



Appeal Decision

Site visit made on 3 November 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2025

Appeal Ref: APP/X3540/D/25/3371948

Pike Cottage, The Street, Letheringham, Suffolk IP13 7QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Alex Tosetti against the decision of East Suffolk Council.
 - The application Ref is DC/25/1051/VOC.
 - The application sought planning permission to remove existing shed and erect two bay cart lodge and store without complying with a condition attached to planning permission Ref DC/20/3495/FUL, dated 30 October 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be completed in all respects strictly in accordance with 19111-100 received 08/09/2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
 - The reason given for the condition is: For the avoidance of doubt as to what has been considered and approved.
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Decision

1. The appeal is allowed and planning permission is granted for o remove existing shed and erect two bay cart lodge and store at Pike Cottage, The Street, Letheringham, Suffolk IP13 7QZ in accordance with the terms of the application, Ref DC/25/1051/VOC, without compliance with condition number 2 previously imposed on planning permission Ref DC/20/3495/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing number 25-19-100-B.
 - 2) The development hereby permitted shall be carried out in accordance with the details approved under application reference DC/23/0301/DRC.

Preliminary Matters

2. The application form states that the development has commenced but is not yet complete. Whilst the roof trusses have been constructed, and the building is watertight the development has not been completed. In any event, I shall make my decision against the plan submitted with the application.

Background and Main Issue

3. The appeal site consists of the dwelling, known as Pike Cottage and its associated garden. Planning permission was granted under application reference DC/20/3495/FUL for the removal of an existing shed and erection of a two bay cart lodge and store, subject to conditions. This included, at condition 2, that the

development shall be completed in all respects strictly in accordance with 19111-100. An application to vary condition 2, to amend the building through an increase in the eaves and ridge height, was refused under reference DC/25/1051/VOC.

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site extends to the side of the existing dwelling and annexe and to the rear towards the River Deben. The land at the site is set below that of The Street and continues to gradually fall towards the river. On the other side of the road, the land rises considerably before the gradient reduces. Development in the area typically fronts The Street and consists of dwellings of primarily two-storey and one and a half-storey scale. The area has an overtly rural character typified partly by open fields and mature trees and hedges.
6. The development is for a building with a ridge height 1.2 metres taller than that approved under application reference DC/20/3495/FUL. The land level at the position of the building has been lowered resulting in the actual difference in ridge heights being 0.9 metres, once the building is complete. Nonetheless, given the increased ridge height, the building is more visible within The Street than what the approved building would have been.
7. Nonetheless, visibility is not analogous to harm. The building is within a row of dwellings forming The Street, Letheringham and is viewed within the context of the existing development in the area. Whilst the building is more visible, the limited height difference in comparison to the approved scheme restricts the visual impact on the area. The external material finish, including dark stained timber weatherboarding and a clay pantile roof, would reflect the ancillary nature of the building. Moreover, the sympathetic material finish and simple pitched roof design would respect the prevailing rural character of the area once the building is complete.
8. I conclude that the development, once complete, would not harm the character and appearance of the area. The development therefore accords with Policies SCLP10.4 and SCLP11.1 of the Suffolk Coastal Local Plan 2020, which collectively require that proposals are of a high quality design that respects local character and responds to the scale and form of surrounding buildings and preserve the special qualities of the area.

Other Matters

9. Concerns have been raised that the development has been carried out in breach of the planning permission. Whilst the development is not complete, the provisions of Section 73A of the Town and Country Planning Act 1990 allow for the submission of retrospective applications, which are subject to the same considerations as those made prior to development commencing.
10. The dwelling at the site, Pike Cottage, is a Grade II listed building. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting.
11. The cart lodge and store is set away from the listed building, beyond an existing single-storey building linked to Pike Cottage via an arched gateway. Given the

modest scale of the building, its position away from the listed building and its sympathetic design and palette of materials, the development would not harm the significance of the listed building.

12. The building is close to an existing hedge forming the boundary with the neighbouring dwelling at Cherry Tree. The increased ridge height would make the building more visible than the approved building. Nonetheless, the modest increase in height in addition to the position and separation distance from the neighbouring dwelling, would not lead to a harmful loss of light or outlook for occupants of Cherry Tree.
13. The land levels at the site have been lowered to accommodate the building. However, based on the evidence before me, the building is within Flood Zone 1 on land significantly above the river. Given the limited size of the footprint of the building, and in the absence of contrary evidence, the development is unlikely to lead to an increase in flood risk elsewhere.
14. While concerns have been raised regarding the future use of the building, the development is for a cart lodge and store associated with the dwelling at Pike Cottage. I have therefore considered the appeal on this basis.

Conditions

15. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The Council state that condition 3 of the original planning permission has been discharged and has suggested that a condition be included that requires the development to be carried out in accordance with the approved details.

Conclusion

16. For the reasons given above the appeal should be allowed. I will grant a new planning permission varying the disputed condition and restating the undisputed condition that is still subsisting and capable of taking effect.

J Pearce

INSPECTOR