



Appeal Decision

Site visit made on 23 April 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/X3540/W/24/3343714

7 Holly Grange Road, Kessingland, Suffolk NR33 7RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Jane Gray against the decision of East Suffolk Council.
 - The application Ref is DC/23/4813/FUL.
 - The development proposed is described as:
"Re-site proposed dwelling as approved (DC/22/0182/FUL – granted 16/06/2022) and retrospective approval for siting of cabin and shepherds hut."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit the cabin and shepherd's hut were in place and appeared consistent with the plans on which the Council based its decision. I have therefore determined the appeal on the basis of those plans.
3. An updated version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on the implications of the revised Framework for this appeal, and I have had regard to any comments received in my decision.

Main Issues

4. The main issues are:
 - whether the submitted plans are sufficiently clear and accurate;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety; and
 - the effect of the proposed development on trees.

Reasons

Clarity and accuracy of plans

5. Paragraph 57 of the Framework and the Planning Practice Guidance (the PPG) require planning conditions to meet 6 tests, including being necessary, enforceable, and precise.

6. If planning permission were to be granted, it would be necessary to impose a condition specifying the approved plans, in the interests of certainty. Paragraph 140 of the Framework supports this, requiring planning conditions to refer to clear and accurate plans and drawings that provide visual clarity about the design of the development.
7. The description of development in the banner heading refers to the re-siting of a dwelling previously approved under an earlier permission. However, the only reference to this dwelling in the submitted plans is the outline of its footprint shown on the proposed site plan (drawing number AB6-14.12.2023). No elevation drawings or internal layouts have been provided.
8. Whilst the description implies that the dwelling is the same as that approved previously, no details of that prior permission or its associated plans have been submitted. As the appeal relates to an application for full planning permission, rather than a variation of the previous approval, full details of the proposed dwelling are necessary for a proper assessment of the proposal.
9. To address a separate issue concerning highway safety, an additional plan (drawing number A24-0007 001) was submitted after the Council had determined the application. However, this drawing does not show the proposed dwelling. Instead, the area indicated as the dwelling's footprint on drawing AB6-14.12.2023 is depicted as a parking area.
10. Given this plan was not before the Council when determining the application, I have had regard to the provisions of the *Holborn Studios*¹ judgment. Nonetheless, even if this later drawing was accepted as part of the appeal, it would not resolve the key issue concerning the lack of essential detail for the proposed dwelling.
11. As such, the submitted plans are both inconsistent and lacking in necessary detail. They are not sufficiently clear or accurate to allow the proposal to be properly assessed or secured through enforceable and precise conditions. The proposal therefore conflicts with Policies WLP8.29 and WLP8.33 of the East Suffolk Council Waveney Local Plan, adopted 20 March 2019 (the LP) and Policy H2 of the Kessingland Neighbourhood Plan, made on 25th January 2017 (the NP). These policies collectively require development to demonstrate a clear understanding of the form and character of the built environment, and to ensure the scale, design and siting of development is in keeping with its surroundings. The proposal would also conflict with the relevant provisions of the Framework, which have similar aims.

Character and appearance

12. The Council's concerns regarding this issue focus on the scale and positioning of the cabin near the site frontage. The cabin is a timber structure comprising a ground floor and a mezzanine level, featuring a glazed frontage on the southwest-facing end elevation, and a sloping roof.
13. Holly Grange Road is a private road with no dedicated footpaths or pedestrian infrastructure. Access to the appeal site is via a separate, roughly surfaced track that connects to Holly Grange Road. No substantive evidence has been provided regarding the ownership of either the track or Holly Grange Road.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

14. The surrounding area is characterised by a well-established pattern of development, consisting of dwellings of varying scale and design. These are typically of permanent construction and are orientated with their principal elevations facing the street. In contrast, and notwithstanding the lack of clarity concerning the proposed dwelling, the cabin is positioned directly adjacent to the site frontage, with its principal elevation facing inward, away from the street. As a result, the elevation facing the access track; effectively the public-facing frontage; is predominantly solid timber. Additionally, the overall scale of the cabin, particularly its height due to the mezzanine level, creates a visually prominent and incongruous form along the site frontage.
15. Whilst there are other structures of a similar nature in the vicinity, including one on a neighbouring plot to the south, the specific characteristics of the appeal proposal, specifically its scale and siting, do not reflect the prevailing character of the wider area. Although the appellant suggests the development could benefit from permitted development (PD) rights, it is not the purpose of this appeal to consider this possibility. Moreover, no substantive evidence, such as a certificate of lawfulness, has been submitted to demonstrate that PD rights would constitute a realistic fallback position.
16. For these reasons, I conclude that the development would harm the character and appearance of the area and conflict with Policies WLP8.29 and WLP8.33 of the LP, Policy H2 of the NP, and the relevant provisions of the Framework, the aims of which have previously been set out.

