Issues                | The effect of the proposed development on the character and appearance of the area.  |
| Summary of Decision        | The Inspector considered the proposed infill plot would cause significant harm to the settlement pattern and spacious urban character of the area, and thus contrary to policies within the Development which includes the Neighbourhood Plan and paragraphs 127 and 130 of the NPPF. It was considered the house would appear cramped because it would result in a row of three properties with much narrower intervening gaps inconsistent with the prevailing pattern of development in Birch Grove. The prominent position of the scheme and its relationship with neighbouring dwellings would be publicly visible when approaching from both directions on Birch Grove which would intensify its harmful impact. |



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|                          | <p>Despite the site being in a sustainable location with good access to shops and services, it was considered the significant harm to the character of the area would outweigh the modest benefits of the scheme, namely one additional family house and local employment during construction.</p> <p>Further to the appellants claim that the scheme should be considered against the presumption in favour of sustainable development the Inspector concluded that the proposal does not accord with the Development Plan and the relevant policies are not out of date so the presumption in favour of sustainable development as outlined in paragraph 11 of the Framework is not engaged in this instance.</p> |
| Learning Point / Actions | Good example of ensuring development is sympathetic to local character.   |

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| Application Numbers        | DC/18/4380/FUL  |
| Appeal Numbers             | APP/J3530/W/19/3226122  |
| Site                       | Woodlands, Woodbridge Road, Debach  |
| Description of Development | Change of use from cartlodge and residential annex to separate and self-contained dwelling  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 16 August 2019  |
| Appeal Decision            | Allowed   |
| Main Issues                | If the house and the annex are considered as one dwelling on the site and can be subdivided to create two, in accordance with Policy DM3 of the Core Strategy.  |
| Summary of Decision        | The application site is considered to be one dwelling (house and annex) therefore there it can be subdivided in accordance with Policy DM3 and the NPPF. There is no need to be justified for the subdivision of the dwelling as the NPPF is up to date and the Core Strategy is not. |
| Learning Point / Actions   | The meaning of residential curtilage does mean main house and outbuildings; this is not just the main dwelling on the site.   |

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| Application Numbers        | DC/18/4243/FUL  |
| Appeal NumberS             | APP/054/2019  |
| Site                       | 28 Upperfield Drive, Felixstowe   |
| Description of Development | Proposed new boundary fence   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 19/6/19   |
| Appeal Decision            | Dismissed   |
| Main Issues                | The main issue is the effect of the development on the character and appearance of the area.  |
| Summary of Decision        | The proposed fence would cause material harm to the appearance and character of the area and would be contrary to Policies DM21 and SP15 of the Suffolk Coastal District Local Plan Core Strategy & Development Management Policies which seek to protect appearance and character through high quality design and establish a strong sense of place. |
| Learning Point / Actions   | The open area surrounding the bungalows makes a positive contribution to the appearance and character of the street.  |

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| Application Numbers | DC/18/3891/VOC and DC/18/5244/VOC                 |
| Appeal Numbers      | APP/J3530/W/19/3225385 and APP/J3530/W/19/3225391 |
| Site                | Park Farm, Chapel Road, Bucklesham IP10 0BT       |

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| Description of Development | Variation of condition to alter occupancy period on caravan site from 56 days to 11 months.  |
| Committee / Delegated      | Delegated  |
| Decision Date              | 2 August 2019  |
| Appeal Decision            | Dismissed  |
| Main Issues                | The loss of control over the use of the units on site from holiday use to main residence use.  |
| Summary of Decision        | The current condition is reasonable and necessary. Not enough evidence has been provided showing that a different condition would be beneficial to the site. The current wording of the condition is not over burdensome. LP Policy SP8 seeks to locate development for tourism within sustainable locations. As such, permanent occupation of the static caravans would be contrary to the provisions of local plan policies. |
| Learning Point / Actions   | The standard condition applied for caravans for the use of tourism within the existing local plan area is reasonable and necessary regardless of inspectors overturning decisions previously on other sites in relatively close proximity.   |

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| Application Numbers        | DC/18/2387/PN3  |
| Appeal Number              | APP/J3530/W/19/3221398  |
| Site                       | Building at Whitehouse Farm, Lowes Hill, Saxmundham, Suffolk IP17 2PQ   |
| Description of Development | 'The building will be converted to provide 5 bedroom, two-storey residential accommodation as detailed in drg no. 1813 2D'  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 21 June 2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | <p>This appeal related to the refusal of an application which sought Prior Notification Approval under Class Q of Part 3 of the General Permitted Development Order (England) 2015 (As Amended), for the change of use and physical works to use an agricultural building as a dwelling.</p> <p>The issues for consideration related solely to an assessment as to whether the proposal met the criteria defined within Class Q of the above regulations. These criteria include whether the level of works proposed are those specified in the regulations, reasonably necessary and/or constitute a rebuild rather than conversion of the building.</p>   |
| Summary of Decision        | <p>The Inspector concluded that the level of works proposed, are more than those reasonably necessary for the building to function as a dwelling house.</p> <p>In reaching this conclusion the Inspector acknowledge the Hibbit v SSCLG (2016 WNH 2853 judgement which established that the agricultural building must be capable of conversion to residential use without operations that would amount to either complete or substantial rebuilding.</p> <p>The works included the installation of a first floor and a substantial balcony, which appeared to require more structural support than that which could be provided by the existing concrete frame of the building.</p> <p>However, the inspector also considered that even if additional structural support was not required, such works would go beyond the definition of works reasonably necessary for the building to function as a dwelling, and therefore were not permitted under Class Q.</p> |

