

Application number	DC/20/0040/FUL
Appeal number	APP/X3540/W/20/3260959
Site	4 Hackney Terrace, Melton
Description of development	The development proposed is described as 'Single House residential infill development (Plot 2) to the rear garden of 4 Hackney Terrace for one bed single storey house.'
Committee / delegated	Delegated
Appeal decision date	15 February 2021
Appeal decision	Dismissed
Main issues	The main issue is the effect of the proposal on the character and appearance of the area.
Summary of decision	<p>The Inspector considered that the appeal site helps to separate the buildings at the junction of Hackney Terrace and Hackney Road. The rear gardens of the properties at two of the other corners of this junction perform a similar function. As such, the appeal site was characteristic of, and contributed to, the sense of place at this location.</p> <p>Notwithstanding its single storey height, the new building would be unduly prominent in the street scene by virtue of its siting. The apparent need to site the building so close to the frontage is indicative of the constrained size of the site. The Inspector found the development resulted in the loss of spaciousness at the site and that the layout was cramped. It was concluded that the proposal would have a harmful effect on the character and appearance of the area and would be in conflict with Policies SCLP5.1, SCLP5.7 and SCLP11.1 of the LP.</p>
Learning point / actions	None

Application number	DC/20/1403/FUL
Appeal number	APP/X3540/D/20/3255896
Site	4 Yarmouth Road, Lowestoft
Description of development	Proposed two storey side extension, single storey rear extension and replacement windows
Committee / delegated	Delegated
Appeal decision date	
Appeal decision	Dismissed
Main issues	Effect of the proposed development on the character and appearance of the appeal building, which is locally listed and in the North Lowestoft Conservation Area.
Summary of decision	The single storey element was found to be broadly acceptable as it respected the form of the original building and as the majority of windows had already been previously replaced in upvc, their further replacement would not be resisted, except in respect of the original glass to the sides of the porch. However, the scale, form, height and prominence of the two storey side extension was found to be harmfully impacting, as advised by the Conservation Officer. The scheme as a whole was dismissed and the single storey extension and windows have subsequently been approved under a separate application.
	None

Learning point / actions	
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Application number	DC/2474/ROC
Appeal number	APP/X3540/W/20/30260370
Site	The Groom's Flat, Melton Lodge, Yarmouth Road, Melton IP12 1LU
Description of development	Removal of Condition 2 on Application C/98/1140 (Change of use of first floor in existing stable block to groom's accommodation and various alterations). - The condition limits the occupation of the flat to employees or relatives, however, the estate does not directly employ any staff and the flat will remain empty and under utilised.
Committee / delegated	Delegated
Appeal decision date	19 February 2021
Appeal decision	Allowed
Main issues	Whether the removal of the condition in dispute would accord with the Development Plan and national policies dealing with residential development in the countryside.
Summary of decision	The inspector reached a different conclusion to the Council on this matter noting that as the building was in situ and that it was just the removal of a condition rather than the conversion of residential use. The proposal was therefore not found to conflict with paragraph 79 of the NPPF.
Learning point / actions	This is in the Council's view an unfortunate decision which if replicated could lead to a large number of buildings with such conditions being used as unrestricted residential accommodation.

Application number	DC/20/2686/FUL
Appeal number	APP/X3540/W/20/30260370
Site	Land to the north of 868A Foxhall Road, Rushmere St Andrew IP4 5TP
Description of development	Erection of a detached dwelling
Committee / delegated	Delegated
Appeal decision date	6 May 2021
Appeal decision	Dismissed
Main issues	The effect of the proposed development on the character and appearance of the area
Summary of decision	Whilst the site's current contribution to the character and appearance of the area is somewhat neutral, a dwelling on a plot of this size would appear significantly at odds with the prevailing spacious pattern of development. Although there are a variety of dwelling types and plot sizes in the wider surrounding area, the site is more aligned with development to the east of the proposed access, where spacious plots are arranged with a north south emphasis. The appeal proposal would interrupt this rhythm with its east west layout and significantly smaller plot size.

	<p>There would be little relief between the proposed building and the side boundaries of the site. The building would appear cramped within the plot and consequently would adversely affect the character and appearance of the area. The presence of five side-by-side parking spaces, filling the front of the plot, would add to the overall sense of overdevelopment of the site. Frontage parking is common within the nearby street scene. However, the examples provided comprise frontage parking with turning areas combined, separated from the highway by boundary treatments, such as low-level walls and planting, rather than a restricted linear arrangement of spaces, absent of turning space and intervening boundary treatment. As such, a comparison is of limited relevance in this instance.</p> <p>Accordingly, the Inspector concluded that the proposal would cause unacceptable harm to the character and appearance of the area. Thus, it would conflict with LP Policies SCLP5.7 and SCLP11.1 which seek to protect the character of the area. It would also conflict with the National Planning Policy Framework (the Framework) in this regard.</p>
Learning point / actions	None the policies of the Local Plan have been upheld

Application number	DC/20/0682/FUL
Appeal number	APP/X3540/D/20/3256634
Site	18 Cliff Road, Felixstowe
Description of development	The development proposed is for a two storey extension to front and side over the existing garage
Committee / delegated	Delegated
Appeal decision date	11/02/2021
Appeal decision	Dismissed
Main issues	The impact of the proposal upon the character and appearance of the area.
Summary of decision	An extension in principle could be designed in such a way as to conform with Supplementary Planning Guidance 16. The dramatic alteration of this property, to present large double gable elements clad in this composite material would introduce something largely inconsistent and harmful into the overall street scene and would dominate the original house. As such the character and appearance of the area would be harmed and the proposal would be contrary to policies SP15 and DM21 of the East Suffolk Council Suffolk Coastal District Local Plan Core Strategy
Learning point / actions	None, Inspector agreed with the Council in their assessment.

Application number	DC/19/0823/OUT
Appeal number	APP/X3540/W/19/3242738
Site	Land South Of Church Farm House Church Road Otley
Description of development	Outline application for the erection of seven residential dwellings and provision of an access road off Church Road Otley with all other matters reserved.
Committee / delegated	Delegated

Appeal decision date	08/03/21
Appeal decision	Dismissed
Main issues	Whether the appeal site is a suitable location for the proposed development, with reference to the spatial strategy in the LP; The effect of the proposed development on the character and appearance of the area, biodiversity and highway safety; and Whether sufficient information has been submitted to assess whether the proposal would preserve the settings of St Marys Parish Church, a Grade II* listed building and Church House, a Grade II listed building.
Summary of decision	<p>The appeal scheme would harmfully be at odds with the spatial strategy in the development plan and thus undermine the public interest of following a planning system that is genuinely plan led.</p> <p>It would cause significant harm to character and appearance of area. The Inspector considered the site, comprising woodland, central meadow and disused farm buildings (which he considered had blended back into the landscape) positively contributed to the visual and rural amenity of the area and the verdant approach into the village, which would be lost by the development. The removal of the farm buildings would not mitigate the harm caused by new housing. The cul-de-sac form of development represented a discordant suburban encroachment into attractive rural setting.</p> <p>The absence of ecological surveys was recognised to be a significant omission without which there is an unacceptable risk that the proposal could harm protected species and so cannot confirm it would adhere to policy SCLP10.1.</p> <p>The scheme would not provide a safe and suitable access for all, and that the provision of such would harm the character and appearance of the area due to urbanising impact and loss of landscape and sections of roadside bank.</p> <p>In the absence of a Heritage Impact Assessment, the appellant's submissions do not adequately address the significance of nearby listed buildings (including the Church) and the extent to which their settings contribute to this.</p> <p>The Inspector notes the evidence which indicates the Council are currently able to demonstrate a five-year housing land supply and have a recently adopted local plan with a housing strategy that seeks to meet the area's housing requirement. This includes a housing allocation in Otley. This suppresses the benefits to housing delivery that would flow from the proposal. He concludes there are no benefits that would outweigh the conflict with the Development Plan.</p>
Learning point / actions	None

Application number	DC/20/2329/FUL
Appeal number	APP/X3540/W/20/3261671
Site	Land Adjacent To 11 Cautley Road Southwold
Description of development	Construction of a one and a half storey dwelling
Committee / delegated	Delegated

