

Housing appeal decisions for w/c 22 August 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appeal Decision	Issues Summary
Land at Garden Mill, Derby Road, Kingsbridge TQ7 1SA	APP/K1128/W/21/3296573	Residential development of 32 dwellings	South Hams District Council	Dismissed	Section 73 application to substitute the approved plans, including replacing a fixed housing mix skewed to two and three bedroom houses with a scheme swapping eleven of the two-bedroom homes for much larger four or five-bedroom units and increasing the number of units. The proposed changes had been made without regard to a development plan policy objective of better balancing the housing stock to meet local housing needs. As a consequence, the scheme had become unbalanced with a higher proportion of larger homes which were not supported by local need and affordability evidence. The proposal would fail to provide a suitable housing mix to meet identified needs, in conflict with local plan and emerging neighbourhood plan policies. The extra public benefits of additional affordable homes and an increased number of accessible homes over the fallback of the extant permission did not outweigh the harm identified.
Former MKM House, Warwick Road, Stretford, Manchester M16 0QQ	APP/Q4245/W/21/3287401	Redevelopment of the site for residential development (use class C3)	Trafford MBC	Dismissed	Planning permission granted in 2016 for a twelve storey building of 89 flats had been implemented and remained extant. The proposal proposed a taller building with a larger footprint and considerably reduced the parking provision. A tall building was acceptable on the site, subject to achieving design excellence in accordance with local plan design policy, and an emerging area action plan requiring all development in the town's civic quarter to be architecturally innovative and raise design standards. Assessing the scheme against this benchmark, the proposed building's significant mass would appear inappropriately bulky in the street scene as a result, an effect increased by a lack of soft landscaping. The design of the building would fail to achieve the required design standard and would harm the character and appearance of the site. The provision of only six off-street parking spaces in a location with highly restricted on-street parking would harm living conditions for existing residents and lead to highway congestion. The provision for outdoor amenity space was considerably below policy requirements. In a tilted balance engaged by a lack of five-year housing land supply, the additional benefit of affordable housing compared to the fallback scheme did not outweigh the substantial harm identified.
Land at West Walberton Lane, Walberton, Arundel BN18 0QF	APP/C3810/W/22/3291254	Construction of 30 dwellings	Arun District Council	Dismissed	The site lay adjacent but outside the built-up area boundary of the village in a location contrary to spatial strategy. The Council's housing land supply stood at less than three years and delivery was substantially below target. Part of the site lay within flood zones 2 and 3 and while the appellant had proposed engineering works to provide compensatory flood storage capacity, the Environment Agency and council drainage engineer maintained their objections due to complications concerning high ground water levels. The development failed the sequential test as there were alternative sites which did not require such engineered solutions and were preferable in terms of minimising flood risk and simplifying surface water attenuation. The housing and other benefits of the scheme did not outweigh conflict with the development plan.

Land North of Heath Loke, Poringland, Norwich NR14 7JU	APP/L2630/W/22/3296988	Erection of up to 19 dwellings	South Council	Norfolk District	Allowed	The council acknowledged that they could not demonstrate a five-year housing land supply due to the impacts of nutrient neutrality on housing sites within the catchment coming forward, until work on a strategic mitigation plan had been finalised or an expected revision to PG was published. The scheme accorded with local plan policy requiring development outside of the defined boundaries of settlements to demonstrate overriding benefits. Attaching great weight to the site's location outside of the nutrient neutrality catchment area which meant that it could be delivered in the short-term, some harm to the rural character and appearance of the area from urbanisation and encroachment into the countryside was outweighed by the development's contribution of market and affordable homes on a small site in a sustainable location compliant with the neighbourhood plan.
Land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe, Lancashire BB7 4JX	APP/T2350/W/20/3253310	Erection of 39 dwellings	Ribble Council	Valley Borough	Dismissed	Previous appeal decision quashed. The High Court reached a less permissive interpretation of spatial strategy policy, holding that development 'in' the principal settlements meant proposals falling within the settlement boundary, and that this requirement should first be met before considering whether the proposal would consolidate, expand or round-off development. The proposal was in conflict with spatial strategy due to the site's location outside of the settlement boundary. To downgrade the weight to be afforded to the development plan conflict when it had not been shown to be out of date due would undermine the primacy of the plan-led system. On balance, the benefits of the scheme were insufficient to outweigh the very significant development plan conflict.
BioPark, Broadwater Road, Welwyn Garden City, Hertfordshire AL7 3AX	AOO/C1950/W/22/3294860	Construction of 289 residential units (Use Class C3)	Welwyn Council	Hatfield Borough	Allowed	Proposal located in a former industrial area close to the city centre where planned regeneration was taking place. The scheme was a high-quality design providing a suitable transition in height across the site which achieved a townscape improvement. Limited weight was given to supplementary planning guidance setting a masterplan for the area which sought a lower height and density, ruling it out of date given an urgent need for housing in the area. The proposed development would not detract from the city or be at odds with the garden city principles. Rather, it was a part of the next phase in the city's evolution to grow and meet modern needs. The high proportion of smaller flats allowed for the efficient use of brownfield land in an accessible central location and the housing mix was in line with identified needs in the borough. The proposal accorded with the development plan and would deliver substantial benefits.
Land at Butts Batch, Wrington	APP/D0121/W/22/3292065 & APP/D0121/W/22/3292065	Outline planning application for access with all other matters reserved for the erection of up to 61no. dwellings, including 18no. affordable housing units (30%)	North Somerset Council		Dismissed	The gateway development would be readily apparent in views approaching the village, occupying a significant portion of the open land which created an attractive setting to the village, including a listed church. Whilst harm to the heritage asset would be at the lowermost end of less than substantial harm, when taking into account the exceptional interest of the church as a grade I listed building, even the great weight to be given to the public benefit of housing in the context of a longstanding and substantial shortfall was not enough to outweigh this harm. With the tilted balance disengaged and notwithstanding conflict with the development plan in terms of site location and an adverse effect on area character, harm to the special interest and significance of the listed church was a weighty material consideration which indicated that planning permission should be withheld.

<p>Land off Spruce Close, Exeter</p>	<p>APP/Y1110/W/22/3292721</p>	<p>Development proposed is for up to 93 residential dwellings</p>	<p>Exeter City Council</p>	<p>Allowed</p>	<p>Proposal outside the urban boundary on a site well served by public transport and within walking distance of local services and facilities, in a sustainable location. Policy avoiding housing development within the city's landscape setting was inconsistent with the NPPF approach to protecting the countryside and carried very little weight. By keeping the developable area below the contour at which the city's green landscape backcloth became more obvious, there would be only localised effects on area character. More prominent open land further up the hillside was indicated to become a new public park. The access road would bisect an existing public open space, prompting strong local objections. When taking into account provision of additional open space immediately adjacent within the appeal site and mitigation in the form of funding secured by legal agreement for a landscape buffer alongside the road, the loss of that open space had been adequately compensated for in the quantitative and qualitative terms of local plan policy. In an overall tilted balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development.</p>
--	-------------------------------	---	----------------------------	----------------	--