

## Housing appeal decisions for w/c 19 September 2022\*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land to the west of Drynham Lane & east of Eagle Park, Southview Farm, Trowbridge, Wiltshire	APP/Y3940/W/22/3295577	Development proposed is provision for 91 dwellings	Wiltshire Council	Wain Homes (South West) Holdings Ltd	Dismissed	Proposal on land forming part of a much larger strategic mixed-use allocation on the edge of a town. A failure to bring the development proposal forward as part of the master planning process for the strategic site put the proposal in conflict with development plan policies identifying a single site-wide strategic allocation for a mix of fifteen hectares of employment and 2,600 homes, and a delivery strategy requiring a masterplan to be prepared collaboratively and approved by the council as part of the planning application process. Those policies carried full weight regardless of a housing land supply shortfall, as did other development management policies not specific to the delivery of new housing which were contravened by the scheme's adverse effects on highway safety, area character, amenity of existing residents and provision of school places. The adverse effects of the proposal significantly and demonstrably outweighed the housing and economic benefits of the development.
Former Gibbs & Dandy Site, Builder Centre, Great Western Road, Dorchester DT1 1RZ	APP/D1265/W/22/3293712	Development proposed is demolition/ conversion of buildings to provide 16 apartments	Dorset Council	Sheriff Construction	Dismissed	Redevelopment of a former builders' merchant site within a small historic industrial area of a conservation area. The four-storey bulk of the proposed block of flats would appear discordantly large and urbanising and harmful to the character and appearance of the conservation area. Recently uncovered remains indicated the site could have archaeological potential. Without an assessment of the site's potential, this was not a matter that could be left to a condition. In the heritage balance, the public benefits of providing homes and employment through regeneration of previously developed land did not outweigh the identified harm to the conservation area and its archaeological interest. This adverse effect disengaged the national policy in favour of development even if the council could not demonstrate a five years supply of housing land.
Land at Westcott Park, Cullompton, Devon EX15 1SA	APP/Y1138/W/22/3297653 & APP/Y1138/W/22/3297653	1) Development proposed is construction of 21 dwellings 2) Up to six self-build houses	Mid Devon District Council	Mr and Mrs S, J, C, V Rowe	Dismissed	Proposal on the site of a substantial detached house and extensive grounds in a hamlet. In respect of both schemes, the proposals would result in harm to the rural character of the area from urbanisation of the green and open site. Despite the conclusion in an allowed appeal in 2020 for permission in principle for five affordable houses, in which the appeal site was found to have reasonable access to services and facilities, the inspector had sufficient doubt over alternatives to car travel to hold the location would not be suitable for housing. There was an extensive site history of previous permissions which provided a realistic fallback, however, although the appellant had submitted a planning obligation undertaking that the fallback permissions would not be implemented if the proposal for 21 houses commenced, this would not prevent subsequent applications for similar developments being made. The greater encroachment into open land than the fallback would have greater harm.

Land at & adjacent to No. 1 & The Neuk No. 3 Bretforton Road, Badsey, Worcestershire	APP/H1840/W/21/3266573	Development proposed is for a residential development of up to 100 no. dwellings	Wychavon Council	District	Greystoke Land Limited	Allowed	Proposal on greenfield site outside the defined development boundary of a village was clearly contrary to development plan policy. A previous appeal concerning housing on the site had been dismissed in 2018, at a time when the council had been able to demonstrate a five-years supply of housing land. In light of two appeal decisions issued after the close of the hearing concerning other sites in the area, a supply of 4.4 years was concluded. A limited visual impact capable of mitigation by landscaping was outweighed by the significant benefits of market and affordable housing in a reasonably accessible and sustainable location.
Land east of North Wallington Road, Wallington, Fareham PO16 8TE	APP/A1720/W/22/3297544	Development proposed is residential development of 32 dwellings	Fareham Council	Borough	Foreman Homes Ltd	Dismissed	Development of urban fringe grazing land. The benefit of housing was outweighed by lack of appropriate pedestrian access to nearby services and facilities due to scope for conflicts between pedestrians, cyclists and vehicles.
Land north of Herschel Grange, Warfield, Bracknell RG42 6AT	APP/R0335/W/21/3273240	Development proposed is the erection of 33 dwellings (including 10 affordable dwellings)	Bracknell Borough Council	Forest	Hodson Developments Limited	Dismissed	Development of greenfield paddock land outside a village settlement boundary. An emerging housing site allocation for the same number of dwellings in the local plan, but not included in the neighbourhood plan, was at an advanced stage. The proposal would result in adverse effects on rural character and the intrinsic beauty of the countryside from hard edge and out of keeping density significantly and would demonstrably outweigh the benefits of housing in context of a housing supply shortfall.
Land at South Road, Wivelsfield Green RH17 7QR	APP/P1425/W/22/3299370	Development proposed is an outline planning application (all matters reserved except for means of access) for the erection of up to 45 homes (including 40% affordable)	Lewes District Council		Wates Developments Ltd	Allowed	Proposal on the edge of a service village where the supply of housing land stood at 2.73. The scale of development in conjunction with 34 units allocated in a neighbourhood plan would not be out of scale with the village. It would cause some harm to landscape character and the appearance of the area but this was moderated by the degree to which the site was self-contained. The delivery of affordable and open market housing was given significant weight and the provision of open space would be available to future and existing residents. The net gain in biodiversity was also given moderate weight.
Home Farm, Forest Road, West End, Warfield, Bracknell RG42 5RS	APP/R0335/W/22/3298503	Development proposed is the erection of up to 197 dwellings and convenience store	Bracknell Borough Council	Forest	Home Farm Land Ltd	Dismissed	Proposal on farmland beyond the settlement boundary located close to allocated housing sites in an area of planned urban expansion and where other windfall housing schemes had been permitted in the context of a five-years housing land supply shortfall. The development would appear divorced from the main built-up area and a protrusion of built development into the open countryside, resulting in serious harm to the character and appearance of the locality. In addition, while the convenience store would offer top-up shopping, it would not compensate for an overall reliance on private car travel due to the unsafe pedestrian and cycle links proposed and distance to bus stops. This would be a development in the wrong place, divorced from the existing urban area, and without sufficient benefits to overcome the clear harms identified and the conflict with the development plan.
Land Off Old Bank Road, Mirfield, West Yorkshire	APP/Z4718/W/21/3282541	Outline application for a residential development to the site north of Old Bank Road, Mirfield	Kirklees Council	Metropolitan	Yorkshire Property Estates Ltd	Dismissed	Development of rough open ground of former brickworks. The extent of land and groundwater contamination was not adequately assessed to demonstrate that the site would be suitable for residential use.

Land adjacent to Wilsley Farm, Angley Road, Wilsley Green, Cranbrook, Kent TN17 2LE	APP/M2270/W/21/3283924 & APP/M2270/W/21/3288645	1) Development proposed is the erection of 20 No. residential dwellings 2) The erection of 16 No. residential dwellings	Tunbridge Wells Borough Council	Esquire Developments	Dismissed	Proposal on agricultural land on the edge of a village, lying partially within a conservation area and setting of a listed farmhouse and cottages. The proposal would erode the important rural setting of the heritage assets and the natural beauty of the site's fieldscape which lay within an AONB and contributed to its special qualities. Although the site lay outside the settlement development boundary, this carried very little weight in light of a persistent housing land supply shortfall currently standing at 4.66 years. In the heritage balance, the proposal would result in unjustified harm to the significance of several designated heritage assets and so disengaged the tilted balance.
Eastgate Shopping Centre, 85 Southernhay, Basildon SS14 1EB	APP/V1505/W/21/3285386	Redevelopment of the Eastgate Centre and neighbouring land to provide a mix of town centre uses, including the provision of up to 2800 residential units (Class C3) (including built to rent, open market sale, student accommodation, later living and co-living (Class C3, C2 and sui generis uses)	Basildon Borough Council	InfraRed UK Lion Nominee 1 and InfraRed UK Lion Nominee 2	Allowed	Redevelopment of a town shopping centre. The council had refused the scheme due to concerns over effects on town centre character and appearance and its design, in particular height, scale, massing, and layout, in a change to its previous position when it had resolved to grant permission. The council supported its changed stance by reference to altered circumstances including recent appeal decisions permitting other town centre tall buildings which would alter the townscape, greater emphasis on good design in national policy and publication of national design guidance, as well as withdrawal of an emerging local plan and town centre regeneration strategy which had envisaged tall buildings and a large number of homes in the town centre. The concentration of taller buildings would significantly change the low-rise character of the town centre, but the design approach reflected a need to repurpose the town centre, noting that any future local plan would rely on accommodating a large number of homes in the town centre to meet government objectives of making effective use of land and protecting the green belt. The proposals would result in well-designed place, compliant with local and national policies. The substantial public benefits of the development outweighed only limited harm to the setting of listed buildings and in a tilted balance triggered by a lack of five-years housing land supply.
Land to the east of Cartwright Drive, Fareham PO15 5TF	APP/A1720/W/22/3296756	Development proposed is the erection of 49 dwellings	Fareham Borough Council	Foreman Homes Ltd	Dismissed	Proposal on former agricultural land on the edge of a town. The council accepted it was unable to demonstrate a five-year housing land supply, engaging development plan policy permitting housing on sites beyond settlement boundaries subject to a number of criteria. The proposal would harm valued landscape and the proposed landscape buffer would provide no substitute for the existing road in defining urban limits and encroachment of development beyond this boundary would cause serious harm to the settlement gap and leave it vulnerable to further breaches. The development would also be poorly related to the settlement and in an unsustainable location.
73 Bridge Road East, Welwyn Garden City AL7 1UT	APP/C1950/W/21/3284525	Construction of two new buildings comprising 111 residential apartments	Welwyn Council	Hatfield Bridge Road Welwyn 2 Ltd	Allowed	Redevelopment of a car sales showroom on protected employment land. The appellant had unsuccessfully marketed the site for its existing sui generis use as a car sales and showroom but not for an alternative use within Class B, arguing the terms of the lease restricted use of the site to retail and precluded Class B employment uses. The inspector ruled that the landowner's preferences were a private matter and should not influence any marketing of the site to demonstrate compliance with policy requirements. The height and bulk of the proposal could be assimilated into the varied townscape of the mixed residential and commercial character of the area without harm, and the scheme would make effective use of previously developed land in a sustainable location without needing to provide the council's preferred housing mix. In an overall tilted balance engaged by a substantial shortfall in five-years housing land supply, the benefit of market and 30 per cent affordable housing outweighed conflict with employment policy.