Appeal decision date	31/03/21
Appeal decision	Dismissed
Main issues	<ul style="list-style-type: none"> • The effect of the proposed development on the character and appearance of the area, including the setting of the Southwold Conservation Area. • The effect of the proposed development on the living conditions of the occupants of Critten Place and 9a Cautley Road with reference to outlook and privacy; and • Whether the proposed development would provide adequate living conditions, with reference to outdoor amenity space and outlook.
Summary of decision	<p>The site lies just outside the Conservation Area and alongside a terrace which the Inspector noted is justifiably identified as a NDHA. Inspector agreed with Council in that the dwelling would occupy an unusually small plot and appear squeezed in and overdeveloped. The screening gates to the site frontage to “hide” the parking were a discordant feature as would the parking without the gates, injurious to the street scene. The proposal would erode the gap between the historic terrace and modern development which allows the architectural value and quality of the historic terrace to be better appreciated as a standalone NDHA. It would thus fail to preserve the setting of the CA or a NDHA at odds with Local Plan Policies WLP8.37, WLP8.29 and WLP8.33.</p> <p>It was concluded the proposal would harm the amenity of neighbours by virtue of loss of privacy as a result of overlooking from windows serving the living room and bedroom. The Inspector notes his findings regarding the impact on privacy are different to those of a previous Inspector, but there is no inconsistency, because the previous Inspector was not able to fully judge the effect on the occupants of No 9a, whereas he was able to clearly view this property from the appeal site. Furthermore, unlike the previous Inspector he accepted the Council’s argument that 9a whilst currently rented out as a holiday unit, was not restricted in any to holiday accommodation only and could become a permanent home. The previous Inspector had considered holiday makers may not expect the same level of amenity due to the time limited nature of their stay. The Inspector noted that fully obscure glazing the bedroom window overlooking 9a would not be appropriate as this would severely limit the outlook from the bedroom of the proposed dwelling, which would be single aspect. The occupants of 9a would also have the perception of being overlooked.</p> <p>The Inspector did not concur with the Councils view that the outlook of 9a would be adversely affected because of the close relationship to its boundary, but that on balance its outlook would not be harmed given the slight set back from the boundary, the ability to keep some trees and the tight knit grain of the area.</p> <p>The Inspector did not agree with the Council that the future occupants amenity would be adversely affected given its limited curtilage given it was a one bedroom unit and not likely to be occupied by a family, and that there was adequate outlook from the property such that occupants would not feel hemmed in.</p>

	The Inspector considered there were limited public benefits from the development that would outweigh the less than substantial harm caused to the setting of the Conservation Area and NDHA and was thus in conflict with paragraphs 194 and 197 of the NPPF. He concluded the development would be at odds with the Development Plan as a whole.
Learning point / actions	The Inspector took a different stance to a previous Inspector regarding impact on overlooking and concurred with the Council's contentions in this regard.

Application number	DC/20/1491/FUL
Appeal number	APP/X3540/D/20/3255916
Site	Coel Na Mara, 69 Cliff Road, Felixstowe, IP11 9SQ
Description of development	Two Storey Rear Extension
Committee / delegated	Delegated
Appeal decision date	26/02/2021
Appeal decision	Dismissed
Main issues	The application site (Coel Na Mara, 69 Cliff Road) is one of a pair of dwellings built in reflection of each other on the coastal road in Felixstowe. The design of the plot has a clear rationale, to reflect the design of the neighbour to the north-east so to preserve the character and amenity of the two properties. The proposed bulky, and out of scale two-storey rear extension would significantly breach the good relationship of the two buildings and harm the neighbour's amenity through increased shading and the creation of an overbearing structure.
Summary of decision	It was considered that such an extension would not only contribute to a greater overshadowing of the neighbour's garden but that the two-storey extension, protruding for such a distance to the rear, would have a detrimentally dominant impact upon the living conditions of residents using ground floor rooms. Furthermore, the proposed shallow pitch roof would also have the further detrimental effect of diluting the distinctive architectural qualities of the main house and will represent a poor design response to a relatively unique pair of buildings.
Learning point / actions	None, Inspector agreed with the officer in their assessment.

Application number	DC/19/0750/FUL
Appeal number	APP/X3540/W/19/3236769
Site	76 Bell Lane, Kesgrave IP5 1JJ
Description of development	Demolition of garage and erection of two detached dwellings.
Committee / delegated	Delegated.
Appeal decision date	17 March 2021
Appeal decision	Dismissed.
Main issues	The effect of the development on the character and appearance of the area; and The effect of the development on the living conditions of neighbouring occupiers, with specific regard to privacy and whether the access road would result in noise and disturbance.
Summary of decision	

	<p>The Inspector agreed with the Council's reasoning for refusal on impact on the character and appearance of the area, concluding that:</p> <p><i>"The development would intrude into the largely undeveloped stretch of garden land that acts as a soft landscaped buffer between the built form fronting onto Bell Lane and the sports field behind it to the east. As a consequence, the scheme would appear out of character with the prevailing low-density settlement pattern and suburban character of the surrounding area, which is characterised by dwellings fronting onto the public highway with long rear gardens."</i></p> <p>In essence, the Inspector felt that the backland nature of the proposal was unacceptable and contrary to the Development Plan.</p>
Learning point / actions	<p>It is noteworthy that the Inspector visited a development site a short distance away where a backland development had been allowed on appeal by the Planning Inspectorate. In coming to a decision, the Inspector noted:</p> <p><i>"with the benefit of being able to see the completed development at No 105 Bell Lane, it is my view that this scheme does not relate well to the character of the area and should not as a consequence be used to justify further erosion of the area's character."</i></p> <p>This is a good lesson that not all appeal decisions are always 'correct' and that the LPA can take a critical view of completed developments to inform future decision-taking.</p>

Application number	DC/19/3332/VOC
Appeal number	APP/X3540/W/20/3247022
Site	6 Ipswich Road, Newbourne, Suffolk, IP12 4NS
Description of development	Variation of Condition 6 of DC/19/1382/FUL - Use of land for two holiday lodges - "The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The hereby approved holiday lodges shall not be occupied between 05 January and 05 February in any calendar year. The owners/occupiers shall maintain an up-to-date register of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority."
Committee / delegated	Delegated
Appeal decision date	25 February 2021
Appeal decision	Dismissed
Main issues	The main issue is whether the proposed alteration to the occupancy duration for the two holiday lodges would be reasonable and necessary, having regard to relevant national and local planning policies, the potential implications for local services and effect on the tourist economy.
Summary of decision	The proposed variation of Condition 6 would conflict with local plan Policy SCLP6.5 and there are no material considerations which would indicate that the appeal should succeed. The application for an award of costs is refused.

Learning point / actions	The 56-day occupancy limit is justified and should be applied to all respective applications.
Application number	DC/20/1928/PN3
Appeal number	APP/X3540/W/20/3258690
Site	Modern Agricultural Building, Abbey Farm, Hoo Road, Hoo, near Letheringham, Woodbridge, Suffolk IP13 7QY
Description of development	The development proposed is change of use of agricultural building to dwelling house and for building operations reasonably necessary for the conversion.
Committee / delegated	Delegated
Appeal decision date	17 February 2021
Appeal decision	Allowed
Main issues	<p>Class Q of the GPDO1 permits the change of use of agricultural buildings to dwellinghouses subject to several limitations and conditions. All parties agreed that the proposal is permitted development.</p> <p>Thus, the main issue in this appeal is whether the proposal would preserve the setting of:</p> <ul style="list-style-type: none"> • Letheringham Priory Scheduled Ancient Monument (SAM); • The Church of St Mary, which is Grade I listed; • The gateway and walls of enclosure, which is Grade II listed; and • Farm building at Abbey Farm, which is Grade II listed.
Summary of decision	<p>The Inspector agrees that the appeal building is a large and bulky modern agricultural structure of a quasi-industrial appearance. Its agricultural use provides some historic continuity, but it otherwise jars visually with the scale and quality of the historic complex. This is particularly evident from the south where it obscures views of the historic buildings, including part of the church tower. For these reasons its siting, bulk, form and massing has a harmful impact on the rural setting and significance of the designated heritage assets. However, found that the conversion of the building to dwellings would not alter its siting, bulk, form and massing, but it would result in a more domestic appearance.</p> <p>It was found that in the medium to long distance views the building would retain rural character due to the materials proposed, which have been conditioned. The presence of conventional domestic windows in the side elevations can be softened by hedge and tree planting, as could the clutter and paraphernalia in the gardens and parking areas.</p> <p>It was concluded that the building once converted would not have any greater adverse impact on the rural setting of the historic complex when viewed from a distance in the landscape, the closer views can be softened by landscaping which has been conditioned.</p>
Learning point / actions	The Inspector shared the view of the Council that the removal of the building would be beneficial to the setting of the heritage assets, <i>but notes that it is a conversion that is proposed and must be determined as such</i> , where the proposals would not alter in its siting, bulk, form or massing.

Application Number	DC/20/0513/FUL
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Appeal Number	APP/X3540/Y/20/3529820
Site	Greenside Farm, St Margaret, South Elmham
Description of Development	Building operations associated with the conversion of a Dutch Barn to a dwelling house (application complements a parallel Class Q (a) prior approval application for the change of use).
Committee / Delegated	Delegated (02 April 2020)
Decision Date	08 March 2021
Appeal Decision	Dismissed
Main Issues	The main issue in this appeal is whether the nature and location of the residential development proposed would be appropriate with regard to local and national planning policies.
Summary of Decision	<p>The appellant arguing that LP Policy WLP8.11 must be read alongside Class Q of which there is an approval only for Class Q (a) (Allowed on appeal Ref: DC/20/0520/PN3). The inspector noted that an approval under Class Q(a) of the GPDO will serve no useful purpose in its own right if building works are required to enable it to function as a dwelling.</p> <p>As the proposal seeks planning permission in its own right and not the prior approval of matters under Class Q(a) or Q(b) of the GPDO, the inspector was not persuaded that only the nature of the proposed building works should be considered, as the objectives of the Development Plan and that of the GPDO are mutually exclusive.</p> <p>The inspector did not consider that the appellant had demonstrated that the building was either locally distinctive and of architectural merit or an NDHA as required by Policy WLP8.11</p> <p>Policy WLP8.11 also supports the conversion of a rural building where it requires only minimal alteration. The appellant finds the term 'minimal' to be a high bar and excessive when compared to other policies from other nearby local authorities, which relate to rural conversions. The inspector was of the view that the building was largely skeletal as it is possible to view through the from front to back and on the whole through the sides. Notwithstanding the findings of the appellant's structural survey, the works required to convert the building for residential use would go beyond what one could reasonably consider to be minimal, contrary to Policy WLP8.11.</p> <p>The appeal site lies outside of any defined settlement and is located within the countryside. Through not meeting the requirements for permitting the residential conversion of rural buildings, this proposal would conflict generally with the spatial strategy of the LP, and specifically with policies WLP1.1 and WLP1.2.</p>
Learning Point / Actions	Despite the site benefitting from Class Q (a) approval it was encouraging that the inspector did not agree with the appellants view that the principle of change of use had been established and that only the alterations could be considered.

Application number	DC/20/1898/FUL
Appeal number	APP/X3540/W/20/3263723
Site	Land north of Lavender Cottage, Kiln Lane, Great Bealings

Description of development	To build stable room and storage room plus hay storage under the roof
Committee / delegated	Delegated
Appeal decision date	26 April 2021
Appeal decision	Dismissed
Main issues	<p>The main issues are:</p> <ul style="list-style-type: none"> • the effect of the proposal on the character and appearance of the area; • whether sufficient information has been submitted regarding the storage and disposal of waste in order to assess the effect on residential amenity and the local environment.
Summary of decision	<p>The proposed stable and store building would be a significant addition that would intrude into the otherwise open landscape. The building would be excessive in footprint, with its large roof canopy, and in height as a result of the proposed roof space hay loft. The result would be an unduly dominant feature in the street scene, and this adverse impact would be exacerbated by its elevated position on rising land above Kiln Lane. The proposed planting of trees or hedges suggested in the appellant's Design and Access Statement would not reduce the visual harm on approach from the south along Kiln Lane due to land levels. The extensive permeable surface area proposed around the new building and the creation of a driveway would further add to the visual intrusion of the development and would appear unacceptably urban within the rural setting. Other stables in the vicinity are low-key structures which are not prevalent in the landscape and, as such, the proposal would not reflect the existing character of the area.</p> <p>The appellant has not supplied any specific proposals for waste management at the site, other than to advise that there is ample space for it to be stored on site without causing harm to the amenities of neighbouring residents. However, given that Lavender Cottage to the south is on lower land than the appeal site, in the absence of a detailed waste storage and removal plan it cannot be concluded that the storage of animal waste at the site would not give rise to odour and insect nuisance, and other contamination and pollution. As such, the sloping site levels have the potential to cause material harm to the amenities enjoyed by occupants of Lavender Cottage and other properties nearby. It was therefore concluded that the proposal has the potential to give rise to odour nuisance and pollution to a degree that would cause unacceptable loss of amenity for occupiers of neighbouring dwellings and the local environment.</p>
Learning point / actions	This decision demonstrates the importance of including a carefully considered waste management strategy for proposals that have the potential to detrimentally impact existing residential amenity and the local environment through increased odour, insect nuisance, contamination and pollution.

