



## STRATEGIC PLANNING COMMITTEE

Thursday, 4 June 2020

### PLANNING APPEALS REPORT

#### EXECUTIVE SUMMARY

1. This report provides an update on all appeal decisions received from the Planning Inspectorate between 22 February 2020 and 12 May 2020

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
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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 February 2020 to 12 May 2020.

## **2 APPEAL DECISIONS**

- 2.1 A total of 18 planning and listed building appeals have been received from the Planning Inspectorate since the 22 February 2020 following a refusal of planning permission from either Suffolk Coastal District Council, Waveney District Council or the newly formed East Suffolk Council. A further costs decision against the Local Authority has been received, the claim being dismissed by the Planning Inspectorate
- 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 18 appeal decisions received all the decisions were delegated to the Head of Planning and Coastal Management. One appeal was lodged in respect of the non-determination of the planning application at The Old Boot, Marlesford, which was subsequently dismissed at appeal.
- 2.5 15 of the planning application and listed building decisions were dismissed (83%) and three allowed (17%). This demonstrates a high quality of decision making at East Suffolk Council with the Planning Inspectorate agreeing, for the most part, with the decision reached by the Council. There is confidence therefore that officers are looking diligently at applications and only seeking to refuse applications where there are demonstrable grounds to do such. It also demonstrates that the reasons for refusal cited are robust, sound and in accordance with planning policies.
- 2.6 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.

## **3 REASON FOR RECOMMENDATION**

- 3.1 This report is for information only.

### **RECOMMENDATION**

That the content of the report is noted.

## Appeal reporting

The following appeals have been received between 22 February 2020 to 12 May 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 (s73 appeals)

Application Number	DC/19/2105/FUL
Appeal Number	APP/X3540/W/19/3239124
Site	Land adjacent to Hall Cottage, Church Road, Henstead, Suffolk NR34 7LD
Description of Development	Construction of a detached dwelling. This followed two previous refusals in 2016 and 2017 which were both dismissed on appeal.
Committee / Delegated	Delegated
Decision Date	25 February 2020
Appeal Decision	Allowed
Main Issues	<p>Effect of the application on:</p> <ul style="list-style-type: none"> <li>• The setting of a designated heritage asset</li> <li>• Highway safety</li> </ul>
Summary of Decision	<p>The inspector concluded that the construction of this dwelling within the curtilage of this Grade II listed building would have a neutral effect on the setting of the listed building.</p> <p>With regard to highway safety, although it was acknowledged by the inspector that the visibility fell short of the Highway Authority requirements and could not be improved due to the hedge not being owned by the appellant, it was considered that the increase in use from a single dwelling would not be excessive and would not result in an unacceptable impact on highway safety.</p>
Learning Point / Actions	<p>This case was complicated by the appeal history to the site and the change in approach in the Local Plan. The 2016 and 2017 applications were refused on the principle only as the site was contrary to the infill policy at the time. There was a long delay in determining the 2017 refusal at appeal by which time the approach in new local plan had changed in relation to infill development in the countryside. However, the appeal was still dismissed but this time on the suitability of the RAMS approach to provide mitigation through a contribution.</p> <p>When considering this subsequent application, the situation regarding the access had changed as the required visibility could no longer be provided as the hedge had remained in the ownership of the owner of the existing property. It was also considered that the statutory duty of the desirability of preserving the setting of the listed building had not been properly considered in the previous applications and appeals.</p> <p>The learning points are that refusing an application on new matters has a risk too it and an inspector is unlikely to go against the findings of a previous inspector. In this case, it was considered justified particularly as the situation had changed regarding the access. However, inspectors do not appear to be giving much weight to substandard access arrangements when the intensification is minimal, therefore a recommendation of refusal by the highways Authority may not provide strong grounds at appeal. The suitability of RAMS was accepted which did provide clarity. No cost claim was made or awarded.</p>

Application Number	DC/19/2403/FUL
Appeal Number	APP/X3540/W/19/3239266 (associated costs decision at end of this report)
Site	Concrete Barn, Beacon Hill Farm, Bealings Road, Martlesham, IP12 4RP
Description of Development	Conversion of agricultural storage barn to private residential use, comprising 2no. 3 bedroomed dwellings, including partial demolition, and insertion of first floor, together with associated works. Alternative scheme to that approved under DC_19_0785_PN3.
Committee / Delegated	Delegated
Decision Date	10 March 2020
Appeal Decision	Dismissed
Main Issues	The main issues are: 1) whether the appeal site is in an appropriate location for the development having regard to the development plan and other material considerations; and 2) the effect of the development on European Designated sites.
Summary of Decision	<p>The former class Q consent is not considered to be a fallback. The consent has not been implemented and cannot therefore be considered a replacement dwelling under DM3.</p> <p>The additional building works which were previously limited under class Q, would not comply with DM13, in that the works go beyond what would be considered a conversion by the definition of the policy (more than 50% of the roof to be replaced).</p> <p>The development would be in conflict with Policies SP1, SP1A, DM3 and DM13 of the Core Strategy and Policy MAR1 of the MNP and was therefore dismissed.</p> <p>The applicant paid the RAMS contribution through the appeal, as such the second reason for refusal was no longer valid, or considered by either party as part of the appeal.</p>
Learning Point / Actions	During this case it became apparent that the previously consented prior notification consent may not be valid as it did not appear to meet the 'permitted development rights' in terms of the extent of its curtilage. This therefore highlights the importance of checking the size of the curtilage when determining Class Q prior notification applications.

Application Number	DC/19/2051/FUL
Appeal Number	APP/X3540/W/19/3235216
Site	9 Glebe Close, Lowestoft, NR32 4NU
Description of Development	The development proposed is erection of detached residential bungalow and all associated works.
Committee / Delegated	Delegated
Decision Date	23 March 2020
Appeal Decision	Dismissed
Main Issues	The main issues are the effect of the proposed development on: <ul style="list-style-type: none"> <li>• European designated habitats</li> <li>• The character and appearance of the area</li> <li>• The living conditions of neighbouring occupiers, with particular regard to noise and disturbance, and</li> <li>• The living conditions of future occupiers.</li> </ul>
Summary of Decision	The Inspector found there was an absence of harm identified in respect of character, appearance and living conditions and that these were neutral factors which did not weigh in favour of the proposal. However, the overriding identified

	harm in respect of protected habitats and the absence of a signed Unilateral Undertaking to pay RAMS would outweigh the modest benefit. Therefore, the Inspector concluded that the appeal should be dismissed.
Learning Point / Actions	N/A

Application Number	DC/19/2414/FUL
Appeal Number	APP/X3540/W/19/3239063
Site	Old Nurseries, Hall Road, Burgh, IP13 6JN
Description of Development	The development proposed is change of use of land for the siting of 5 no. cabins for use as holiday lets.
Committee / Delegated	Delegated
Decision Date	1 April 2020
Appeal Decision	Dismissed
Main Issues	<p>The main issues are the effects of the proposed development on:</p> <ul style="list-style-type: none"> <li>• the countryside, particularly whether the proposal would provide a suitable site for a holiday let having regard to character and appearance of the area and proximity of services;</li> <li>• road safety and highways;</li> <li>• biodiversity, particularly European protected sites.</li> </ul>
Summary of Decision	The site is not an appropriate location for a holiday let in respect of the impact to the character and appearance of the area and proximity from services (heavily reliant on car), therefore not compliant with Core Strategy Policies SP1, DM18 and DM21. There would be no impact on highway safety as a result of the development. The Inspector did not carry out the appropriate assessment in respect of Suffolk RAMS as the application had no prospect of being granted.
Learning Point / Actions	N/A

Application Number	DC/19/1820/FUL
Appeal Number	APP/X3540/W/19/3240116
Site	53 Wentworth Drive, Felixstowe IP11 9LB
Description of Development	Proposed New Bungalow
Committee / Delegated	Delegated
Decision Date	23 March 2020
Appeal Decision	Dismissed
Main Issues	The effect of the proposed development on the character and appearance of the area
Summary of Decision	<p>The inspector concluded that even though the appeal site had been enclosed by a low fence (1m in height) and eroded its open plan appearance, it was still possible to see through and over the site and have therefore not extinguished the site's value to the streetscene and visual amenity of the area.</p> <p>The appeal site is part of a network of landscaped spaces that are a very important component of the estate's overall character and original design.</p> <p>The erection of a bungalow at the appeal site would erode its openness and require the existing trees to be felled. This would significantly harm the open character of the estate and the softening contribution the site currently makes to the street scene. The retention of a lawn in front of the proposed dwelling would not mitigate for this harmful impact because it would be much smaller.</p> <p>Moreover, the proposed bungalow would harm the pattern of development in the street, appearing incongruous and strident due to a contrived siting notably</p>

	forward of the properties in Ferndown Road and its very close back to side orientation with No 53. Moreover, the position and configuration of the private garden area adjacent to the front garden of No 53 would harmfully jar with the open character, grain and layout of the estate, particularly because it would need to be enclosed by tall boundary treatment to ensure the privacy of future occupants.
Learning Point / Actions	The appeal site is not designated or allocated in Policy SP15 of the Local Plan (or previously by Policy AP28 of the superseded plan) as a formal public open space that should be protected. However, it is impractical to identify all important undeveloped spaces. Therefore, Policy SP15 states that sites, gaps, gardens and spaces will be identified and protected where known. This provides flexibility to protect undeveloped spaces such as the appeal site which are found to be important in their undeveloped state. This decision provides the decision maker with comfort that land within private ownership or not formally allocated as an APD can receive the same level of protection from unacceptable development.

