



Appeal Decision

Site visit made on 26 August 2025

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/X3540/W/25/3360615

Lowestoft Lifeboat Crew Association, Links Road, LOWESTOFT, NR32 4PQ

- 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 Mr and Mrs A Power against the decision of East Suffolk Council.
 - The application Ref is DC/24/3595/FUL.
 - The development proposed is demolition of an existing single storey building previously used as Lowestoft RNLI Lifeboat Crew Association social club. This is to be replaced with a new build detached private dwelling.
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Decision

1. The appeal is dismissed.
2. On 1 April 2019 Waveney District Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council. The development plans for the merged local planning authority remain in place for the former area of the Waveney District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Waveney District Council.

Main Issues

3. The mains issues in this appeal are:
 - whether the site represents an appropriate location for the proposed development; and
 - the effect of the development on the character and appearance of the area.

Reasons

Spatial Strategy

4. Policy WLP1.1 and WLP1.2 of the East Suffolk Council Waveney Local Plan 2019 (LP) restricts development in the countryside except where other policies in the LP indicate otherwise. Policy WLP8.7 provides for a limited amount of housing in the Countryside, with small scale development of up to three homes within clearly identifiable gaps in a built-up frontage, on land which is surrounded by residential development (including its curtilage) on two sides (including the opposite side of the highway). This approach allows for development which does not encroach further into the countryside and is enclosed by surrounding residential dwellings, therefore limiting the effect on the landscape and character of the area.

5. The Council's spatial strategy, as set out within the LP, allows for some residential development in the Countryside and identifies that approximately 10% of new housing will be delivered in the rural areas. It recognises that such development can support communities by delivering housing types and sizes that are needed locally and provide opportunities for members of the existing community to live nearby and retain their social connections and could provide social and economic benefits to the Countryside, with limited impacts on the environment or character of the area.
6. Policy WLP8.7 of the LP goes on to set out that the design of the scheme will need to respect and reflect the character of the settlement and existing built up frontage including that the housing density is reflective of the density of the surrounding built up area; and the ratio of the building footprint to the plot area is consistent with existing properties nearby.
7. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would be within a clearly identifiable gap in a built up frontage.
8. The appeal site is located towards the end of Links Road, with a compact residential development to one side and then the road leading past the appeal site towards the beach and carpark. Therefore, the appeal site does not comprise an existing gap between built development and does not contribute to a continuous built frontage and is broadly concealed from views from the road by the existing landscaping. Together this leads me to conclude that the development would not constitute the infilling of a clearly identifiable gap in a built-up frontage.
9. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would not be reflective of the pattern of development within the surrounding built up area.
10. The development proposed is therefore contrary to policies WLP1.1, WLP1.2, WLP7.1 and WLP8.7 of the LP which seek to ensure appropriate development within the Countryside.

Character and appearance

11. Policy WLP8.35 of the LP sets out that proposals for development should be informed by, and be sympathetic to the distinctive character areas, strategic objectives and considerations identified in the Waveney District Landscape Character Assessment (2008) LCA. However, I have not been provided with any evidence with regard to the LCA and the Council have not made reference to it within their report.
12. Policy WLP8.29 sets out that development proposal will be expected to demonstrate high quality design which reflects local distinctiveness. Proposals should demonstrate a clear understanding of the form and character of the natural environment and respond to local context. Development should take account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural features on site.

