



Appeal Decision

Hearing held on 16 August 2023

Site visit made on 16 August 2023

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/X3540/W/23/3319395

**Part of Land South Side of A14, Felixstowe Road, Levington, Suffolk
IP10 0LT**

- 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 Kieran Pack of Eastern Structures Ltd against the decision of East Suffolk Council.
 - The application Ref DC/21/4413/FUL, dated 21 September 2021, was refused by notice dated 25 October 2022.
 - The development proposed is change of use from former agricultural to mixed use of B2 and B8.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst I have taken the description of development from the appeal documents, including the application form, this does not provide any indication towards the existing lawful use of the site.
3. At the time of my site visit, I saw that some aspects of the proposed development, such as the access, amongst other things had been implemented. I have dealt with the appeal on this basis.
4. The Revised National Planning Policy Framework (the Framework) was published on 5 September 2023, after the appeal was lodged and after the Hearing. The changes to the Framework are not material to the appeal, thus I have not sought any comments from the parties. Consequently, whilst I have had regard to the Framework in reaching my decision, I will not prejudice any party by taking this approach.

Main Issue

5. Whether the site is an appropriate location for the scheme, having particular regard to safeguarding the countryside and ensuring a suitable and sustainable form of development.

Reasons

6. The site is outside of any settlement boundary and is therefore on land designated as countryside. Policy SCLP3.3 of the Suffolk Coastal Local Plan, 2020 (LP) indicates that outside settlement boundaries new residential, employment and town centre development will not be permitted unless subject

to other policies in the plan. The appeal development proposes employment /commercial floorspace outside of a settlement boundary, thereby conflicting with the provisions of LP Policy SCLP3.3.

7. LP Policy SCLP4.2 requires proposals for new employment development falling within use classes B1, B2 and B8 on land outside of settlement boundaries demonstrated that there is no sequentially preferable land available adjacent to existing employment areas, within existing employment areas or within settlement boundaries or a need for additional employment development has been demonstrated. Additionally, there should not be an unacceptable adverse impact on surrounding land use and avoids any adverse impact on the character of the surrounding area, amongst other things. This accords with the requirements of the Framework, particularly paragraphs 82 and 83.
8. LP Policy SCLP4.5 seeks to support economic development in rural areas subject to a number of criteria. LP Policy SCLP4.5 b) indicates that proposals will be supported where the scale of the enterprise accords with the settlement hierarchy. The settlement hierarchy is set out in LP Policy SCLP3.2 and table 3.4 of the supporting text provides further guidance on the approach to employment. Due to the proposed development being for an employment use in a rural location, it would fail to accord with the settlement hierarchy and thereby not accord with LP Policy SCLP4.5 b).
9. The appellant did prepare and submit a sequential test in support of his application and then provided an updated Marketing and Viability Assessment following comments received from the Council's Policy Team during the assessment of the planning application. Whilst I note the concerns of the appellant with regards to the Council's handling of the application, and an assertion to a lack of feedback on the updated document, this is not a planning matter. Nonetheless, there was verbal agreement at the event by the appellant to some of the concerns raised by the Council regarding the sequential test(s) submitted, such as a lack of evidence/justification to support the discounting of sites, enquiries made, or the consideration other locations, amongst other things. This lessens the effectiveness of the sequential test(s). Consequently, I am not convinced that there are not alternative locations which could be sequentially preferable to the appeal site.
10. I recognise that other commercial development is in the locality, albeit one of the sites advanced by the appellant is likely to be temporary in nature, as it is linked to the Sizewell C development. However, given its location and proximity to other development, I consider the site to be in a location, with access to public transport. Additionally, whilst only a snapshot in time, I experienced a number of cyclists when undertaking my visit, thus I do not consider the highway conditions prejudicial to the use of a bicycle. In any event, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
11. LP Policy SCLP12.34 seeks a strategy for the rural areas, to support and enhance the vitality of rural communities and enhance the visitor experience whilst protecting and enhancing landscapes, and the natural, built and historic environment. Whilst the impact of the proposed development could be reduced through the imposition of suitably worded planning conditions, the introduction of the built development to the site would/results in significant visual harm, which is further compounded by the conflict with LP Policies SCLP4.2 and

SCLP4.5 b).

12. For the reasons given above, the site does not constitute an appropriate location for the proposed development, having particular regard to safeguarding the countryside and ensuring a suitable and sustainable form of development. Therefore, the proposed development conflicts with the strategic aims of LP Policies SCLP3.3, SCLP4.2, SCLP4.5 b), SCLP12.34 for the reasons identified above. It also fails to accord with the requirements of the Framework.
13. LP Policies SCLP 4.3 and SCLP 4.7 have been referred by the Council in its decision notice. However, these policies relate to 'Expansion and Intensification of Employment Sites' and 'Farm Diversification', respectively. Therefore, I find it these policies are not directly applicable to the case before me.

Planning Balance and Conclusion

14. The proposed development would result in economic benefits through the creation of local jobs, including those created during the construction phase. However, given my findings above, the proposed development conflicts with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It is also at odds with the requirements of the Framework.
15. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

- Mr B Willis MRTPI (agent)
Vision Design and Planning
- Mr K Pack (appellant)

FOR THE LOCAL PLANNING AUTHORITY:

- Mr A Martin BA(Hons) Msc Licentiate MRTPI
Principal Planner (Major Sites) at East Suffolk Council
- Mr J Beck MA, Licentiate MRTPI
Principal Planner (Policy) at East Suffolk Council

INTERESTED PARTIES:

- Mr J Ross (local resident)
Chair of Levington and Stratton Hall Parish Council
- Cllr L Reeves
District Councillor at East Suffolk Council
- Mr D Long (local resident)