



Appeal Decision

Site visit made on 16 September 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/J3530/W/19/3224772

98 Tangham Cottages, Tangham, Capel St Andrew IP12 3NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roy Drake against the decision of East Suffolk Coastal District Council.
 - The application Ref DC/18/2396/FUL, dated 7 June 2018, was refused by notice dated 14 September 2018.
 - The development proposed is described as "Change of use of the front paddock to erect two Arctic Cabins – one to be used as a therapy room the other as holiday accommodation - and a sauna room. Also to acquire permission to use one Latvian Cabin (erected under permitted development rights) as holiday accommodation."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the submitted evidence, the buildings on the site are referred to by various different names. The submitted plans show a building to the north of 98 Tangham Cottage which is annotated "Holiday Unit 1" and described by the appellant as the Latvian Cabin. I shall refer to this building as the Latvian Cabin in my decision. The plans show three buildings to the south of No 98 annotated as "The Healing Hut", "Holiday Unit 2" and "sauna". Holiday Unit 2 is described by the appellant as the Kota Lodge. I shall refer to these buildings to the south of No 98 as the Healing Hut, Kota Lodge and the Sauna in my decision.
3. At the time of my site visit, the Latvian Cabin, the Healing Hut, Kota Lodge and the Sauna had been constructed. I have assessed the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposal on the character of the surrounding area; whether the proposal is in a suitable location; the effect of the proposal on the living conditions of neighbouring properties with regards to noise and disturbance; and the effect of the proposal on the Sandlings Special Protection Area.

Reasons

Character

5. The appeal site is separated into two sites, one area being to the north of No 98 which is occupied by the Latvian Cabin and the other to the south of No 98 occupied by the Healing Hut, Kota Lodge and the Sauna. The site is located

within Rendlesham Forest and is surrounded by dense wooded areas. Whilst the residential property of 99 Tangham Cottage lies directly to the west of No 98, the appeal site sits within a forest location with only a scattering of residential buildings in the immediate area.

6. The appeal sites may have previously formed part of the residential curtilage of No 98, similar to the curtilage of No 99, and I have had regard to the quote from the Court case¹ and the assertions that the sites are not paddocks. However, from my observations during my site visit it is clear that the appeal sites are now separated from the main dwelling of No 98 by high timber fencing. The style, scale and use of the proposed buildings are not viewed in the context of the existing residential nature of the area. The immediate area is predominantly woodland with a scattering of residential buildings. These existing residential buildings are large in size and have traditional architectural styles and detailing. Whereas the proposed buildings are small scale, are not of a residential architectural style and are therefore not in keeping with the built form of the area.
7. The buildings are screened from some viewpoints however they are not completely hidden and although they can be seen against the back drop of existing hedgerow, they are prominent structures when viewed from the track to the east of the site. Whilst this track is not a designated footpath, cycle route or riding trail, it is publicly accessible. Due to the position and nature of the buildings, they do appear as intrusive features within the surrounding woodland area.
8. It has been described that the proposal generates on average 1.98 traffic movements a day which is significant given the low level of traffic associated with the existing residential properties. Traffic movements along the access track including the parking of vehicles associated with the proposal is out of character for this area of the forest.
9. I have had regard to the appellants statement of case, including the suggestion that additional landscaping can be provided to screen the proposals. I am not convinced that adequate screening can be provided to completely screen the buildings, particularly in the short term. Landscaping would also not prevent the harmful effect to the character of the area created by the additional traffic movements associated with the proposals. I note the comments of the Council's Arboriculture and Landscape Manager however, the style, size and use of the buildings are not residential in nature and have a detrimental effect on the character of the area.
10. Accordingly, the proposals have a harmful effect on the character of the surrounding area. The proposals are in conflict with Policy DM21 of the Suffolk Coastal District Local Plan Development Plan Document 2013 (DPD) which seeks proposals to relate well to the scale and character of their surroundings.
11. The appellant has indicated that under permitted development rights, large single storey buildings can be constructed as well as two metre high boundary fences. However, any buildings constructed under permitted development rights² must be incidental to the enjoyment of a dwellinghouse and would not

¹ Sinclair-Lockhart's Trustees -v- Central Landboard (1950) 1P&CR 195

² Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015

include the uses proposed in this appeal. The erection of boundary fencing would not completely screen the proposed buildings and the harm to the character of the area by the traffic movements of the proposal would not be removed by boundary fencing.

Suitable location

12. Policies SP6, SP7, SP8 and DM18 of the DPD are generally supportive, in principle, of tourist and leisure uses which support economic growth in rural areas. However, these Policies are clear that rural enterprises are only supported when, amongst other things, development is of appropriate scale to the nature of the location and setting; and where the use of public transport is encouraged. Paragraph 83 of the National Planning Policy Framework (the Framework) also recognises that a prosperous rural economy should be supported however sustainable rural tourism and leisure developments should respect the character of the countryside.
13. Having regard to the seven core tourism terms agreed by a working group through the English Tourism Research and Intelligence Partnership, established by Visit England. I am satisfied that the proposals can be considered to be tourist and leisure facilities and therefore contribute to the local rural economy. This is a benefit of the scheme however, given the scale of the proposals, this benefit would be minimal.
14. The appeal site is detached from other settlements by vast areas of woodland. The only access track to the site is unmade and does not have formal footpaths or lighting and therefore accessing the site is not desirable by walking or cycling. There is no evidence before me to suggest that there are any frequent public transport links near to the appeal site. It is most likely that the buildings on the appeal site are accessed primarily by the use of private motor vehicles. The proposal therefore does not encourage the use of public transport. I have also found above that the proposals are not of an appropriate scale to the nature of the location and its immediate setting. The small benefits of the proposals would not be outweighed by the reliance on private motor vehicles and the harmful effect the buildings have on the character of the immediate area.
15. The proposed development is therefore not in a suitable location. The proposal is contrary to Policies SP1, SP6, SP7, SP8 and DM18 of the DPD and the Framework which seeks development to encourage the use of public transport and be of an appropriate scale to the nature of its location and setting.

Living conditions

16. The access track to the site, is mainly unmade and runs past a number of residential properties in the area. Whilst I have found above, that the additional traffic movements associated with the proposals is out of keeping with the character of the area, this is primarily due to the visual presence of the vehicles. Given the unmade state of the track and that it is single vehicle width in places, traffic speeds of vehicles are low. I do not consider that the living conditions of neighbouring occupiers are adversely affected in relation to noise and disturbance given the low speeds of traffic movements.
17. The proposal does not have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to noise and disturbance. The proposal

is in accordance with Policy DM23 of the DPD which seeks new development to consider the impact on residential amenity.

18. Whilst I consider the effects on the living conditions of neighbouring occupiers to be acceptable, this does not outweigh the harmful effect I have identified with regards to the character of the area and its location.

Sandlings Special Protection Area

19. The site is located within 13 km of the protection zone of the Sandlings Special Protection Area, the Alde-Ore Estuary Special Protection Area and Ramsar site, and the Deben Estuary Special Protection Area and Ramsar site. As such, the development was considered to have an adverse effect on these sites. The appellant has indicated that a financial contribution has been made to the Council to mitigate against any adverse effects to these sites. Nevertheless, given my findings in relation to character and location, it is not necessary to consider this matter further.

Conclusion

20. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR