

APPENDIX A

The following appeals have been received between 1 April 2019 and 26 May 2019

Application Number	DC/18/4461/FUL
Appeal Number	APP/J3530/W/19/3219857
Site	Grove Cottage, Boulge Road, Hasketon IP13 6LA
Description of Development	Continued use of former agricultural land as garden associated with Grove Cottage and erection of single-storey extension to garage to form hobbies/garden room
Committee / Delegated	Delegated
Decision Date	30 April 2019
Appeal Decision	Allowed – new condition proposed
Main issues	Appropriateness of the removal of PD rights by condition (condition 4)
Summary of Decision	<p>The Inspector considered that a condition was necessary to control the amount of development within the extended garden but not in the vicinity of the existing house and its associated outbuildings and the narrow part of the extended garden. A revised condition therefore proposed to identify the area within which PD is restricted would address the need to control such development within discrete areas of the site.</p> <p>The condition as worded would preclude any development and the Inspector had limited evidence to demonstrate that all of the types of development identified would be inappropriate in terms of their effect on the openness and character and appearance of the site and surrounding area. Therefore, it was considered that condition 4 was not reasonable as went beyond what is necessary to secure and appropriate and proportionate degree of control over development within the extended garden area.</p>
Learning Point / Actions	To ensure that where permitted development rights are removed there is clear justification presented as to the reasonableness of such.

Application Number	DC/18/1998/OUT
Appeal Number	APP/J3535/W/19/3219393
Site	Gavelcroft, Bungay Road, Holton, Halesworth, IP19 8LY
Description of Development	Outline Application (All Matters Reserved) - Construction of a detached dwelling
Committee / Delegated	Delegated
Decision Date	15 May 2019
Appeal Decision	Dismissed
Main issues	<ul style="list-style-type: none"> i) Would preserve the setting of the LB 'Gravelcroft' ii) Appropriateness of location for housing iii) Highway safety
Summary of Decision	The proposal would reduce the relationship of Gravelcroft, a farmhouse which would have been dominated by farmland, to the open countryside and adversely affect the way in which it was experienced. In the absence of a detailed proposal that demonstrates that the new dwelling would not have this harmful effect, it is assessed

	<p>that there is less than substantial harm to the designated heritage asset. Regarding paragraph 196 of the NPPF there are no substantial planning benefits which would outweigh this harm. Proposal also contrary to paragraph 193 of the NPPF in that it would not preserve its setting.</p> <p>Considered that the Council has not a demonstrable five year supply of housing. Because of its physical location to the settlement of Holton, the site is considered to be in a reasonably sustainable location within reach of services and facilities.</p> <p>The Council contend that 90m visibility cannot be achieved in a south easterly direction fro a position 2.4m back from the edge of the highway. The dimensions are from the DRMB and whilst a HA may choose to use the DMRB in its consideration of proposals, the Inspector was not persuaded that the dimension of sight lines are necessary in this case. The requirements for Manual for Streets would be more suited in this instance.</p> <p>Consider that a detailed design could demonstrate acceptable sight lines, assuming appellants have the necessary control of the land. As there is no evidence to this regard it is not possible to reach a firm conclusion in this regard.</p>
Learning Point / Actions	A need to interrogate consultee responses on applications and ensure that in instances of appeals appropriate additional justification is provided to support the Council's case.

Application Number	DC/18/1009/FUL
Appeal Number	APP/J3530/W/19/3207314
Site	Land Adjacent To Glenholme, Blackheath Road, Wenhaston, IP19 9DH
Description of Development	Erection of single 3-bedroom bungalow with detached double cart-lodge and driveway
Committee / Delegated	Delegated
Decision Date	1 May 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> i) Whether the site is a suitable site for housing ii) Effect of the development on the character and appearance of the site and surrounding area, with particular reference to the SLA.
Summary of Decision	<p>The site falls outside the settlement boundary of Wenhaston and is therefore in designated countryside. The proposal does not accord with Policy WmMP1 of the Neighbourhood Plan. Blackheath Road, at the point of development, has no footpaths and is unlit. Walking along the road to Wenhaston is therefore neither a safe or convenient option, particularly during winter months and during inclement weather. The narrowness of the road and lack of lighting would also deter some cyclists. Did not observe any bus stops near the site. Given the inadequacy of access, there would be heavy reliance on the private car. The site is considered to be an unsustainable location with poor access to services and facilities.</p>

	The site makes a very limited contribution to the aspects of landscape character which have been highlighted as important to the SLA. Reference was drawn to a scheme in support in Aldeburgh, but the Inspector considered there was insufficient detail of that scheme (and also the site was in the AONB) and hence has limited weight in the determination. Accordingly the development was not considered harmful in this regard.
Learning Point / Actions	The decision reinforces the Councils approach to sustainable development for new housing. The decision also notes that where alternative decisions are drawn on for reference then they should be supplemented with appropriate information.

Application Number	DC/18/3188/OUT
Appeal Number	APP/J3530/W/19/3219035
Site	Briarwood, School Lane, Ufford, IP13 6DX
Description of Development	Outline Application - Development of a one and a half storey 4 bedroom dwelling, with accommodation at roof level.
Committee / Delegated	Delegated
Decision Date	29 April 2019
Appeal Decision	Dismissed
Main Issues	The effect of the development on the character and appearance of the site and the surrounding area.
Summary of Decision	The site is included within an area protected from development in the DPD. The submitted plans demonstrate a significant degree of change of the site. It was therefore concluded that the development would have a harmful impact.
Learning Point / Actions	None

Application Number	DC/18/4632/FUL
Appeal Number	APP/J3535/W/19/3221084
Site	3 Hollowell Close, Oulton, Lowestoft, NR32 3RB
Description of Development	Construction of rear and side extensions
Committee / Delegated	Delegated
Decision Date	3 May 2019
Appeal Decision	Split decision – side extension allowed and rear extension refused
Main Issues	The effect on the living conditions of the occupants of 5 Hollowell Close, with particular reference to outlook.
Summary of Decision	The eaves level would create a dominant addition and an undue sensed of enclosure to the garden of No.5. This adverse impact would be exacerbated by the reasonably modest size of the rear garden of No.5 and the relative ground levels. It is noted that the Council does not object to the side extension and that the materials and appearance are acceptable.
Learning Point / Actions	The ability to use a split decision where some elements of a proposal are acceptable rather than refuse in total or seek resubmission.

Application Number	DC/18/4081/PIP
Appeal Number	APP/J3530/W/19/3219452
Site	Os 2158, Snipe Farm Road, Clopton, IP13 6SL
Description of Development	Erection of 1-3 residential dwellings on site identified within red line boundary on the site location plan.
Committee / Delegated	Delegated
Decision Date	10 May 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> i) Whether the proposal would be habitats development under article 5B of the TCP (PIP) Order 2017 ii) Whether the proposed location, land use and amount of development is appropriate with specific regard to access to local services and facilities and the character and appearance of the area.
Summary of Decision	<p>Concluded that the proposal would constitute habitats development (following the People over Wind Judgement) which is excluded from the grant of PIP under Article 5B. Accordingly, a UU or S106 cannot be considered and the proposal is one to be tested via a planning application not PIP process.</p> <p>As the incorrect procedure has been followed, matters in relation to issue (ii) have not been considered further.</p>
Learning Point / Actions	An important decision confirming that if the RAMS is triggered then the PIP process cannot be followed. This has implications for the majority of the District.

Application Number	DC/17/5077/FUL
Appeal Number	APP/J3530/W/19/320977
Site	Pitfield, Bridge Street, Kelsale Cum Carlton, IP17 2PG
Description of Development	Change of use from holiday let to 1 x 3 bedroom dwelling (C3 Use).
Committee / Delegated	Delegated
Decision Date	23 April 2019
Appeal Decision	Dismissed
Main Issues	Whether the site is a suitable location for a C3 use.
Summary of Decision	<p>The Inspector considered that no specific local need has been identified which would comply with Paragraph 77 of the NPPF. Only limited services are provided in Kelsale and although it was suggested that shops are within walking distance, the Inspector concluded that insufficient evidence has been provided upon the location of shops or the range of goods they provide.</p> <p>The closest centre to provide a range of services is Saxmundham. The distance and unlit nature and vehicular speeds if the intervening roads would deter pedestrians and cyclists and hence there would be a heavy reliance on the private car.</p> <p>The site is therefore considered to be unsustainable and isolated and would not contribute to the vitality of villages.</p>

	<p>The building is not a non designated heritage asset based on the information available to the Inspector.</p> <p>Whilst the appellants argued that the facility is underused and been difficult to let, the Inspector did not have full details to support these issues and therefore unable to come to a finding on the relative viability of the holiday let and therefore this carries limited weight.</p>
Learning Point / Actions	A separate costs application was made by the appellants which was dismissed as it was concluded that the Council had not acted in an unreasonable manner.

