

Housing appeal decisions for w/c 3 October 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Astley House, Spital Road, Lewes BN7 1PW	APP/Y9507/W/21/3269823 & APP/Y9507/W/22/3295783	Development proposed is demolition of the vacant building and the construction of 28 residential units	South Downs National Park Authority	Kitewood (Astley Heights) Limited	Dismissed	Alternative proposals on a brownfield site. The schemes both proposed 28 homes for a site which was allocated for housing, located next to the town's extensive conservation area, with a number of buildings of townscape merit nearby. Both schemes would be overbearing in the street scene and out of keeping with cohesive local architecture. The incongruous design and the scale of the apartment building would be stark and apparent in views from within the conservation area. The proposals would also result in the loss of mature trees on the site. The identified harm to the character and appearance of the area, as well as to heritage assets, brought the scheme into conflict with the development plan. There would also be harm arising from a proposed mix of housing not reflecting local need. The considerable benefits of the development were not sufficient to outweigh these impacts.
Duke's Field, Down Ampney, Gloucestershire GL7 5PQ	APP/F1610/W/22/3296904	Development proposed is the erection of 10 dwellings	Cotswold Council	District Cotswold Homes Limited	Dismissed	Proposal on allocated housing land on the edge of a village. The overall scale and layout of development on the vacant plot reflected that found in other parts of the village and with retained frontage hedge and trees, and would appear in-keeping. However, the increase in population from the proposed development, in combination with other developments, had the potential to cause significant effects as a result of increasing recreational pressure on a lowland hay meadow habitat located just over two kilometres from the site. Adverse effects on the integrity of the special area of conservation could not be ruled out until mitigation measures were in place. A contribution via a unilateral undertaking did not meet the relevant NPPF and CIL tests and carried no weight because an updated mitigation strategy was currently being prepared. Whilst small schemes on their own may generate small numbers of additional visitors, cumulatively the numbers would be more significant, and there was a likelihood that future occupiers may visit the site especially when the wild flowers were in bloom, adding to identified problems of trampling and path widening. This harm outweighed the benefits of the scheme.
Station Road, Great Shelford, Cambridgeshire CB22 5LT	APP/W0530/W/22/3296300	Redevelopment to form 39 retirement living apartments	South Cambridgeshire District Council	Churchill Retirement Living Ltd	Allowed	Proposal on the site of a vacant commercial yard and buildings in a large village secured permission. The overall amount, although on the smaller side, of private and communal outdoor space was suitable having regard to the likely age of the occupiers of the development and the type of accommodation proposed, noting that the council's design guide did not distinguish between family and older persons' housing. While some of the upper floor flats would have balconies, the majority would not due to issues of proximity to a railway line and overlooking of neighbours. This did not comply with a design guide recommendation that upper floor apartments should have access to a private balcony in addition to the use of a communal garden and this counted against the scheme. In the overall planning balance, this small degree of conflict with the development plan was outweighed by the benefits of meeting an identified need for retirement housing and associated spin-off benefits.

<p>Land South of (East of Griffin Place) Radwinter Road, Swards End, Saffron Walden CB10 2LB</p>	<p>APP/C1570/W/22/3296426</p>	<p>Outline application for the erection of up to 233 residential dwellings</p>	<p>Uttlesford Council District</p>	<p>Rosconn Strategic Land</p>	<p>Allowed</p>	<p>Proposal on agricultural land adjacent to the edge of a market town. The council had refused the application but chose not to defend the appeal. However, the town council and neighbouring village parish council continued their opposition as a Rule 6 party. It was agreed between the main parties that the council currently had only a 3.52 years of supply of housing land. The proposed urban extension would provide adequate sustainable transport measures and would make adequate provision for any additional need for local services, amenities and infrastructure arising from the development. On alleged heritage harm, no harm to the setting of a listed church, other listed buildings or to the town centre conservation area from off-site highway works and effects was found. The development would not result in coalescence of the town with a village and considered that landscape impacts would be adequately mitigated. Off-site highways works would help address existing network capacity issues beyond mitigation of the effects of traffic generated by the development. With no adverse impacts to significantly and demonstrably outweigh the substantial benefits of housing and other benefits including highways improvements in a tilted balance, material considerations indicated a decision contrary to the development plan.</p>
<p>Land West of Elm Lane, Minster on Sea</p>	<p>APP/V2255/W/22/3298959</p>	<p>Outline planning application for residential development for up to 100 dwellings</p>	<p>Swale Borough Council</p>	<p>Land Allocation Ltd</p>	<p>Dismissed</p>	<p>Proposal on an open field just outside the settlement boundary of a town would have an unacceptable effect of more than local magnitude on the character and appearance of the area. The steeply sloping field abutting a clearly defined settlement edge had a stronger relationship with the wider arable landscape than it did with the urban fringe, notably appreciated in views and a sense of tranquillity experienced from a public footpath crossing the site. The relatively high density housing estate would appear as a prominent intrusion into the countryside and visually distinct from the town. Suggested landscaping measures around the boundaries of the site were aimed more at obscuring an unacceptable development than successfully integrating it into the landscape. While there would be an undeniable benefit from provision of housing given an accepted five-year shortfall, this was outweighed in the overall balance.</p>
<p>Land at Oakley Farm, Cheltenham</p>	<p>APP/B1605/W/21/3273053</p>	<p>Development comprising up to 250 residential dwellings</p>	<p>Cheltenham Borough Council</p>	<p>Robert Hitchens Ltd</p>	<p>Allowed</p>	<p>Proposal in an Area of Outstanding Natural Beauty. The council accepted it could only demonstrate a 2.9 year housing land supply, whereas the appellant claimed the figure should be 1.6 years. On either basis, the shortfall was very substantial with little prospect of a timely plan-led remedy, and the proposed houses including 100 affordable would make an important contribution towards meeting housing needs. Although there would be an adverse effect on the AONB, it was limited in both near and long-range views by the site's unusually urban context, with existing development surrounding the urban fringe fields located on the lower slopes of an escarpment. The appeal site was an obvious and logical extension to the town and given the severe constraints of a district surrounded by AONB and green belt, the pressing housing need could not be met in another way. There were exceptional circumstances to justify the development and that the proposal would be in the public interest.</p>

Land at Toynbee Road, Eastleigh SO50 9DN	APP/W1715/W/21/3284081	Development proposed is 105 dwellings	Eastleigh Borough Council	Vivid Homes	Dismissed	Proposal on a brownfield site on the edge of a town centre, within 13.8km of the New Forest protected sites. The council had subsequently resolved to grant permission for an almost identical but improved scheme addressing layout, design and landscaping concerns. The single main issue was the effect of the proposed development on the integrity of protected habitats sites encompassed in the New Forest and Solent region. The appellant sought to mitigate effects on the New Forest protected habitat sites through a financial contribution to offset recreational pressures, calculated at 15 per cent of the sum set out in national park SPD after conducting a visitor survey, and pointing out that this approach had been accepted by an inspector in an allowed appeal elsewhere. The inspector rejected the approach as, unlike the planning authority in that case, the council had recently adopted its own strategy for addressing recreation impacts and the appellant's proposed mitigation sum fell considerably short of the required figure, which was to be regarded as a minimum based on Natural England's concerns the strategy should be setting much higher contributions. The inspector ruled that as she was unable to conclude that the proposal would not have an adverse impact on the integrity of the European protected habitats sites in respect of either recreational pressures or nutrient impacts, in accordance with the Regulations, she must refuse permission.
Land At 380227 152171, Great Dunns Close, Beckington, Frome	APP/Q3305/W/21/3289537	Development proposed is 30no. dwellings	Mendip District Council	Redrow Homes Limited	Dismissed	The drainage capacity of the system is periodically affected by blockages caused by wet wipes and fat deposits in the system. In addition surface water was also being discharged into it and a drainage improvement project had yet to be implemented. Although the water authority advised that the scheme was acceptable, the inspector disagreed concluding that it would be premature to grant permission until the improvement works had been undertaken. Therefore, despite the site being allocated, given the historic problems of drainage in the village in addition to a problem with ensuring adequate surface water drainage, this was sufficient to withhold permission. In relation to the impact on the setting of the village's conservation area, the proposal would cause less than substantial harm at the very lower end of this scale. This impact would be outweighed by the public benefits. Nonetheless the concerns regarding the provision of adequate drainage justified dismissing the appeal.
Land North of Warminster Road, Beckington	APP/Q3305/W/21/3288474	Development proposed is development of up to 45 dwellings	Mendip District Council	Stonewood Partnerships	Dismissed	Proposal on the edge of a village would not accord with the spatial strategy. The council argued that the housing requirement in the village was for 55 dwellings and to date 100 dwellings had been completed to March 2022. An additional 28 dwellings had been allocated which cumulatively represented two and half times the requirement. Although the local plan figure of 55 dwellings was not expressed as a maximum the appeal proposal would involve a disproportionate addition. A further concern related to the need to improve and relocate a doctor's surgery. The appellant argued that the allocated site for 28 dwellings might not be developed and consequently the capacity of the existing surgery was adequate. It was concluded that a financial contribution towards improving its capacity was required and none had been provided. A similar conclusion was reached in respect of the need to improve education facilities since a local primary school was full with no ability to be expanded.