Application number	DC/20/2452/FUL
Appeal number	APP/X3540/W/20/3263548
Site	130 Mill Lane, Felixstowe

Description of development	The erection of a single-storey dwelling and construction of new access
Committee / delegated	Delegated
Appeal decision date	15 February 2021
Appeal decision	Dismissed
Main issues	<p>The main issues are the effects of the proposal on:</p> <ul style="list-style-type: none"> • the character and appearance of the area; • the living conditions of neighbouring and future occupiers with particular regard to the provision of external space and outlook; • the integrity of the European protected SPA/Ramsar sites at the Stour and Orwell Estuaries and Debden Estuary.
Summary of decision	<p>The proposed dwelling, whilst modest in scale, would take up much of the space between Nos 130 and 132. In particular, there would be a very narrow gap between the proposed building and the rear corner of No 130. The remaining space between the buildings would be largely occupied by parking areas for the proposed dwelling and No 130. Further, the parking and turning area for No.130 would extend across the end wall of that property. Thus the proposal is indicative of a cramped layout and, taken together with the loss of the characteristic spaciousness which the appeal site currently provides, would lead to a harmful effect on the character and appearance of the area;</p> <p>The private external area would be very modest in size, narrow in width and closely flanked by the side walls of the proposed building and No 132. As such, I was considered that the proposal would not provide future occupiers with adequate space for functions including clothes drying, sitting out, play and storage. While the appellant argues that the proposed dwelling would be likely to be occupied by older people who do not require large external areas, no mechanism to control occupation has been offered and, since the property has two bedrooms, it could be occupied by a household with children. Therefore, the proposal would not provide adequate living conditions for future occupiers by reason of insufficient external space.</p> <p>The appellant has not provided substantive evidence to demonstrate that the appeal proposal would not have a harmful effect on protected European sites. Nor have alternative mitigation measures been put forward. While the appellant has indicated a willingness to provide a financial contribution, there is no evidence that the contribution has been made and no mechanism to secure it has been offered. As such, it has not been shown that the proposal would have no adverse effect on the integrity of the European Sites.</p>
Learning point / actions	This decision demonstrates the potential to explore mechanisms to restrict the occupancy of new dwellings to specific groups (i.e. the elderly) which, in-turn, could make such dwellings with limited private external areas more acceptable in planning terms.

Application number	DC/20/2526/FUL
Appeal number	APP/X3540/W/20/3262535
Site	232 London Road South, Lowestoft, Suffolk NR33 0BE

Description of development	Conversion of a dwelling house into two one Bedroom flats comprising, Kitchen, Bathroom, Bedroom and Lounge, all above the shop unit below.
Committee / delegated	Delegated
Appeal decision date	9 March 2021
Appeal decision	Dismissed
Main issues	The main issues are the whether the proposal would be appropriate in this location with regard to the Flat Saturation Policy WLP8.4, and future pressure on nearby European Protected Sites
Summary of decision	The application falls within the Flat Saturation Area, and the inspector finds that the scheme if approved would undermine the objectives of the LP to address the adverse implications of an over concentration of smaller units of accommodation within this particular area of the town. Furthermore, the proposal to be inappropriate by a failure to mitigate the impacts of further recreational pressure upon European nature conservation sites in this locality.
Learning point / actions	The Inspector agreed that providing evidence on housing stock across the entire NR33 postcode was not relevant as the Flat Saturation Area relates to a particular location within the town.

Costs Claims

Application number	DC/19/3332/VOC
Appeal number	APP/X3540/W/20/3247022
Site	6 Ipswich Road, Newbourne, Suffolk, IP12 4NS
Description of development	Variation of Condition 6 of DC/19/1382/FUL - Use of land for two holiday lodges - "The holiday lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The hereby approved holiday lodges shall not be occupied between 05 January and 05 February in any calendar year. The owners/occupiers shall maintain an up-to-date register of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority."
Committee / delegated	Delegated
Appeal decision date	25 February 2021
Appeal decision	Refused
Main issues	The appellant considers that the Council behaved unreasonably principally because he believes that it did not carry out an objective assessment of the application as set out in the Delegated Officer Report. The Planning Practice Guidance indicates that although costs can only be awarded in relation to unnecessary or wasted expense at appeal, behaviour, and actions at the time of the planning application consideration of whether or not costs should be awarded.
Summary of decision	The Council did not act in an unreasonable manner in the appeal process and its behaviour and actions at the time of the planning application were not unreasonable enough to be given any significant weight in determining this costs decision. The inspector finds that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been

	demonstrated.
Learning point / actions	Policy SCLP6.5 endorses the 56-day occupation restriction – this applies to all relevant proposals regardless of differing scale and numbers of units.