Highway safety

17. At the time of my visit, an access to the site had been formed via the roughly surfaced track leading from Holly Grange Road. I observed that the position of this access broadly corresponds with the dotted line shown on drawing number AB6-14.12.2023. As this drawing was before the Council when determining the application, I am not persuaded by the Council's assertion that no vehicular access details were provided.
18. However, whilst this drawing includes a broadly indicated area marked as 'temporary parking', it does not present a formal parking layout or an indication of the site's vehicular capacity. The Design and Access Statement submitted with the planning application states that the cabin would be occupied by the appellant, with the shepherd's hut intended for occasional use by family and friends. Policy TM1 of the NP sets out minimum parking standards for all new development. Given the absence of detail on the submitted plans, including no information about the size of the proposed dwelling, I am not satisfied that the plans demonstrate sufficient on-site parking provision.
19. Although the later drawing (number A24-0007 001) does indicate possible vehicle parking areas, it omits the proposed dwelling. Instead, vehicles are shown parked on what was previously identified as the dwelling's footprint, based on the earlier site layout.
20. These inconsistencies do not provide sufficient assurance that the development would deliver adequate on-site parking. The likely consequence of this shortfall would be off-site parking, which poses a risk to highway safety. As such, the proposal would conflict with Policies WLP8.29 and WLP8.33 of the LP, and Policies H2 and TM1 of the NP. In respect of this issue, these policies collectively

seek to ensure development provides adequate car parking and turning areas to appropriate standards. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Trees

21. The cabin positioned adjacent to the site frontage lies beneath the canopy of several existing trees. The Council is concerned that the structure may fall within the root protection zone of these trees, and that any potential damage or loss of these trees would harm the character of the area.
22. The appellant contends that the trees in question are leylandii, a species that would typically not qualify for protection under a Tree Preservation Order (TPO). Based on my observations, the trees do appear to be leylandii. Given their non-native status, it is highly unlikely that they would be subject to a TPO. Whilst the trees contribute to the area's verdant character, I have not been presented with any substantive evidence to suggest that their removal could not otherwise be undertaken independently of this development.
23. Therefore, even if the cabin was to encroach on the root protection zones of these trees, I am not persuaded that their potential removal would cause unacceptable harm to the character or appearance of the area.
24. For these reasons, I conclude that the proposal would not have an unacceptable impact on trees. In respect of this issue, it would accord with Policies WLP8.29 and WLP8.33 of the LP, and Policy H2 of the NP, which together seek to safeguard greenery and protected trees. It would also accord with the relevant provisions of the Framework in these terms, which have similar aims.

Other Matters

25. The appellant has requested that, in the event of the proposal being found unacceptable, a temporary planning permission be granted "to be able to retain the two units on site for a period of four years only". Reference is made to the previous planning permission, and it is stated that the current owner is living in the building on site whilst she explores options of either selling the plot or undertaking the development herself. This is said to be in the context of navigating economic and legal complexities in the current market. The potential use of the cabin and shepherd's hut as holiday lets has also been suggested.
26. However, I must determine the appeal based on the proposal as it was presented to the Council at the time of its decision, which did not include use of the units as holiday accommodation. Furthermore, even giving weight to the potential for the development to assist in the delivery of housing, the previously identified inconsistencies and lack of detail lead me to conclude that a temporary permission could not be adequately controlled or enforced through planning conditions.
27. The site lies within the Zone of Influence of one or more European Sites identified under the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). To address the requirements of the RAMS, the appellant has made a financial contribution to the Council intended to mitigate the additional recreational pressure on the European Sites resulting from the proposed development. Were I minded to allow the appeal, it would be necessary to consider these matters within an appropriate assessment. However, as I have

found the proposal to be unacceptable for other substantive reasons, it has not been necessary to carry out such an assessment in this case.

Conclusion

28. The proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR