

Housing appeal decisions for w/c 18 July 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Issues Summary
185-189 Newmarket Road & 1 Godesdone Road, Cambridge	APP/Q0505/W/22/3292173	Mixed use development comprising a ground floor retail space and 12 1xbed residential units (net increase 9)	Cambridge City Council	Dismissed	Conversion and extensions to existing buildings and demolition of existing block outside the edge of a conservation area, the significance of which stemmed from the appearance and legibility of historic buildings, as well as a river. The incongruous nature of the proposal would be exacerbated by unsympathetic first floor windows, out of pattern and proportion with nearby terraces, resulting in less than substantial harm to conservation area character and appearance which no cited public benefit outweighed.
Land south of New Smithy Avenue, Thurlstone, Penistone S36 9QZ	APP/R4408/W/22/3292820	Development proposed is residential development	Barnsley MBC	Allowed	Proposal on site within a conservation area with a 2018 outline approved for 21 dwellings and reserved matters granted by Council in December 2021. Proposal acceptable as would lead to only a modest increase in traffic generation compared to the consented scheme, subject to a mitigating layby as required in previous approval, to address road conditions arising from onstreet parking on a bend. The proposed layout, design and landscaping would not be out of keeping or harm the conservation area.
Land at Brigg Road, Messingham, North Lincolnshire DN17 3QX	APP/Y2003/W/21/3278257	Hybrid planning application for 99 dwellings	North Lincolnshire Council	Allowed	Proposal on the edge of a village with five houses on a field within the settlement boundary of the village and the remainder in open countryside beyond the boundary. The five houses would be an acceptable infilling but the majority of the proposed development contravened local plan locational policy. However, the settlement was sustainable and accessible, with a range of facilities and services and good public transport links. The council had a small shortfall in housing land supply. The proposal would result in some inevitable harm to rural character and village setting from urbanisation of a greenfield site, however this effect was limited by the site's visual containment in a flat landscape with hedgerows and a backdrop of the existing settlement. The adverse effects of the proposed development were not enough to significantly and demonstrably outweigh the benefits of housing.
124 Rushden Road, Wymington NN10 9LH	APP/K0235/W/21/3284468	Erection of up to 13 dwellings	Bedford Borough Council	Allowed	Development of former smallholding just outside settlement boundary of linear village would not be out of keeping with linear pattern due to the presence of three side roads opposite the appeal site and benefit from removal of unsightly structures. Suitable exception site as even if eight affordable homes exceeds local need for village, they would still be occupied by those in borough wide need.
Former site and associated land of Point Pleasant House, off Point Pleasant Terrace, Wallsend NE28 6QQ	APP/W4515/W/22/3294128	Development proposed is described as development of a vacant site to provide 10 no residential dwellings	North Tyneside Council	Dismissed	Proposal on previously developed site prone to fly-tipping, situated between existing dwellings and industrial units, including a large metal fabricating business which the council confirmed had been subject of noise abatement notices. The submitted noise assessment had not included the grinding, shot blasting and hammering activities of the business and considered that it would have been possible to model these from a typical fabrication business. It not therefore been demonstrated that future occupants would experience acceptable levels and types of noise breakout. The appellant relied on residents keeping their windows closed in order to mitigate noise breakout but this alone would be insufficient. The proposal would not provide suitable living conditions for its future occupiers and noise nuisance complaints would have a harmful effect on the operation of nearby commercial premises. Necessary local infrastructure and biodiversity mitigation had not been provided for in the absence of planning obligations.

<p>Land north, Nailstone Road, Barton in the Beans, Nuneaton CV13 0PU</p>	<p>APP/K2420/W/22/3290863</p>	<p>Development proposed is the erection of ten bungalows</p>	<p>Hinckley & Bosworth Borough Council</p>	<p>Dismissed</p>	<p>Proposal on a field adjacent to a hamlet. The proposal would extend the hamlet in a way that doesn't respect the linear pattern, and would harm its setting. The removal of hedgerow to permit access would make the depth of the development more apparent. Argument of the proposal being an exception site failed, due to poor demonstration of need for homes for the elderly and only four of the dwellings counting as affordable. Location is also unsustainable due to distance from services. Significant harms would outweigh lack of five year housing land supply.</p>
<p>Honiton Cattle Market, Silver Street, Honiton EX14 1QN</p>	<p>APP/U1105/W/21/3270077</p>	<p>Redevelopment to form 57 retirement living apartments</p>	<p>East Devon District Council</p>	<p>Allowed</p>	<p>Proposal on a former cattle market site, near the town's high street, lay close to a conservation area and within the setting of a grade II listed church. The site currently had a run down appearance which detracted from the setting of both the conservation area and the church. The new building would be three storeys in height and the functional needs of future occupiers required that it would provide easy indoor access to shared communal facilities and would be the only building of this type and form in the immediate locality. However, there was no prevailing character of built form which needed to be replicated. In relation to the absence of any marketing of the site for business use prior to the submission of the application, the council claimed the proposal undermined its potential to serve the agricultural and rural economy. The former livestock market ceased trading on the site in early 2022 and there was no convincing evidence of harm to the farming sector or any likelihood that the former use would resume. A small business unit redevelopment was unrealistic, with offices, warehousing, industrial and trade counter units being unviable. Therefore, the scheme would not harm business and employment opportunities in the area.</p>