Application Number	DC/19/0591/FUL
Appeal Number	APP/X3540/W/19/3234248
Site	Land Adjacent To, 14/15 Pouy Street, Sibton, Suffolk, IP17 2JH
Description of Development	Subdivision of garden and erection of 1 no. detached dwelling and use of shared access
Committee / Delegated	Delegated
Decision Date	2 April 2020
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 Conservation Area and the setting of a listed building;</li> <li>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;</li> <li>whether the development is in an appropriate location, with particular regard to flood risk.</li> </ul>
Summary of Decision	<p>Heritage Impacts:</p> <p>The inspector concluded that the proposal bring about a marked and harmful change to the character and appearance of the northern part of the Conservation Area through the loss of a prominent opening of undeveloped garden land between Nos 15 and 16 Pouy Street, despite not being designated as an area to be protected in the Conservation Area Appraisal</p> <p>In terms of the impact on the Listed buildings the Inspector stated that as the scheme would occupy a substantial part of the existing side gardens to Nos 14 and 15 Pouy Street, which have a long established historic, functional and visual association with these cottages, the development would completely sever this close functional association and harm their special character and setting.</p> <p>Suitability of location:</p> <p>The inspector agreed that the site did not meet any of the exceptions to development outside of settlement boundaries. Although the site was close to other dwellings and not physically isolated it was not sustainable in terms of access to everyday services and facilities and future occupants would be heavily dependent on other settlements further afield. Although Peasenhall is close to Pouy Street the lack of footway and streetlighting to enable safe walking. The</p>

	<p>inspector also noted that Peasenhall was limited in the range of services and facilities.</p> <p>Flooding: An FRA was not submitted with the application so it was not possible to ascertain whether the development would be at risk of flooding and enable a sequential test to be carried out.</p>
Learning Point / Actions	The great weight that is given to heritage matters was highlighted in this decision. Also, this decision highlighted the need for sites to be served by sustainable means of transport.

Application Number	DC/19/0496/FUL
Appeal Number	APP/X3540/W/19/3235169
Site	Land At Laundry Cottage, Pouy Street, Sibton, Suffolk, IP17 2JH
Description of Development	Subdivision of garden and erection of 1 no. detached dwelling and use of shared access
Committee / Delegated	Delegated
Decision Date	25 February 2020
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 conservation area;</li> <li>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;</li> <li>the effect of the development on the living conditions of neighbouring occupiers.</li> </ul>
Summary of Decision	<p>Impact on heritage: Similarly, to the other decision in Pouy Street this development was considered to bring about a marked and harmful change to the character and appearance of the northern part of the conservation area due to the loss of a large undeveloped garden area. Despite not being designated as an area to be protected in the Conservation Area Appraisal development within it would significantly erode the sense of spaciousness that contributes to its character.</p> <p>Suitability of location: The inspector agreed that the site did not meet any of the exceptions to development outside of settlement boundaries. Although the site was close to other dwellings and not physically isolated it was not sustainable in terms of access to everyday services and facilities and future occupants would be heavily dependent on other settlements further afield. Although Peasenhall is close to Pouy Street the lack of footway and streetlighting to enable safe walking. The inspector also noted that Peasenhall was limited in the range of services and facilities.</p> <p>Impact on amenity: The inspector conclude that the development would be harmful to the living conditions of neighbouring occupiers at Laundry Cottage. This was due to the overall height, close proximity and the proposed dwelling being set on higher land, which would clearly be visible to and be oppressive to the occupants of this neighbouring property.</p>

Learning Point / Actions	<p>The great weight that is given to heritage matters was highlighted in this decision. Within the appellant statement they were critical that a qualified heritage specialist was not consulted in the consideration of this application. It is not always necessary to consult Heritage colleagues where the matters are straight forward and it was accepted that an appropriately experienced and qualified planning officer should be able to carry out a reasonable assessment of such development having regard to the character of the area</p> <p>Also, this decision highlighted the need for sites to be served by sustainable means of transport.</p>
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Application Number	DC/19/2719/COU
Appeal Number	APP/X3540/W/19/3236871
Site	The Cartlodge, Framlingham Road, Dennington, IP13 8AD
Description of Development	The development proposed is change of use from holiday let to long term let.
Committee / Delegated	Delegated
Decision Date	29 April 2020
Appeal Decision	Dismissed
Main Issues	Whether the site is in a suitable location for new housing
Summary of Decision	The site was not considered to be in a suitable location for new housing development given its location outside of the physical limits boundary of Dennington and its poor access connections to the settlement. There would therefore be a reliance on use of the private car contrary to local and national aims of sustainable development.
Learning Point / Actions	The original building was granted consent relatively recently as a holiday let. It is unfortunate that the Inspector did not comment on this fact as it would have been a useful benchmark with how we may consider or deal with similar situations in the future. They did, however, note that no evidence of viability or a lack of demand had been submitted with the application.

Application Number	DC/19/0984/FUL
Appeal Number	APP/X3540/W/19/3235021
Site	The Bartlett, Undercliff Road East, Felixstowe, IP11 7LS
Description of Development	Proposed apartment and garaging
Committee / Delegated	Delegated
Decision Date	23 April 2020
Appeal Decision	Dismissed
Main Issues	<p>The main issues are:</p> <ul style="list-style-type: none"> <li>• whether the proposal makes adequate provision for affordable housing;</li> <li>• whether there are sufficient public benefits that outweigh the scheme's less than substantial harm to the setting of the former Bartlett Hospital listed building.</li> </ul>
Summary of Decision	<p>The proposal is a revised scheme to one consented on appeal in 2017 for the erection of three residential units and garaging, within a building of the same scale and footprint, and which included a Unilateral Undertaking to secure a contribution towards affordable housing.</p> <p>The previous appeal concluded the scheme would cause less than substantial harm to the setting of the listed building which would be outweighed by a number of</p>



	<p>benefits including the provision of three additional dwellings against the backdrop of the Council not having a five year land supply and provision of off-site affordable housing contribution set against a significant need for this type of accommodation that existed at the time.</p> <p>In respect of this appeal the Inspector concluded that without the above public benefits the positive attributes of the current scheme, which are set out in paragraph 15 of the decision (and include the benefits the previous Inspector identified of partly screening the floodlighting columns to the adjacent Tennis Club site), are not sufficient in themselves to outweigh the harm identified.</p> <p>Given the proposal would result in a development of the same size and scale as the 2017 appeal decision, and as there was no evidence before him that national or local policy supports maximising the provision of smaller units at the expense of larger ones, the Inspector was satisfied that the scheme would result in an efficient and effective use of land as required by the Framework, despite the provision of only one residential unit in lieu of three previously.</p> <p>The Inspector did not agree with the Council that the proposal was in conflict with policy DM2 – Affordable Housing on Residential Sites, of the Core Strategy because he did not regard the development as a later phase of the comprehensive re-development of the site. This was on the basis that a considerable period of time had elapsed since both the earlier comprehensive development took place and the 2017 appeal decision and that no building materials or equipment had been retained on site.</p>
Learning Point / Actions	<p>The decision shows that a five year supply of housing land and meeting an affordable housing need is significantly influential in weighing harm to heritage assets verses public benefits.</p> <p>The decision identifies that a line needs to be drawn at some point as to when a new development can no longer be considered to form a later phase of an earlier scheme when applying policy DM2, or the same policy requirement for affordable housing could continue to be applied to any development site in perpetuity.</p>

Application Number	DC/19/1256/FUL
Appeal Number	APP/X3540/W/19/3231584
Site	18 Pier Avenue, Southwold, Suffolk, IP18 6BX
Description of Development	Proposed bungalow with parking.
Committee / Delegated	Delegated
Decision Date	4 March 2020
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> <li>• the character and appearance of the area; and</li> <li>• the living conditions of future occupiers of the bungalow and neighbouring occupiers at No 16 Pier Avenue.</li> </ul>
Summary of Decision	<p>The Inspector concluded that the infill bungalow would be wholly out of character with the area. The mono-pitch roof was deemed to be at odds with the prevailing roofscape characterised by pitched roofs. It was also considered that the proposal would be poor design: a cramped and contrived appearance.</p> <p>The Inspector also found that the proposal would harm the living conditions of the neighbouring property, No.16.</p>
Learning Point / Actions	Of note on amenity impact is that the Inspector found that, although no adverse impact on any neighbouring habitable rooms, the overbearing nature of the build would erode the neighbour's enjoyment of their outdoor amenity space. It is a good decision to reinforce that "living conditions" covers the entirety of a residential property, of which gardens are an integral part.