Application Number	DC/17/4939/ARM
Appeal Number	APP/J3530/W/19/
Site	Norwood House, Littlemoor Road, Middleton, IP17 3JZ
Description of Development	<p>Approval of Reserved Matters of Outline Application DC/16/3947/OUT - Erection of 14 sheltered/extra care dwellings, together with residents lounge/meeting room and parking area. - Appearance and landscaping. In addition, this application seeks to discharge conditions: 7 (external materials); 10 (discharge of surface water onto highway); 11 (ecological enhancement scheme); and 14 (construction method statement).</p> <p>The original application was NOT an EIA application.</p>
Committee / Delegated	Delegated
Decision Date	29 April 2019
Appeal Decision	Allowed
Main Issues	In light of the Council's decision not to defend the appeal, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.
Summary of Decision	Having reviewed the evidence it is concluded that there are no material planning issues that indicate that the appeal should be dismissed.
Learning Point / Actions	<p>It is noted that the appeal was made on the grounds of non-determination as the applicant was unable to satisfy the HA of the acceptability. Details were submitted appease the HA after the appeal was lodged, but as the process of appeal had commenced the LPA was unable to issue an approval. Accordingly, the decision was reached not to defend the appeal.</p> <p>A separate costs application was made by the appellants which was dismissed as it was concluded that the Council had not acted in an unreasonable manner.</p>

Application Number	DC/18/4423/FUL
Appeal Number	APP/J3530/W/19/
Site	Cherry Trees, Main Road, Bucklesham, IP10 0DR
Description of Development	Construct detached single garage to front of property
Committee / Delegated	Delegated
Decision Date	7 May 2019

Appeal Decision	Allowed
Main Issues	The effect of the garage on the character and appearance of the streetscene and surrounding area.
Summary of Decision	Although occupying a large footprint and would be visible in the streetscene, the Inspector felt that as it was set back from the road and behind fencing and planting this would soften the impact and would not therefore appear unduly prominent.
Learning Point / Actions	None

Application Number	DC/17/4171/FUL
Appeal Number	APP/J3530/W/18/3207902
Site	Wenhaston Quarry, Heath Road, Wenhaston With Mells Hamlet Halesworth, IP19 9BZ
Description of Development	Full planning for change of use of the site to provide holiday lodge accommodation and associated leisure activities
Committee / Delegated	Committee
Decision Date	26 April 2019
Appeal Decision	Dismissed
Main Issues	<ul style="list-style-type: none"> i) The effect of the scale of the appeal proposal on the character and appearance of the surrounding area ii) Whether the proposed development would appropriately protect or enhance local biodiversity.
Summary of Decision	<p>The Inspector noted that a subsequent application for 39 lodges on the site had been approved.</p> <p>Noting policy support for tourism uses, the Inspector found that although some aspects such as lighting could be controlled by condition, there would be significant harm to the overriding remoteness of the location typical of the scenic qualities and deeply tranquil valley location. The proposal would represent a 51% increase over what has been approved which the Inspector found to be materially different in the degree of harm which would result from a more intensive use of a remote site with more development around the rural perimeter of the site.</p> <p>Noting that the removal of the tower and landscaping of the northern boundary would represent a visual improvement, it remains that the proposed phalanx of lodges and other structures along this boundary would result in discernible intrusion of a greater mass of development fringing this rural part of the valley.</p> <p>Regarding biodiversity an ecology assessment had been undertaken which confirms that valuable habitats exist on the site. There is concern that the survey represents a 'snapshot' which may be sub-optimal for some species and ultimately underestimates the ecological value and potential of the site, including for bats. The reduced scheme and lower density struck the right balance between retaining and enhancing the biodiversity value of the site. In contrast the appeal proposal attempts to squeeze too much out of the site such that the benefits would be limited and tangible harm to the areas of high and</p>

	modest ecological value would arise from direct encroachment and enclosure.
Learning Point / Actions	None

