

Housing appeal decisions for w/c 8 August 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Issues Summary
House of Reeves, 114-120 Church Street, Croydon CR0 7RF	APP/L5240/W/21/3274910 & APP/L5240/W/21/3274909	Conversion of the building back into residential use, partial demolition, alteration and extension of the other buildings to provide 124 SqM of commercial floor space & 32 self-contained flats, the erection of a second floor roof extension and other extensions of 3-5 storeys	London Borough of Croydon	Dismissed	Proposal in a local centre and a conservation area in the setting of a number of listed buildings. Part of the site is a Grade II listed house and the neighbouring buildings are locally listed. The five storey block would have a modest impact on views of a nearby Minster. It would however have more of an effect on closer by listed buildings by going against the fine grain of the conservation area. Sympathetic treatment of the building would help undo some of the damage during its commercial life. There would be some loss of internal features. Moderate benefit in terms of home supply or use of previously developed land. The proposal would help retain the building itself but at a cost to neighbouring heritage assets.
Woodfords, Shipley Road, Southwater RH13 9BQ	APP/Z3825/W/21/3283648	Erection of approximately 78 new dwellings (C3 use)	Horsham District Council	Dismissed	Proposal to redevelop a dwelling with stables, riding arena and outbuildings outside but adjacent to the settlement boundary of a large village would be an efficient use of land in an accessible location, in the context of a five-years housing land supply shortfall. The would affect the water levels and quality of wetland SPA, SAC and Ramsar sites. Natural England had advised that the development would need to demonstrate no net increase in water consumption through a combination of water efficiency measures and offsetting. The appellant had proposed a package of measures encompassing rainwater harvesting on-site and an offset from retrofitting 227 homes managed by a housing trust in the district with water efficient fixtures and fittings. There were flaws identified with this proposal which cast doubt over whether the suggested water savings would be achieved, not least that the housing trust were not signatories to a legal agreement, and harm to the protected wetlands could not be ruled out.
Church Lane Nursery, Church Lane, Headley, Surrey KT18 6ND	APP/C3620/W/21/3268657	Outline planning permission for up to 13 dwellings (including affordable housing)	Mole Valley District Council	Dismissed	Redevelopment of a redundant and overgrown horticultural nursery in the green belt. The council did not object in principle to affordable housing outside the small village as a rural exception site meeting an identified local housing need but did not consider that the appellant had demonstrated that six market houses were the minimum necessary to make the scheme viable. The inspector found that the costs associated with developing the site, a reasonable developer profit, and the benchmark land value were all significantly lower than the appellant contended and agreed with the council that six market houses were not essential to make the site viable. On this basis the scheme did not accord with the NPPF glossary definition of a rural exception site and did not therefore meet the test for an exception to inappropriate green belt development. The benefits did not clearly outweigh harm to the green belt and there were therefore no very special circumstances to justify the development.
Land at Warish Hall Farm, Smiths Green, Takeley	APP/C1570/W/22/3291524	Mixed use development including: 126 dwellings on Bulls Field, south of Prior's Wood; 26 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane	Uttlesford District Council	Dismissed	Proposal on farmland on the edge of a village in a location contrary to development plan spatial strategy but with housing land supply standing at only 3.52 years. The planning officers had on balance recommended approval. The council refused the scheme, giving great weight to site specific impacts concerning heritage assets, ancient woodland and a countryside protection zone. The proposal would result in less than substantial harm to the pastoral setting of a number of listed cottages and a scheduled monument. Despite a severe housing shortfall, the adverse effects on landscape character, the openness of a countryside protection zone around a major airport and the eleven designated heritage assets put the proposal in conflict with the development plan and the totality of harm outweighed all other considerations.

220 Elgar Road South, Reading RG2 0BW	APP/E0345/W/22/3291067	Residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings	Reading Borough Council	Dismissed	Redevelopment scheme in a mixed residential and industrial area. A financial contribution towards maintenance of a nearby public park required to mitigate a lack of on-site amenity space had not been secured, nor had necessary planning obligations with regard to carbon offset measures and a local employment and training plan. The appellant had indicated a willingness to meet these requirements but in the absence of a legal agreement to secure the planning obligations, the proposal was in conflict with the development plan as a whole.
Land East of Ashford Road, Kingsnorth	APP/E2205/W/21/3284706	Outline application for up to 15 dwellings	Ashford Borough Council	Dismissed	Outline proposal for a medical centre and pharmacy and fifteen houses in a green buffer outside the settlement boundary of a village. The proposal would conflict with development plan policies in relation to the location of the site within an extensive green buffer and its impact on rural area character and appearance. This conflict was outweighed by the combined substantial benefits of housing when taking into account a shortfall in housing land supply found to be 3.5 years in a recent appeal decision, and a pressing and urgent need for health care facilities in the area and lack of alternative sites. However, the site lay within the catchment of marshland habitat protected under European legislation where, in accordance with Natural England guidance updated in 2022, adverse effects of wastewater from development should be mitigated through nutrient neutrality. Based on aerial photographic evidence, the inspector did not agree with the appellant that the existing land use of the whole site should be classified as arable cropping as the starting point for determining a nutrient budget or that the scheme was therefore nutrient neutral and required no mitigation. The imposition of a planning condition requiring the appellant's proposed strategy to remove wastewater off-site by tanker to a wastewater treatment works outside the catchment was unreasonable and unenforceable where there was a lack of an obligation.
Allotments, Tumbling Field Lane, Tiverton, Devon	APP/Y1138/W/21/3283361	Erection of 22 dwellings	Mid Devon District Council	Allowed	The site lay adjacent to, but crucially outside of the settlement, where the development plan indicated that such locations would be considered to be within the countryside. The council had assessed the scheme as being in conflict with a policy aimed at protecting the steep green hills setting of the town rather than in terms of the development plan's countryside and exceptions sites policies, pointing out the town was not listed as one of the settlements where adjacent rural exception sites could be considered. No harm to the green setting was found and it was found that policy did not preclude sites adjacent to the town from being considered. The proposal satisfied all of the criteria of rural exception site policy. A full award of costs to the appellant was made for the council's unreasonable behaviour in preventing a development that should have clearly been permitted.
Land east of Barns Lane, Burford	APP/D3125/W/22/3293656	Development proposed is up to 141 assisted extra care residential units (Class C2) and up to 32 affordable housing units (Class C3)	West Oxfordshire District Council	Dismissed	Proposal for a major housing development on a sensitive site in an Area of Outstanding Natural Beauty on the edge of a small historic market town. The open farmland site had been subject of a draft allocation for 85 houses in an emerging plan that had been deleted by the examining inspector who considered the balance of the benefits and harms could only be decided based on detailed evidence submitted as part of a specific planning application. The proposed development would result in loss of pastureland, harming the significance of a conservation area and church setting. The proposal height would increase the development's urbanising visual impact on the AONB landscape, including in private views. The benefits of the scheme did not outweigh the great weight given to harm to designated heritage assets, or provide the exceptional circumstances to justify major development in an AONB.

<p>Land at Water Lane, Water Lane, Knaresborough HG5 0PA</p>	<p>APP/E2734/W/21/3286643</p>	<p>Residential development of 170 dwellings (comprising 19x1 bed, 70x2 bed, 55x3 bed, 24x4 bed and 2x5 bed units)</p>	<p>Harrogate Borough Council</p>	<p>Dismissed</p>	<p>Development of an allocated housing site on the edge of a market town fell at the lower end of the indicative range identified for the allocation in an adopted plan. A substantial landscape buffer with an adjacent SSSI and other landscaping made up approximately 37 per cent of the site and suitable play areas and open spaces. The layout was entirely unsuited to its settlement edge location and suburban area character, with an unacceptable parking strategy which created vast areas of hard standing that would dominate frontage street scenes unrelieved by landscaping. The tight-knit layout, design and positioning of proposed buildings would be mostly cramped and pedestrian and cycle links through the site lacked natural surveillance in places and would be undesirable to future users. Overall, the scheme was judged to be of a poor quality, its adverse effects on area character and future users contrary to local and national policies seeking well-designed places.</p>
<p>Land North West of Mill Close, North Leverton</p>	<p>APP/A3010/W/21/3288022</p>	<p>Erection of 20Nr bungalows for elderly</p>	<p>Bassetlaw District Council</p>	<p>Dismissed</p>	<p>Development of field on village edge, partly within the development boundary and allocated for 10 dwellings in neighbourhood plan. The need for elderly/disabled access bungalows and five-year housing shortfall did not outweigh the lack of policy compliant 25 per cent affordable housing provision given the absence of mechanism to secure type and tenure as proposed.</p>