Application Number	DC/19/1229/OUT
Appeal Number	APP/X3540/W/19/3233603
Site	Mill House, Yarmouth Road, Lound, Suffolk NR32 5LZ
Description of Development	The development proposed was the construction of one dwelling.
Committee / Delegated	Delegated
Decision Date	9 March 2020
Appeal Decision	Dismissed
Main Issues	The main issue was whether occupiers of the proposed development would have satisfactory access to services and facilities.
Summary of Decision	<p>The nearest settlement to the appeal site was the small village of Lound situated some 1.5km to the south. The Inspector found that, although there is a public house and a café, these provide limited services; future occupiers of the proposed dwelling would therefore have to travel further afield to meet their everyday needs. The surrounding road network are made up of unlit roads without the benefit of footpaths, the use of which was considered to be unattractive to pedestrians or cyclists and the site would not be served by reasonably accessible public transport.</p> <p>The site was not considered to be sustainably located and, in any case, as the site was not situated within a built up area of a settlement within the countryside, nor were there existing residential properties on two sides of the site, the proposal was found to be in direct conflict with Policy WLP8.7.</p>
Learning Point / Actions	The appeal decision reinforces that a site needs to be accessible by multiple modes of transportation in order to be sustainable, and that the benefits of a single dwelling scheme do not outweigh clear policy conflict.

Application Number	DC/19/3157/FUL
Appeal Number	APP/J3530/W/19/3239228
Site	The Old Bell, Main Road, Marlesford
Description of Development	Construction of single storey detached building to establish commercial premises and associated activity for Stowe Building Contractors Ltd
Committee / Delegated	Delegated – appeal against non-determination
Decision Date	11 February 2020
Appeal Decision	Dismissed
Main Issues	<ol style="list-style-type: none"> <li>1. The effect of the proposed development on the living conditions of the occupiers of No 8 Main Road and The Old Bell, with particular regard to noise and disturbance;</li> <li>2. Whether the location of the proposed development would accord with the development plan strategy for the area;</li> <li>3. The effect of the proposed development on the Special Landscape Area;</li> <li>4. The effect of the proposed development on the setting of the listed building at The Old Bell; and,</li> <li>5. The effect of the proposed development on flood risk.</li> </ol>
Summary of Decision	<ol style="list-style-type: none"> <li>1. The close proximity of the proposed development to No 8 Main Road would cause noise and disturbance to the occupiers of the neighbouring property due to the industrial activities associated with the proposed use. Furthermore, the proposed development would share a vehicular access with the existing residential property at The Old Bell. The proposed industrial activities and the lack of segregation between the existing and proposed land uses, it would cause noise and disturbance to the occupiers of The Old Bell. The proposed development would therefore be harmful to the living conditions of the</li> </ol>

	<p>occupiers of No 8 Main Road and The Old Bell with particular regard to noise and disturbance as contrary to Policy DM23 (Residential amenity);</p> <p>2. Policy SP7 sets out that opportunities to maximise the economic potential of rural areas, particularly where this will secure employment locally, will be generally supported. The appeal site is located outside the physical limits boundary of Marlesford but located in the countryside for planning purposes. The proposed development would provide jobs and services and would therefore support the growth of the rural economy. It would also have direct access to the A12, which is a main road and there is a bus stop nearby to the west of the appeal site, which provides a route between Ipswich and Aldeburgh and is accessed by a footpath. The site is therefore accessible by passenger transport facilities and it's location would accord with the development plan strategy for the area, including policies SP1, SP7, SP19, and SP29 of the LP, which, amongst other things, seek to reduce the overall need to travel, mitigate and adapt to the effects of climate change, and maximise the economic potential of rural areas;</p> <p>3. The northern boundary of the appeal site consists of hedging and views from Main Road towards the south consist of the open and predominantly grassed curtilage of The Old Bell, including a single storey outbuilding adjacent to the southern boundary. Mature trees are visible further beyond to the south, which follow the course of the River Ore. The River Ore is not discernible in views from Main Road across the appeal site. Wooden pylons are visible from Main Road and it is therefore found that the view across the appeal site does not constitute an important view in the SLA. The land level of the proposed building would also be set approximately 2 metres below the level of Main Road, which, taken together with the screening provided by the front boundary hedge, would limit its visual impact on views from the road towards the River Ore. Thus, the proposed development would not cause harm to the SLA;</p> <p>4. The proposed building would be set down at a lower height from the listed building (The Old Bell), which, together with the separation distance of around 14 metres, would provide a subservient relationship to the listed building. The proposed building would not infringe views of the listed building from the public realm due to its set back from the road and the level of separation that would be provided. It is thus concluded that the proposed development would not have a harmful effect on the setting of the listed building;</p> <p>5. The red line edge on the location map has been drawn around the entire curtilage of The Old Bell. Whilst the south-eastern corner of the appeal site would be within Flood Zone 2 or 3, the proposed development consisting of the construction of a single detached building and yard would be within Flood Zone 1 and would therefore be at low risk of flooding. It is therefore concluded that the proposed development would not have an adverse effect on flood risk.</p>
Learning Point / Actions	<p>1. Proposed industrial use and shared access with residential property deemed harmful due to lack of appropriate segregation between proposed commercial and existing residential uses;</p> <p>2. Development proposals can accord with the Council's strategy outlined in SP7 (Economic development in the rural areas) if there is a planning reason for</p>

	<p>locating such development outside the physical limits boundaries of market towns and other settlements of the settlement hierarchy;</p> <p>3. Existing features within views across Special Landscape Areas can increase capacity for new development.</p>
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Application Number	DC/19/0831/OUT
Appeal Number	APP/X3540/W/19/3239454
Site	Russett Cottage, Main Road, Bucklesham, IP10 0DN
Description of Development	"Erection of two detached dwellings with Garaging"
Committee / Delegated	Delegated
Decision Date	24 March 2020
Appeal Decision	Dismissed
Main Issues	<p>The proposal was for two dwellings to the rear of a Listed Building (The Forge), with one located outside the defined physical limits of Bucklesham.</p> <p>The Inspector identified the main issues as:</p> <ul style="list-style-type: none"> <li>• Whether the proposals would be in a suitable location with reference to relevant development plan policies concerned with housing in rural areas;</li> <li>• The effect of the development proposed on the character and appearance of the area;</li> <li>• The effect of the proposed developments on the setting of The Forge, a Grade II listed building; and</li> <li>• The effect of the proposals on highway safety, with reference to visibility.</li> </ul>
Summary of Decision	<p>The appeal inspector concluded that due to the space within the application site, one of the dwellings would have to be outside the defined physical limits, which would be at odds with local planning policies SFFP2, SP1, SP27, SP29 and DM3, and para 79 of the NPPF.</p> <p>The Inspector also concluded the location of the dwellings to the rear of 'The Forge' would create a tandem form of development, of dwellings on relatively small plots, resulting a cramped appearance at odds with the appearance of the area.</p> <p>The Inspector also agreed with the LPA's assessment that the Listed Building is views from Main Road with an open backdrop that provides a visual connectivity between the building and the arable field beyond, which historic mapping shows has remained largely undeveloped, providing a sense of space around it. The development would seriously erode the space around the Listed Building and interrupt views of The Forge. The dwellings would be prominent in the backdrop of the Listed Building, in large part due to their indicative size. The proposals would harm the setting of the Listed Building, and thus are contrary to SP1.</p> <p>The inspector agreed that both schemes would intensify the use of the access by private motorised transport, but questioned why increasing the use of the access from serving two dwellings to serve three or four would result in such a significant impact. The inspector also concluded that the visibility splays sought would result in the frontage appearing car dominated. The inspector was not satisfied that a visibility splay guided by the Design Manual for Roads and Bridges is appropriate, particularly as traffic would be slowing to negotiate the bend to the west and there are no records of any accidents nearby. The Inspector also stated that the LPA has not demonstrated the appeal schemes would be served</p>

	by an access that is, or would be, unsafe and unsuitable. Therefore this element of the refusal was not upheld.
Learning Point / Actions	Seek further clarification from the Local Highway Authority on how they have assessed impacts arising from the increased use of an access before refusing a scheme, and also to seek confirmation that they would be willing to defend an appeal.

Application Number	DC/19/2568/OUT
Appeal Number	APP/X3540/W/19/3239666
Site	Russett Cottage, Main Road, Bucklesham, IP10 0DN
Description of Development	"Erection of single storey dwelling and Garage"
Committee / Delegated	Delegated
Decision Date	24 March 2020
Appeal Decision	Dismissed
Main Issues	<p>The proposal was for a dwelling to the rear of a Listed Building (The Forge), outside the physical limits boundary. It was a revised scheme to DC/19/0831/OUT.</p> <p>The Inspector identified the main issues as:</p> <ul style="list-style-type: none"> <li>• Whether the proposals would be in a suitable location with reference to relevant development plan policies concerned with housing in rural areas;</li> <li>• The effect of the proposed developments on the setting of The Forge, a Grade II listed building; and</li> <li>• The effect of the proposals on highway safety, with reference to visibility.</li> </ul>
Summary of Decision	<p>The appeal inspector concluded that due to the space within the application site, one of the dwellings would have to be outside the defined physical limits, which would be at odds with local planning policies SFFP2, SP1, SP27, SP29 and DM3, and para 79 of the NPPF.</p> <p>The Inspector also concluded the location of the dwellings to the rear of 'The Forge' would create a tandem form of development, of dwellings on relatively small plots, resulting a cramped appearance at odds with the appearance of the area.</p> <p>The Inspector also agreed with the LPA's assessment that the Listed Building is views from Main Road with an open backdrop that provides a visual connectivity between the building and the arable field beyond, which historic mapping shows has remained largely undeveloped, providing a sense of space around it. The development would seriously erode the space around the Listed Building and interrupt views of The Forge. The dwellings would be prominent in the backdrop of the Listed Building, in large part due to their indicative size. The proposals would harm the setting of the Listed Building, and thus are contrary to SP1.</p> <p>The inspector agreed that both schemes would intensify the use of the access by private motorised transport, but questioned why increasing the use of the access from serving two dwellings to serve three or four would result in such a significant impact. The inspector also concluded that the visibility splays sought would result in the frontage appearing car dominated. The inspector was not satisfied that a visibility splay guided by the Design Manual for Roads and Bridges is appropriate, particularly as traffic would be slowing to negotiate the bend to the west and there are no records of any accidents nearby. The Inspector also</p>

	stated that the LPA has not demonstrated the appeal schemes would be served by an access that is, or would be, unsafe and unsuitable. Therefore this element of the refusal was not upheld.
Learning Point / Actions	Seek further clarification from the Local Highway Authority on how they have assessed impacts arising from the increased use of an access before refusing a scheme, and also to seek confirmation that they would be willing to defend an appeal.

Application Number	DC/19/1823/FUL
Appeal Number	APP/X3540/W/19/3238701
Site	Site South of Redmay, Lodge Road, Walberswick IP18 6UP
Description of Development	Conversion of stables/outbuildings to single bedroom accessible dwelling.
Committee / Delegated	Delegated 20 June 2019
Decision Date	26 March 2020
Appeal Decision	Allowed
Main Issues	<p>The inspector identified the main issues as the effect of development on:</p> <ul style="list-style-type: none"> <li>• the character and appearance of the area, including the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).</li> <li>• the Minsmere-Walberswick Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.</li> </ul> <p>The building is located outside of the physical limits within the countryside. It is within a landscaped plot located off Lodge Road. Contrary to other appeal decisions which have been received the Inspector did not agree that DM13 only permits conversion of buildings to residential where they constitute heritage assets, and therefore permitted the conversion of these relatively modern buildings.</p> <p>The site already had the appearance of a residential curtilage with an ornamental pond, and given its location at the end of an existing row of residential properties, and the single-storey nature of the buildings, the Inspector concluded that the proposal would not have a harmful effect on the character and appearance of the area including the AONB.</p> <p>The applicants made the necessary financial contribution to the RAMS scheme and therefore it was concluded the proposals would not adversely affect the integrity of the SAC and SPA sites.</p>
Summary of Decision	Allowed subject to conditions relating to standard 3 year time limit, plans/drawings and contaminated land.
Learning Point / Actions	<p>The Inspector acknowledged that Natural England fully endorse the Suffolk (Coast) Recreational Avoidance Mitigation Strategy (RAMS), and this is a helpful decision to highlight that RAMS is an effective and streamlined form of mitigation.</p> <p>The Inspector's conclusions on DM13 are not necessarily accepted by officers, and this decision is not wholly consistent with previous appeal decisions and the Council's approach to applying this policy test. The appeal decision should be noted but officers do not consider it to be a correct interpretation of policy DM13.</p>

Application Number	DC/19/0833/FUL
Appeal Number	APP/X3540/W/19/3234886
Site	Beechnut Cottage, Church Road, Dallinghoo, IP13 0LA

Description of Development	"Retrospective application for change of use of ground floor staff room to self contained 1 bedroom flat (first floor has extant permission for self contained flat under ref C96/0979) with associated parking. (Resubmission of application DC/18/1996/FUL with additional information)".
Committee/Delegated	Delegated
Appeal Decision	Dismissed
Decision Date	3 April 2020
Main Issues	<p>The Inspector identified the main issues as:</p> <ul style="list-style-type: none"> <li>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;</li> <li>whether the accommodation is no longer appropriate for an employment purpose.</li> </ul>
Summary of Decision	<p>Dallingoo is a small settlement surrounded by open countryside. The appeal site is adjacent to an established scrap/recycling centre. It consists of a 2-storey building with residential flat on the first floor. The ground floor is the subject of this appeal.</p> <p>The inspector concluded this scheme for a dwelling in the countryside was contrary to policies SSP2, SP19, SP29, DM3 and DM4. They also confirmed that although described as 'affordable' by the appellants, the dwelling would not meet any of the definitions of affordable dwellings as defined in planning policy.</p> <p>The Inspector found the overall level of day-to-day access to shops, services and community facilities by walking, cycling and public transport to be of such a poor standard, and consequential reliance on the private motor car to be so high, that I consider the appeal site's location to be inappropriate for additional residential development.</p> <p>The inspector also found the scheme to conflict with paragraphs 9 and 103 of the NPPF as it would result in (a) a planning decision not playing an active role in guiding development towards sustainable solutions; and (b) the planning system failing to actively managing patterns of growth in support of the transport objectives outlined in Paragraph 102; - namely, that it would be heavily car dependant and not promote walking, cycling and public transport.</p> <p>The inspector also concluded that the scheme conflict with policy DM10, as the scheme would result in the loss of an employment unit (an office) and there was no evidence that the appellant had had difficulty in using, letting or selling the property for employment purposes.</p> <p>The inspector stated that as they were dismissing the appeal for other reasons, they would not consider the RAMS scheme.</p>
Learning Point / Actions	This confirms our approach to the application of the protection of employment sites policy DM10 and those policies relating to housing in the countryside set out above.

Application Number	DC/19/3562/FUL
Appeal Number	APP/X3540/D/19/3242456
Site	1 Holly Lane, Little Bealings
Description of Development	Proposed alterations and side extension.

Committee / Delegated	Delegated
Decision Date	6 April 2020
Appeal Decision	Allowed
Main Issues	The main issue is the effect of the proposed development on the character and appearance of the area.
Summary of Decision	The vast majority of the proposed development would be set back from the host dwelling, the ridge would be set down from the host ridge and the development would be set in from the southern boundary. This, combined with the considerable setback from Holly Lane and general retainment of the characteristic spacious garden, would amount to a development that would not appear dominant on its plot or, overall, insubordinate to the host dwelling when viewed in the street scene. The asymmetry resulting from the proposed development would not harmfully impact the relationship with neighbouring dwelling. Indeed, the proposed development would replace the existing disparate extensions with a development that would restore a greater degree of coherence to the building as a whole and would therefore enhance the street scene. Further, given the varied nature of dwellings close to the appeal site on Holly Lane, the proposal would not appear incongruous within this prominent countryside location. Based on the reasoning above, the proposed development would not have an adverse effect on the character and appearance of the area.
Learning Point / Actions	Proposed extension found to appear subordinate and coherent, despite having the same ridge height and being flush with the front of the host dwelling – as contrary to the Suffolk Coastal Local Plan, House Alterations and Extensions Supplementary Planning Guidance 16.

Application Number	DC/19/2914/FUL
Appeal Number	APP/X3540/W/19/3241044
Site	99 Bucklesham Road, Purdis Farm IP3 8TT
Description of Development	Replacement dwelling
Committee / Delegated	Delegated
Decision Date	24 April 2020
Appeal Decision	Allowed
Main Issues	<p>The main issues of the appeal were identified as:</p> <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 101 Bucklesham Road with particular regard to perceived privacy.”</li> </ul>
Summary of Decision	<p>The inspector concluded that due to the significant set back from the highway, and distance between the proposed dwelling and no 101, there would not be a significant overbearing impact upon the neighbour and the design would complement the character and appearance of the area.</p> <p>The inspector also concluded that there would be no significant loss of privacy because the windows of concern were to serve a bathroom and ensuite so would be obscurely glazed</p> <p>This scheme was allowed on appeal subject to conditions relating to:</p> <ol style="list-style-type: none"> <li>1) Standard 3 years for implementation</li> <li>2) Drawings/plans to be complied with</li> <li>3) External materials</li> <li>4) Outbuilding to be used only for ancillary purposes.</li> </ol>



Learning Point / Actions	Carefully consider the use of the rooms that windows are to serve if concerns are raised regarding privacy and overlooking.
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### Costs Decisions

Application Number	DC/19/2403/FUL
Appeal Number	Costs application in relation to Appeal Ref: APP/X3540/W/19/3239266
Site	Concrete Barn, Beacon Hill Farm, Bealings Road, Martlesham, Woodbridge IP12 4RP
Description of Development	"Conversion of agricultural storage barn to private residential use, comprising 2no. 3 bedroomed dwellings, including partial demolition, and insertion of first floor, together with associated works. Alternative scheme to that approved under DC_19_0785_PN3."
Decision Date	10 March 2020
Appeal Decision	Application for the award of costs is refused
Main Issues	Whether the Local Planning Authority acted unreasonably in questioning the validating of a previous prior notification decision during the process of this appeal.
Summary of Decision	The inspector considered that the potential invalidity of the prior notification as raised by Local Planning Authority was not a matter for the inspector to consider as part of the appeal as other mechanisms exist to resolve such matters, and not fundamental to the outcome of the appeal. The Inspector also stated it did not influence their decision, and they were satisfied that <i>"unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated and an award of costs is not justified."</i>
Learning Point / Actions	None