



Appeal Decisions

Site visit made on 11 July 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal A Ref: APP/X3540/W/23/3328351

Apple Tree Barn (proposed name), Town Farm Lane, North Green, Kelsale, Saxmundham IP17 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Alan Ambrose against East Suffolk Council.
 - The application Ref is DC/23/1320/FUL.
 - The development proposed is change of dwelling design for DC/20/1127/FUL and APP/X3540/W/21/3270972 - single storey design.
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Appeal B Ref: APP/X3540/W/23/3329067

Apple Tree Barn (proposed name), Town Farm Lane, North Green, Kelsale, Saxmundham IP17 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Alan Ambrose against East Suffolk Council.
 - The application Ref is DC/23/1319/FUL.
 - The development proposed is change of dwelling design for DC/20/1127/FUL and APP/X3540/W/21/3270972 - 1.5 storey design.
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Decisions

1. Appeals A and B are dismissed.

Applications for Costs

2. Applications for costs in relation to both appeals have been made by Mr Alan Ambrose and are the subject of separate decisions.

Preliminary Matters

3. The appeals have been submitted against the Council's failure to determine the planning applications within the statutory timescales. The appellant's statements of case set out what they consider to be the likely reasons for refusal, based on discussions with the Council during the consideration of the planning applications.
4. The appellant suggests that the putative reasons for refusal set out in the Council's statements of case do not fully reflect the issues previously discussed. However, I have based the main issues in this appeal on the putative reasons provided by the Council, insofar as they relate to the issues in dispute between the parties.

5. The appeal site lies close to the Grade II Listed North Green Farmhouse (the LB) and I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special regard is given to the desirability of preserving the LB or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

6. The main issues in the case of both appeals are:
 - whether the submitted plans are sufficiently clear and accurate; and
 - the effect of the proposed developments on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the LB.

Reasons

Clarity and accuracy of plans

7. Paragraph 56 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) requires planning conditions to meet 6 tests, which include being necessary, enforceable, and precise.
8. In the event of planning permission being granted, it would be necessary to impose a condition specifying the approved plans in the interests of certainty. Paragraph 140 of the Framework requires relevant planning conditions to refer to clear and accurate plans and drawings which provide visual clarity about the design of the development.
9. Both proposals include a 'cart lodge' with a rectangular footprint. The Design & Access Statements submitted for both appeals refer to a 3-bay cart lodge with general storage above, containing two parking bays and one bay for garden storage and bicycles. The proposed location and design of the cart lodge appears the same in both appeals.
10. In both cases, the submitted drawing titled "Elevations" shows the cart lodge was initially proposed with an external staircase. Revised elevations drawings were submitted during the application process for both proposals showing the cart lodge with a lower roof height and the external staircase omitted.
11. In the case of Appeal A, the elevations drawings show the cart lodge at an angle whereby two elevations are visible alongside each other. However, all 4 elevations are clearly visible on the plans. As such, when read alongside the block plan on the drawing titled "Block plan, location plan with visibility spays, street view", sufficient details of the cart lodge are shown to understand the external design and layout of the proposal.
12. A floor plan for the cart lodge would have been beneficial to allow a greater understanding of the proposal. However, given that the elevations and block plan show sufficient detail, I am not convinced that the lack of such a drawing would be a determinative factor.
13. Nevertheless, the drawing including the block plan also includes a street view, which illustrates the cart lodge as it was initially proposed, with the higher ridge line. While this may be an oversight that has not been picked up as part of the aforementioned revisions, I am nonetheless required to determine the

appeal on the plans before me. Accordingly, when read together as a set of drawings, as is necessary to fully understand the proposal, the drawings are inconsistent.

14. In respect of Appeal A, I therefore do not find the submitted drawings to be sufficiently clear or accurate. Consequently, securing these details by condition would fail to meet the tests of enforceability and precision set out in the Framework and PPG.
15. The appellant has submitted detailed evidence of correspondence with the Council while the application subject to Appeal A was under consideration, some of which indicates that the Council was satisfied with the submitted details. However, I must determine the appeals based on the plans before me, and the submitted correspondence between the parties would not alter my findings on this matter.
16. My findings on Appeal A regarding the inconsistencies between the "Elevations" and "Block plan, location plan with visibility spays, street view" drawings would also apply to Appeal B.
17. Additionally, the elevation drawings for Appeal B fail to fully illustrate all 4 elevations of the cart lodge, with the "NE View from Dove Barn" showing the cart lodge partly obscured by the main dwelling. While it is suggested that the details are the same as those in respect of Appeal A, the drawings show insufficient detail to ascertain this. Given these factors, the lack of a floor plan in respect of Appeal B creates further uncertainty regarding the design of the proposal.
18. For the reasons given above, the proposals in respect of Appeals A and B are not sufficiently clear or accurate to allow the proposals to be fully assessed or to be secured by conditions that would be enforceable and precise. The proposals would therefore fail to accord with Policy SCLP11.1 of the Suffolk Coastal Local Plan – Adopted 23 September 2020 (the SCLP) which seeks, in respect of this issue, for the overall scale and character of development to clearly demonstrate consideration of the component parts of the buildings and the development as a whole in relation to its surroundings. It would also fail to accord with the relevant provisions of the Framework, as previously set out.

Character and appearance

19. Notwithstanding the inconsistencies in the submitted drawings previously identified, I have considered this issue, insofar as I am able to accurately assess the details, against the revised proposals showing the lower height cart lodge.
20. The LB was listed in 1951 and dates from the 16th century. It comprises a large, detached house set in its own spacious grounds, set back from but highly visible from Town Farm Lane. The setting of the LB includes the appeal site and the cluster of buildings to the northeast of the appeal site, which have a traditional rustic appearance. The LB is notably more substantial than the nearby buildings forming part of its setting. Its special interest lies in its scale, appearance and solitary position within substantial grounds, whilst retaining a visual connection to nearby development.

21. Although I have determined the appeals on their own merits, I have had regard to the development permitted by my colleague's appeal decision of November 2021¹.
22. The Council considers the eaves height and overall scale of the Appeal A proposal to be greater than that allowed under the previous appeal decision, and accordingly it would not be 'low profile'.
23. The Appeal A proposal relates to a wholly single-storey development. It would incorporate traditional rural materials and design characteristics similar to those found on the nearby buildings to the northeast, and its design would integrate with the surroundings.
24. When compared to the scheme allowed by the previous appeal, the scale and height of the dwelling would not represent a significant increase. The cart lodge would be marginally taller, would cover a larger footprint and would have a more solid appearance with fewer open elements than previously approved. However, it would remain a single-storey structure, the scale and position of which would appear proportionate in the context of the surroundings.
25. Overall, the Appeal A scheme would assimilate with the rural character of the area and would be of an appropriate scale in the context of nearby development. Accordingly, it would not harm the character or appearance of the area, and it would preserve the setting of the LB.
26. My conclusions in respect of the cart lodge for the Appeal B scheme are the same as those for Appeal A. However, the Appeal B dwelling would be significantly taller, being described as 1.5 storeys but appearing, to all intents and purposes, as a 2-storey dwelling.
27. The proposed dwelling would feature similar materials to the Appeal A scheme. However, its height and design, including a projecting glazed gable to the southeast elevation and substantial amount of glazing on prominent elevations at first floor level, would appear dominant and incongruous in the context of its surroundings.
28. The photomontage images supplied by the appellant helpfully illustrate the likely finished appearance of the dwelling from various angles, including in relation to the LB. The special interest of the LB is partly derived from its scale, appearing more substantial alongside the reduced scale of neighbouring development. Although there are existing taller dwellings to the northwest, the proximity of the appeal site to the LB would lead the proposal to appear dominant and disproportionate alongside it. Even if additional natural screening of the LB was to develop over time and create a visual separation between the sites, as the appellant suggests, I am not persuaded this would mitigate the harm arising through the proposal. Accordingly, these factors do not convince me that the proposal would be acceptable.
29. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given my findings above, I find the harm to

¹ APP/X3540/W/21/3270972

the setting of the LB in respect of Appeal B to be less than substantial but nevertheless of considerable importance and weight.

30. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I am provided with limited detail of any such public benefits, but the proposal would provide a new energy-efficient dwelling which would contribute to the Council's housing stock. However, because the proposal would provide only one residential unit, I give the public benefits only a small amount of weight. As such, given the great weight I must give to the conservation of designated heritage assets, the harm I have identified would not be outweighed in respect of Appeal B.
31. The appellant has referenced other applications in the vicinity and has highlighted how they consider the Council has acted inconsistently. Notwithstanding that I must consider each case on its own merits, these cases are a material consideration. However, even bearing in mind the proximity to the appeal site, the different characteristics of the sites result in different considerations. Accordingly, these cases are of limited weight in my decisions. The previous decision on the appeal site is of greater weight, although this does not alter my previous findings given the notable differences between the proposals.
32. I also note the appellant's reference to an appeal in progress² on land adjacent to the appeal site. However, this appeal has since been dismissed, and my colleague's decision does not alter my previous findings.
33. Based on the proposals for the lower height cart lodge, the Appeal A proposal would not harm the character or appearance of the area and would preserve the setting of the LB. However, for the reasons given above, the Appeal B proposal would harm the character and appearance of the area and would fail to preserve the setting of the LB. Accordingly, the Appeal B proposal would conflict with Policies SCLP11.1, SCLP11.3 and SCLP11.4 of the SCLP. In relation to this issue, these policies seek to support locally distinctive and high-quality design that clearly demonstrates an understanding of the key features of local character, to conserve and enhance the historic environment, and for proposals not to harm the character of listed buildings and their settings or any features that contribute towards its special interest. The Appeal B proposal would also conflict with the relevant provisions of the Framework, the aims of which have been previously outlined.

Other Matters

34. The submitted evidence notes that the site lies within the zone of influence (ZoI) of one or more European Sites. The provision of additional housing within the ZoI has the potential to adversely affect the integrity of the European Sites through additional recreational pressure. I note the appellant has made a financial contribution towards the Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which seeks to mitigate recreational impacts on the European Sites arising through development. Had I been minded to allow either of the appeals, it would have been necessary to consider this matter within an Appropriate Assessment. However, because I am dismissing the appeals for other reasons, I have not done so.

² APP/X3540/W/23/3324133

Conclusion

35. For the reasons given above, although I have identified no harm in respect of the character or appearance of the area or the setting of the LB for Appeal A, both proposals would fail to accord with the development plan as a whole. Given there are no material considerations that would lead me to a decision other than in accordance with the development plan, I conclude that Appeal A and Appeal B should both be dismissed.

P Storey

INSPECTOR