

Housing appeal decisions for w/c 29 August 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Former Buzz Bingo, Bolton Road, Banbury	APP/C3105/W/22/3296229 & APP/C3105/Y/22/3298661	Redevelopment for 78 retirement living apartments	Cherwell District Council	Churchill Retirement Living	Allowed	Proposal to redevelop a modern bingo hall and offices. The scheme generally complied with a masterplan adopted by the council to guide regeneration of the area. The proposal would positively enhance the setting of a listed building and the surrounding conservation area. The effect of the increased height would be less pronounced and mitigated by a setback and would not detract from the historic building, with the creation of a public open space enabling the architectural significance of the building to be better appreciated. The scheme would bring further enhancements to the character and appearance of the conservation area. Remedial works would be needed to repair the external elevations of the listed building following demolition of the bingo hall and required listed building consent. The harm that would be caused by a covering of lime-based mortar in the event that cleaning and repointing the brickwork was not possible was outweighed by the benefits of boosting the supply of housing particularly for older persons, making effective use of previously developed land and economic benefits.
Land South of Arlesey Road, Stotfold, SG5 4HD	APP/P0240/W/21/3289401	Development of up to 181 dwellings to include 35% affordable, an integrated Care Village (C2 use)	Central Bedfordshire Council	ukland.com	Allowed	Windfall urban expansion on open fields categorised as best and most versatile agricultural land located on the urban fringe outside the defined limits of the town settlement. There would be limited harm to the low landscape value and the development would in effect simply replicate the appearance of the existing urban edge but moved slightly further forward. Housing land supply stood at just short of five years. The provision of housing, including affordable, and other benefits which included affordable extra-care accommodation, self-build plots, flood relief measures, biodiversity net gain and significant areas of publicly accessible open space outweighed any loss of countryside and agricultural land and the limited conflict with development policy, irrespective of any tilted balance engaged by the housing shortfall.
Bennell Farm, West Street, Toft CB23 7EN	APP/W0530/W/21/3286850	Erection of 41 dwellings including two self-build plots	South Cambridgeshire District Council	Mr Edward Bennell (Bennell Developments Ltd)	Allowed	Proposal on the edge of a village on grazing land forming part of an allocation for housing where the principle of the development was accepted. The site context was atypical of lower density village edge locations and a mature tree belt that would screen the proposal from the open countryside, which could be strengthened with evergreen planting. The proposal would result in no more harm to the character and appearance of the village gateway than was already the case or intrusion on open green belt countryside. The provision made for 1.8 hectares of open space on the site and a large play space in close proximity as well as a planning obligation making financial contributions towards off-site play and sports pitch provision, meant that there would be no conflict with development plan policy requirements. In a separate costs decision, the inspector made a partial award to the appellant due to the council's failure to substantiate its objections on this issue.

* Showing decisions relating to appeals for over 10 units

<p>Farley Lodge, 103-105, Bournemouth Road, Poole BH14 9HR</p>	<p>APP/V1260/W/22/3294572</p>	<p>Development proposed is for proposed alterations to both apartment blocks to construct a fourth & fifth floor of accommodation on each building to create 6 additional apartments in each block (twelve in total)</p>	<p>Bournemouth, Christchurch & Poole Council</p>	<p>MSI Ltd</p>	<p>Dismissed</p>	<p>Prior approval for two-storey additions to two flat blocks to create 12 apartments in total. The site consists of two three storey flat blocks on a cross roads opposite a Grade II listed church. Approval sought under Class A of Part 20 of Schedule 2 of the General Permitted Development Order (GPDO). Although matching materials would be used, the additional height would appear bulky, and dominate the area. The continuation of a windowless façade would amplify its harmful effect. Prior approval for 6 flats has already been given but the additional height would do more harm than the fallback.</p>
<p>West Lodge, Russell Close, Bexleyheath DA7 4HU</p>	<p>APP/D5120/W/21/3285262</p>	<p>Proposed demolition of buildings and construction of one 3 storey residential block of 24 studio units</p>	<p>London Borough of Bexley</p>	<p>Mr Fried</p>	<p>Dismissed</p>	<p>Prior approval to demolish buildings and construct a three-storey block of 24 studio flats. The site is a commercial building in a mixed use area. Approval sought under Schedule 2, Part 20, Class ZA of the General Permitted Development Order (GPDO). The proposed footprint exceeds that of the existing building and so contravenes the provisions of Class ZA. Insufficient detail was supplied to determine whether the proposal would be nearer to the highway or have taller floor to ceiling heights both of which would mean that it would contravene Class ZA. The appellant argued that they would amend the footprint, and provide additional information, but that was not in the appeal before the inspector.</p>
<p>Land at Sandown Park, Royal Tunbridge Wells, 561147, 141082</p>	<p>APP/M2270/W/21/3289034</p>	<p>Development of a care community within Use Class C2 of up to 108 units of accommodation</p>	<p>Tunbridge Wells Borough Council</p>	<p>Cooper Estates Strategic Land Ltd</p>	<p>Dismissed</p>	<p>Proposal within the green belt would be inappropriate. The site comprised a green field mostly bounded by trees. The scheme would introduce around 8000m2 of residential accommodation and 2,500m2 of communal facilities with 142 car parking spaces. There would be an inevitable impact on the openness of the site given the absence of buildings or any previous structures on the land. It would also fail to check the sprawl of a nearby urban area and ensure that settlements were separated. Contrary to the appellant's claim that the site occupied an urban fringe location, it would not save the countryside from encroachment and overall it was held to be inappropriate. Although it would incorporate a substantial landscaping scheme it would have a major adverse impact on the local character and adversely affect users of tracks used by pedestrians. It would also have moderate harm to the setting of an AONB. The development would also be situated within the setting of a manor house which had been converted into separate residences. The inspector preferred the council's estimate of need which used a more appropriate assessment of the degree to which people aged between 65 and 74 would opt or need the type of accommodation proposed. There was a reasonable prospect that two allocated sites would provide extra-care accommodation over the plan period although not within the next five years. The cumulative harm outweighed the benefits of providing the accommodation over the short term.</p>