

Housing appeal decisions for w/c 15 August 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Issues Summary
Land at Bodieve, Bodieve, Wadebridge, Cornwall	APP/D0840/W/21/3285995	Outline application for residential development including access of up to 245 new homes (to include 30% affordable homes)	Cornwall Council	Allowed	Proposal on agricultural land on the edge of a town which had been the subject of a previous application for housing dismissed on appeal in 2019. In that case, the scale and location of development would have been premature to an emerging neighbourhood plan and would undermine the plan-led system. In the current case, work on the neighbourhood plan had ceased and the council did not intend to prepare a site allocations plan for the town, given a surplus of supply in the wider area. Policy setting out the mechanism by which a strategic housing target for the town would be delivered was effectively out of date, as was a policy restricting development in the open countryside. Therefore, the tilted balance was engaged, despite the council being able to demonstrate a five-year supply of housing land. The benefits, including policy-compliant 30 per cent of affordable homes, provision of a link road and other highway improvements, including enhancements for pedestrians and cyclists, outweighed any adverse impact on the town's rural setting.
Canal Turn, Welham Road, Retford, Nottinghamshire DN22 6UG	APP/A3010/W/21/3287260	Erection of residential development of 38 dwellings	Bassetlaw District Council	Dismissed	Redevelopment of a bungalow in the countryside. The site was not an alleged transition site and proposal density would be substantially greater than that of surrounding residential areas. The scheme's layout and design would unacceptably harm area character and appearance. Preliminary Ecological Appraisal noted requirement for additional survey work regarding bats and great crested newts but none provided. Significant unresolved Highway Authority concerns and possible conflict between pedestrians, cyclists and vehicles. Availability of canal for surface water drainage uncertain and doubt that sequentially preferable sites were not available.
4 & 4A High Street, Snodland	APP/H2265/W/21/3282371	Redevelopment of the site with a new building incorporating 14 apartments (4 no. 2 bedroom and 10 no. 1 bedroom flats)	Tonbridge & Malling Borough Council	Allowed	Redevelopment of a former cinema in use as warehouse/shop/flat in a town centre. The large scale building and design including replicating art deco frontage would be an enhancement of the existing site and not overdevelopment.
5 Smitham Downs Road, Purley CR8 4NH	APP/L5240/W/21/3286014	Erection of a part 3.5 part 4.5 storey building to accommodate 20 flats	London Borough of Croydon	Dismissed	Redevelopment of house in spacious residential suburb. The building bulk would be out of keeping with the modest height and spacious pattern of the existing development and would result in the loss of light to occupiers of a neighbouring care home.
Rear of 78 High Street, Tonbridge TN9 1EE	APP/H2265/W/22/3294498	Redevelopment of the site to provide 36 retirement living apartments	Tonbridge & Malling Borough Council	Allowed	Development of land to the rear of a high street in a market town. The proposal would provide adequate affordable housing based on viability evidence and late review mechanism via a section 106 obligation, complying with the development plan. The benefits of specialist housing to address an identified need, freeing up of existing housing stock and a contribution to the overall number of houses in the absence of a five-year supply of deliverable housing sites, in addition to reuse of brownfield site, outweighed any harms.

Land North of Station Road, Hook Norton	APP/C3105/W/21/3278536	Erection of up to 43 new homes	Cherwell District Council	Allowed	Development of arable field on the edge of a village was in a sustainable location for housing due to close physical relationship with the service village and would continue an established pattern of settlement growth and form a logical extension of the settlement. The proposal would result in limited harm to the rural area character outweighed by the benefit of housing in the context of 3.5 year housing land supply and tilted balance in favour.
Land formerly known as British Gas Works, Albert Road, New Barnet EN4 9SH	APP/N5090/W/22/3294689	Redevelopment of the site to provide 539 residential units (Use Class C3) within 13 buildings ranging from 4 to 7 storeys	London Borough of Barnet	Dismissed	The proposed mixed-use scheme on a brownfield site would undermine area character by inappropriate development. The council's core strategy stated that the challenge for new development was to ensure that scale and massing maintained the sense of small scale and fine-grained development in the wide suburban areas of the borough. The appeal site was reasonably well contained and could tolerate change and present its own typology. However, it should not do so in a way which completely ignored the surrounding context. The proposal would generally harm the character of the surrounding area. A consented scheme on the site would be smaller in scale and provide a more varied range of typologies with a less dominating presence. The planned use of mechanical ventilation and heat recovery to ensure adequate ventilation would breach internal noise levels. Children's play space would also be below standard. Cumulatively, these issues would not deliver good design.
Land south of Clappers Lane, Earnley, West Sussex PO20 7JJ	APP/L3815/W/22/3291160	Creation of approximately 100 dwellings, 30% affordable housing	Chichester District Council	Allowed	Greenfield proposal would not affect the gap between the two settlements and planned landscaping would help maintain the perception of the gap. The site lay outside an AONB and was not subject to any special landscape protection. The council was concerned that the proposal would remove the last remaining undeveloped green space between the two settlements. The appellant proposed to develop the new housing in a crescent close to existing built development with the balance managed and maintained as amenity woodland. Additional tree and hedgerow planting would increase the visual and perceived gap between the settlements and this would be increased by active public use of the amenity space. On the issue of housing land supply, the council's estimate of 5.1 years represented a surplus of only six dwellings over the requirement. Issues relating to water or nutrient neutrality affected the deliverability on some sites such that overall a 4.8 year supply of housing was probable. The tilted balance was therefore engaged. The substantial benefits of the housing and affordable housing provided by the scheme outweighed the conflict with the development plan.