Application Number	DC/18/0178/PN3
Appeal Number	APP/J3530/W/19/3210616
Site	Barn At Plunketts Barn, School Road, Tunstall, IP12 2DA
Description of Development	Reclad, Insert new openings and create internal non load bearing divisions to form 2 dwellings.
Committee / Delegated	Delegated
Decision Date	2 May 2019
Appeal Decision	Dismissed
Main Issues	Whether the development would be permitted development with regard to whether or not the proposed development would comprise building operations reasonably necessary for the building to function as a dwelling house.
Summary of Decision	<p>Application assessed under Part Q and reference was drawn by the Inspector to the Hibbitt judgement which pre-dates the PPG but established that a building must be capable of conversion to residential use without operations that would amount to either complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new dwelling.</p> <p>A Structural Inspection supported the application and the appellant also submitted a scope of works which combined with the structural assessment demonstrated that in order to convert the building into two dwellings there would need to be significant changes to it.</p> <p>The Inspector considered that there was limited evidence submitted to substantiate the Council's concerns that the existing concrete frame would be incapable of bearing the loads necessary to accommodate the proposed works.</p> <p>The Inspector concluded that whilst the works would be extensive they equate to elements which are reasonably necessary for the building to function as a dwelling which are specified in Part Q.1 (i) and therefore the development amounts to permitted development.</p>
Learning Point / Actions	A necessity to submit appropriate levels of information to support arguments made in a refusal / appeal.

Application Number	DC/18/0050/FUL and DC/18/2971/FUL
Appeal Number	APP/J3530/W/18/3212166 and 3213206
Site	The Fields, The Street, Dennington, IP13 8JF
Description of Development	Proposed dwelling land (ref 0050) – Appeal A Proposed conversion & extension to workshop to form annexe (ref 2971) – Appeal B
Committee / Delegated	Delegated
Decision Date	23 April 2019
Appeal Decision	Both appeals Dismissed

Main Issues	<p>i) The effect of the development on the character of the immediate area (A & B)</p> <p>ii) Effect on living conditions of future occupants with particular regard for additional noise and disturbance (A & B)</p> <p>iii) Whether the annexe is well related to the existing dwelling (B)</p>
Summary of Decision	<p><u>Character of Area</u> With regards to appeal A, it was considered that it would be cramped, by virtue of occupying much of the plot, which was out of character with the surrounding properties. Further the dwelling would be partially visible across farmland to the west and the scale and massing would be greater than the existing buildings combined. This would increase the urbanisation when approaching the village. In the case of appeal B, the development would enlarge an existing building and significantly increase the footprint and massing of the built form and visually fill the space between The Field and Barnsdale. In both instances the proposals would result in unacceptable harm to the character of the immediate area.</p> <p><u>Living Conditions</u> In the case of Appeal A, the new dwelling would be accessed past the host dwelling and locate its parking close to the gardens of The Fields. This would introduce comings and goings, with increased noise and disturbance, which would be out of control of the occupants of The Fields. With regards to openings and position of buildings, both appeals would have the potential to increase activity closer to Barnsdale than is currently experienced, with potential increased noise and disturbance to the occupiers. Both appeals cause unacceptable levels of harm to living conditions.</p> <p><u>Relationship to Main Dwelling</u> Policy DM6 seeks annexe accommodation to be well-related to the host dwelling. The size and scale is that which could function as an independent dwelling and does not therefore act subservient to the main dwelling.</p>
Learning Point / Actions	None

Application Number	DC/17/3591/FUL and DC/17/3592/LBC
Appeal Number	APP/J3535/W/18/3197715 & 3198466
Site	2 Home Farm Barns, New Road, South Elmham St Cross, Harleston, IP20 0PA
Description of Development	Construction of rear conservatory
Committee / Delegated	Delegated
Decision Date	5 April 2019
Appeal Decision	Dismissed
Main Issues	The effect of the proposal in the significance of the listed building
Summary of Decision	The depth of the proposal and its roof design would appear awkward

	<p>and cumbersome. With the existing small section of the roof over the central entrance, the proposal would result in three different sections of roof in close association. It would appear complex and detract from the simple and utilitarian overall appearance of the barn.</p> <p>The proposed depth would appear large and dominating and combined with the design would have an unacceptable impact on the barn. The extension reduces the contribution the barn makes to its significance and as such fails to preserve its special interest.</p> <p>The Inspector found the proposal resulted in less than substantial harm and found no public benefits would arise.</p>
Learning Point / Actions	None