13. The site is directly adjacent to the Gunton Warren County Wildlife Site and Gunton Warren and Corton Woods Local Nature Reserve (LNR) and currently comprises a single storey flat roof building, which sits modestly within the landscape. The site is considerably overgrown with the only part of the site visible from the road being the entrance hoardings which have been erected to secure the site.
14. Despite the existence of neighbouring properties, the limited amount of existing development along this part of Links Road and the wider context of the cliffs leading down to the beach positively contributes to the coastal character of the area. The proposal would extend residential development along this part of Links Road. The introduction of a dwelling in this location would alter the character and appearance of the site, resulting in an urban form that would intrude into the landscape.
15. It has been put to me that the existence of the structure on the site, which has altered the character of the site, results in it having a developed nature. However, even noting the presence of the existing outbuilding, which is modest in its proportions, the site retains an organic form with a mixture of landscaping present. It does not have the appearance of a managed site and retains its presence as part of the landscaping which forms the LNR when viewed from the beach.
16. I have had regard to the scale and design of the dwelling, which has been developed to take into account the existing terracing of the site, but would still be significantly taller than the building it replaces, having three floors of accommodation. The first floor provides access to a raised terrace which would provide one of two external seating areas. The changes which would result in the intensification of the site as part of permanent occupation, including visually from the scale of the building and the introduction of internal and external lighting would be noticeable within this landscape.
17. The site is adjacent to an area of woodland which is controlled by Suffolk Wildlife Trust and according to the appellant's Tree Survey, the site is surrounded by a number of Category B and C Trees, comprising Sycamores and Holm Oaks of moderate to low arboricultural value. The development would result in the removal of two trees which would be replaced by four trees near to the site.
18. The appeal is accompanied by a Tree Protection Scheme by Ligna Consultancy, dated February 2025. This sets out that T2 (Sycamore) and T10 (Sycamore) are to be removed. T2 in particular would have its tree canopy extending directly over the proposed external seating area, whilst T10 extends over the roof of the proposed dwelling. A number of trees are to have their canopies reduced, so as not to extend over the appeal site.
19. These works are all outside of the appeal site and on land beyond the ownership of the appellant. As such the mitigation suggested for the removal of the trees, being replacement planting, meaning both its planting and longer-term retention, could not be secured by condition and therefore could not be relied upon to alleviate the impact on the character of the area resulting from the loss of trees.
20. Whilst the Council have suggested that the positioning of a dwelling close to the trees would place additional pressure on those trees to be harmfully pruned or removed in the future, given the trees are outside of the appeal site on land controlled by Suffolk Wildlife Trust, this would limit the appellant's ability to carry out any future works proposed to the trees.

21. The appellant's evidence sets out how the scheme can be carried out successfully without compromising the trees, and if these mitigation measures were properly adhered to during the construction of the dwelling then the risk to the trees would be minimal. Therefore, I conclude that the risk from the development to the long term health and viability of the trees is adequately mitigated.
22. However, notwithstanding this, the introduction of development in this location, would lead to an intrusion into the countryside, failing to recognise the intrinsic coastal character of the countryside. The development would conflict with policies WLP8.29 and WLP8.35.

Other Considerations

Self-Build

23. The Self-Build and Custom Housebuilding Act 2015 together with the Self-build and Custom Housebuilding Regulations 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet demand in the authority's area, in each base period. It requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. Authorities must have regard to their register when carrying out their planning functions.
24. Both parties have referred to the scheme as self build and custom housing (SBCH), with the council accepting that on that basis the scheme would be exempt from mandatory Biodiversity Net Gain (BNG).
25. BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act) (inserted by the Environment Act 2021). Under the statutory framework for BNG, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met.
26. There are, however, exceptions to this requirement and this is set out in the Planning Practice Guidance (PPG). One exemption is where the proposal is for SBCH and consists of no more than 9 dwellings and is carried out on a site which has an area no larger than 0.5 hectares and consists exclusively of dwellings which are SBCH.
27. I accept that government policy is supportive of self-build housing, with the PPG highlighting that authorities must give permission to enough suitable serviced plots to meet the demand for self-build and custom built housing in the area. The proposed development would contribute to the Councils requirement to make adequate provision for self build dwellings, in accordance with the provisions of the Self Build and Custom Housing Act 2015, albeit I have not been provided with any evidence to suggest there is a shortfall in the Council's provision.
28. Furthermore, I am not aware that the appellant is currently on the Council's Self Build Register and in any event no firm evidence has been provided which demonstrates that the proposal would accord with the definition of self-build and custom housebuilding and more importantly no mechanism, in the form of a legal obligation or suggested condition is before me which would ensure that it would be so. I therefore attach limited weight to this matter.

29. In terms of the exemption for BNG, if I had been minded to allow the appeal I would have gone back to the parties to obtain a view as to whether a legal obligation was required to secure the development as SBCH.

Previously approved schemes

30. The site has previously had planning permission for a two storey restaurant and two three storey holiday homes, both permissions, granted in 2013 (DC/12/1417/FUL) and 2017 (DC/17/1481/FUL) have subsequently lapsed.
31. Both of these applications were considered under the previous local plan and as such the policy issues for both schemes would have been different. Furthermore both schemes approved presented different types of development to that before me. In particular, it is noted from the evidence that weight was given to the benefits arising from commercial tourism for the proposed restaurant and that support for tourist accommodation can be found in the current local plan, which was considered when an application to remove the occupancy condition in 2018 was refused.
32. As such the previous planning permission on site only attracts limited weight for the reasons outlined above.

Previously Developed Land

33. Paragraph 125c of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, proposals for which should be approved unless substantial harm would be caused. However, in this instance the site is outside of the settlement boundary and therefore does not fully accord with the requirements of the paragraph.
34. The Council has suggested that the site does not meet the definition of previously developed land, as the remains of the structure have blended into the landscape. However, the structure remains in place and although currently hidden behind the existing hoardings, would be visible from Links Road should the hoarding be removed. Therefore, I am of the opinion that the site could meet the definition of previously developed land.
35. As such I have given significant weight to the reuse of the existing site, noting that it lies beyond the existing settlement and as such does not attract substantial weight in this regard.

Other Matters

European Designated Sites

36. The appeal site falls within a 'Zone of influence' for the European designated sites of the Benacre to Easton Bavents Special Protection Area (SPA) and Benacre to Easton Bavents Lagoons (SAC). Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impact on European designated sites are compliant with the Habitats Regulations.
37. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination

with other projects, that would adversely affect the integrity of the SPA and SAC. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

38. Since the development is for 1 dwelling, the number of additional recreational visitors would be limited and the likely effects on the SPA and SAC from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
39. The site is within the 13km zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned SPA and SAC. Therefore, I consider that the development would have an adverse effect on the integrity of the SPA and SAC, but regard can be had to whether these adverse effects can be mitigated.
40. The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy Planning Document sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the Habitat Sites.
41. The appellants have indicated that they have made a per dwelling contribution to fund the Suffolk Recreational Avoidance Mitigation Strategy (RAMS) and the Council has confirmed that the payment has been made. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Planning Balance

42. The Council confirmed it can no longer demonstrate a 5 year supply of deliverable housing land, with the evidence indicating a supply of 3.33 years, and accordingly paragraph 11(d) of the Framework is engaged. Whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
43. Footnote 9 explains that the policies referred to, which are relevant to this appeal are paragraphs 84, 110, 115, 129, 135 and 139. The proposal accords with 84, 110 and 115 as the site is well located in terms of its proximity to services and is of a scale appropriate to the size of the existing settlement and as such lies within a sustainable location. There is no evidence that highway safety would be compromised, or that local infrastructure would be unable to meet the needs of the

development. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.

44. However, the proposal would not achieve the aims of paragraphs 129, 135 and 139 which together support development that makes efficient use of land taking into account the desirability of maintaining an areas prevailing character and setting, is visually attractive as a result of good architecture and layout and accords with the National Design Guide. The proposal would fail to maintain the area's prevailing character and setting (129d) and would not add to the overall quality of the area, failing to be sympathetic to local character, including the landscape setting (135a, 135c).
45. Therefore, noting the modest scale of the development proposed, I have attributed moderate weight to the delivery of housing in this instance, having regard to its conflict with the policies of the framework.
46. However, the identified adverse impacts of the development, the conflict with the development plan and the adverse impacts to the character and appearance of the area, to which I have afforded considerable weight would significantly and demonstrably outweigh the benefits of SBCH, the planning history of the site, the use of previously developed land and the contribution to the council's five year housing land supply as outlined above.
47. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

48. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR