

Housing appeal decisions for w/c 26 September 2022*

| Scheme | Appeal Reference | Description of Scheme | Local Planning Authority | Appellant | Appeal Decision | Issues Summary |
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| Land to the South of Walcot Lane, Drakes Broughton | APP/H1840/W/22/3297867 | Development proposed is erection of 12no dwellings | Wychavon Council District | Juliff Homes Ltd | Dismissed | Proposal on agricultural land located adjacent in the countryside outside a village. Weight given to SHMA as provided an up to date and robust analysis of housing needs; no evidence that the proposal accorded with the SHMA. The proposal would contribute to a supply shortfall and the site was acceptable as read as part of a village with services and facilities directly accessible by foot or car. However, whilst the scheme would deliver 30 percent affordable housing, it would not reflect local housing need, particularly with regard to open market housing undermining the housing strategy for the area. Surface water issues could not be mitigated by conditions. |
| Land off Park Road, Malmesbury, Wiltshire | APP/Y3940/W/21/3286853 & APP/Y3940/W/21/3289757 | Developments proposed are up to 26 and 50 residential units | Wiltshire Council | Stonewater Housing Association and White Lion Land (Malmesbury) Ltd | Allowed | Proposals on two sites comprising scrubland outside the settlement boundary. Both sites were well-related to the settlement edge and neither contributed much to the rural setting of the town or the perception of the town being set within attractive countryside, concluding development on either site, whether jointly or in isolation, would have only limited adverse effect. The council's current approach to addressing a persistent five-years housing supply shortfall relied on sites located outside limits of development in breach of core strategy and the neighbourhood plan was silent on unplanned new housing outside settlement boundaries. Both sites would be in a suitable sustainable location, albeit that there would be some limited conflict with the development plan. Overall, the substantial benefits of housing outweighed only limited adverse effects of development in the tilted balance. |
| Victoria Park House, Victoria Road, Stafford | APP/Y3425/W/21/3289776 | Development proposed is Prior Approval for Proposed conversion and change of use from Offices (Class B1(a)) to dwelling houses (Class C3) | Stafford Council Borough | Enfield High Street (AGG12) Ltd | Dismissed | The offices were sited between a busy road and a railway line, with a commercial garage behind. The noise levels inside the appeal building would exceed noise level guidelines but the dominant noise source was from road traffic and trains. On this basis, the measured noise levels were not indicative of adverse noise impacts arising from commercial premises on future occupiers and the proposal would comply with paragraph O.2.(1)(d). However, the proposal did not make adequate provision for mitigating adverse effects on a special area of conservation due to shortcomings with the submitted unilateral undertaking. |
| Land west of Station Road, Hailsham | APP/C1435/W/22/3296579 | Development proposed is outline planning application (with all matters reserved except for access) for the erection of up to 200 residential dwellings | Wealden Council District | Gleeson Strategic Land Limited & Rydon Homes Limited | Allowed | Proposal on greenfield land outside the settlement boundary. On the main issue of whether the proposal would deliver sustainable transport measures sufficient to mitigate traffic impacts on a local highway junction, it was found that the strategy would be effective in reducing reliance on private car travel. In an overall tilted balance, given the council's less than four-years housing land supply position, the benefit of market and affordable housing outweighed only limited harm from encroachment onto countryside in a location not supported by the local plan and the effect of an extensively landscaped development on rural character. Full costs were awarded to the appellant. |

* Showing decisions relating to appeals for over 10 units

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| Mornings Mill Farm, Eastbourne Road, Lower Willingdon | APP/C1435/W/22/3297419 | Development proposed is comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing and 8,600 square metres of employment floorspace | Wealden Council | Peter & Robert Vine | Allowed | A recent appeal decision had rejected the proposed urban extension in an area identified for this type and amount of development in the core strategy, narrowing down the issues that led to the scheme being dismissed to highway matters. Although these issues had subsequently been addressed by the appellant to the satisfaction of the relevant highway authorities and professional officers, the council had again refused permission amid an exceptional number of objections. Subject to proposed junction improvement works, the additional traffic generated by the scheme could be accommodated without any unacceptable impact on highway safety or severe residual cumulative impact on the road network. Further amendments had addressed the specific concerns of the previous inspector, so that the development would not compromise planned bus priority measures or pedestrian safety. Overall, the proposal accorded with the development plan as a whole and its substantial benefits outweighed only limited harm from localised landscape and visual impacts such that planning permission should clearly be granted. A full award of costs to the appellant was made, stating the entire appeal should have been unnecessary and observing that the quantity of objections alone cannot be determinative in decision-making. |
| Land North of Plumbley Meadows, Winterborne Kingston, Dorset | APP/D1265/W/22/3296683 | Development proposed is up to 20 dwellings | Dorset Council | Land Allocation Ltd | Dismissed | Proposal on horse grazing land abutting the settlement boundary of a village. Whilst the proposed dwellings could all be positioned within parts of the site falling within flood zone 1 with a low probability of flooding, the houses in the northern part of the site would require access across a river bisecting the site and therefore through functional floodplain flood zone 3b at most risk from flooding. At times of flood, occupants of these dwellings would be at risk of being cut off and stranded. With the development unacceptable in principle, there was no need to reach any definitive conclusion in relation to the sequential test and the matter could not be resolved by the imposition of conditions. |
| Rear of Poplar Farm, Poplar Road, Wittersham, Tenterden TN30 7PD | APP/E2205/W/3285207 | Development proposed is for the erection of up to 23 dwellings | Ashford Council Borough | Castlefort Homes Ltd | Dismissed | Proposal on pasture land adjacent to a village was deemed a major development in Area of Outstanding Natural Beauty countryside. The quantum of development in the context of this modest settlement would be relatively large-scale and therefore a major development in the countryside. The local plan inspector had deleted a draft allocation of the site as development here would be an incursion into the countryside that would materially detract from the landscape quality of the AONB. The proposal would result in further harm to the setting of a listed farmhouse and cottages from erosion of an historical farmland setting and the introduction of a widened and engineered access. The benefits of the scheme did not outweigh the heritage harm. Although the council could not demonstrate a five-year housing land supply, the tilted balance in favour had been disengaged by the identified harm to the AONB and listed buildings, with no material considerations to warrant a decision other than a refusal of permission. |