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| Learning Point / Actions | This decision confirms the approach that officers have been taking in assessing the type and level of additions proposed under Class Q Prior Notification Applications. |
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| Application Numbers        | DC/18/4257/FUL  |
| Appeal Number              | APP/T3535/W/19/3221413  |
| Site                       | Land opposite Hathway House and Blything View, The Street, Rumburgh, Suffolk, IP19 0JX  |
| Description of Development | Construction of a four bedroom bungalow and garages   |
| Committee / Delegated      | Delegated   |
| Decision Date              | 15 August 2019  |
| Appeal Decision            | Dismissed   |
| Main Issues                | The main issues in this case are i) the suitability of the appeal site's location for a new dwelling; ii) the design of the proposed bungalow; and iii) the effect on the living conditions of neighbouring occupiers.  |
| Summary of Decision        | <p>The inspector concluded that the appeal proposal was not in a location that is acceptable for a new dwelling, in contravention of policy WLP8.7 as it is not within a clearly identifiable gap within a built up area, it does not have existing residential development on 2 sides, and it would extend further into the undeveloped countryside than the existing extent of the built up area.</p> <p>The inspector also concluded that the proposed dwelling does not meet the required standard of high quality design, in respect of the actual design, its relationship context to the surrounding area, and the harmful impact on neighbours living conditions. It was therefore concluded that it fails to meet the aims of policy WLP8.29 and the NPPF.</p> |
| Learning Point / Actions   | <p>The decision sets out that the context of development is an important factor in assessing if a proposal is of good design, and just because a area does not provide much in the way of local distinctiveness, it should not mean that poor design in new development should be accepted.</p> <p>Also of note is that the inspector made reference to the wrong local authority's local plan, insofar as they label the new Waveney Local Plan, as the "Waverley Local Plan 2019".</p>  |

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| Application Number         | DC/18/3250/COU  |
| Appeal Number              | APP/T3535/W/18/3214230  |
| Site                       | 36 Tennyson Road, Lowestoft, Suffolk NR32 1PS   |
| Description of Development | The development proposed is change of use to small HMO  |
| Committee / Delegated      | Delegated   |
| Decision Date              | 19 September 2018   |
| Appeal Decision            | 17 May 2019 Appeal dismissed  |
| Main Issues                | The main issue is whether 36 Tennyson Road is a suitable property for change of use to a small House in Multiple Occupation (HMO) having regard to floor space and Policy WLP8.4 of the Local Plan.   |
| Summary of Decision        | <p>The floor space falls below the 120m<sup>2</sup> as stated in policy WLP8.4</p> <p>Given the size of the appeal property it was considered to be more suitable for use as a small/single family home of which there is a need in the District. There was no evidence given to the Inspector to suggest</p> |

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|                          | <p>that the property would be unsuitable for occupation as a small family home.</p> <p>The appellant argued that such homes were needed for young unemployed people however the Inspector stated that the needs for HMOs did not outweigh the needs of small families to such a point so as to justify a departure from planning policy in this case and needs to be weighed against the public benefit.</p> <p>Furthermore the Inspector stated the development would conflict with the development plan's requirement to protect the District's stock of small family homes against conversion to HMOs and was satisfied that this legitimate aim can only be adequately safeguarded by the refusal of permission</p> |
| Learning Point / Actions | That the use of smaller housing stock for HMO's is not acceptable and that policy WLP8.4 can be given great weight. East Suffolk Council (Waveney) continues to have a problem with properties for HMO use but that policy WLP8.4 gives greater protection and protects public interest.  |

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| Application Number      | DC/18/2061/COU  |
| Appeal Number           | APP/T3535/W/18/3208503  |
| Site                    | 189 Raglan Street, Lowestoft, Suffolk NR32 2JX  |
| Description             | The development proposed is change of use to small HMO  |
| Committee/Delegated     | Delegated   |
| Decision Date           | 3 July 2018   |
| Appeal Decision         | 17 May 2019 – Appeal Dismissed  |
| Main Issues             | The main issue is whether 189 Raglan Street is a suitable property for change of use to a small House in Multiple Occupation (HMO) having regard to floor space and Policy WLP8.4 of the Local Plan.  |
| Summary of Decision     | <p>The floor space falls below the 120m<sup>2</sup> as stated in policy WLP8.4 Given the size of the appeal property it was considered to be more suitable for use as a small/single family home of which there is a need in the District. There was no evidence given to the Inspector to suggest that the property would be unsuitable for occupation as a small family home.</p> <p>The appellant argued that such homes were needed for young unemployed people however the Inspector stated that the needs for HMOs did not outweigh the needs of small families to such a point so as to justify a departure from planning policy in this case and needs to be weighed against the public benefit.</p> <p>Furthermore the Inspector stated the development would conflict with the development plan's requirement to protect the District's stock of small family homes against conversion to HMOs and was satisfied that this legitimate aim can only be adequately safeguarded by the refusal of permission</p> |
| Learning Points/Actions | That the use of smaller housing stock for HMO's is not acceptable and that policy WLP8.4 can be given great weight. East Suffolk Council (Waveney) continues to have a problem with properties for HMO use but that policy WLP8.4 gives greater protection and protects public interest.  |