

Housing appeal decisions for w/c 10 October 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land at Bowlands Hey, Westhoughton, Bolton	APP/N4205/W/22/3296970 & APP/N4205/W/22/3297248	Phase 3 & 4 - erection of 119 No dwellings Phase 5 - erection of 183 No dwellings	Bolton MBC	Bellway Homes Ltd (Manchester Division)	Allowed	Proposals on the edge of a town within an area where a development plan policy sought to restrict development to certain categories in order to protect the land's openness and concentrate development in the existing urban area. There was consensus between the parties that both proposals conflicted with the policy. However, there was a significant housing land supply shortfall and the proposals would positively contribute to both boosting the supply and delivery of homes in the area. Other benefits included the provision of affordable housing, biodiversity benefits, employment in the construction sector and the positive economic impacts from additional people living in the area. Collectively the proposals would have only minor adverse landscape character and visual impacts and would not result in the development of isolated homes in the countryside. Overall, the adverse effects would be significantly and demonstrably outweighed by the developments' benefits.
Land comprising Kendal Court, Anglia House, Kendal House, Regency House and 1 Cambridge Road, Impington, Cambridgeshire CB24 9YS	APP/W0530/W/21/3284230	Demolition of existing buildings comprising Anglia House, Kendal House inc. flats above, Regency House and Marble Store to rear and 1 Cambridge Road inc. flats above; and redevelopment of the site comprising 28 newbuild residential units (Use Class C3)	South Cambridgeshire District Council	MJG London	Dismissed	Redevelopment on an accessible, prominent corner site adjacent a busy busway and road on an allocated brownfield site. The proposal would result in unacceptable harm to the area character and appearance. 445sqm of communal amenity space to be provided would be of limited useability and overshadowed. While nearby offsite open space could be secured by Grampian, this did not outweigh the inadequate onsite provision. Parking provision considered fell significantly below both LP and NP standards however noted a similar ratio nearby and accessibility of site such, that overspill pressure on nearby streets unlikely. The scheme failed due to scale and inadequate communal space.
Land comprising former allotments, Rear of 1 to 9 Cricket Close, Walsall WS5 3PU	APP/V4630/W/21/3281592	Erection of 29 dwellings (comprising 22 open market dwellings and 7 affordable units)	Walsall MBC	Cricket Close LLP	Allowed	Proposal on an allocated housing site in a market town. Following the appeal for non-determination of the application, the council resolved that it would have refused permission for the proposed development despite officer recommendations to approve the application, on the grounds of harm to the living conditions of neighbouring residents from increased traffic, the effect of additional traffic congestion elsewhere and concerns over the level of affordable housing provision and contributions. However, a transport statement accompanying the application had been agreed with the local highway authority, which had stated that the development would be 'largely imperceptible' to existing highway users and residents, and the affordable housing provision was based on an updated financial viability appraisal. No evidence had been submitted to challenge the appellant's evidence and the evidence of the council pointed the other way. A full award of costs was made against the council after concluding it had unreasonably delayed and sought to resist a proposal that should clearly have been permitted.

* Showing decisions relating to appeals for over 10 units

Hindsland, Eastbourne Road, Willingdon, East Sussex BN20 9NU	APP/C1435/W/22/3293970	Erection of up to 180 no. dwellings and medical centre	Wealden Council	District	Danescroft (FREOF V Willingdon) LLP	Allowed	Proposal on the edge of a seaside resort on former playing field land that was private, rather than public open space. The site could no longer be considered to be within the countryside by virtue of its allocation for strategic development in the council's core strategy. The main parties had agreed that policies in a local plan from the late 1990s that sought to restrict development outside settlement boundaries were out of date since they did not reflect the district's current housing needs and were inconsistent with its core strategy. The principle of the proposed development was acceptable and in accord with the council's more recent plan. The appeal site was well located relative to services and facilities, including the facilities and employment opportunities within a nearby town. There would be no harm to the nearby European sites, and no other significant harm was identified. The proposal would also deliver a number of benefits which included market and affordable houses in a sustainable location, economic benefits through job creation during the construction and operation of the development, and the provision of a new medical centre.
Land to the west of Clyst Road, Topsham	APP/Y1110/W/22/3296946	Outline planning application for the construction of up to 100 dwellings	Exeter City Council		Waddeton Park Ltd	Allowed	Proposal on land within a strategic gap between two settlements would not result in coalescence or detract from the settlement's attractive setting. Satisfactory mitigation of the development's impact on nearby European sites could be secured by community infrastructure levy contributions and a submitted unilateral undertaking. The council was unable to demonstrate a five-year supply of deliverable housing land, so the tilted balance applied. In addition, there had been significant under-delivery of affordable housing in the past and the need was now acute. Overall, despite some conflict with the development plan, the proposal's benefits outweighed its limited adverse effects.
The Berryfield Sports Field, Bristol Road Old, Stonehouse GL10 2BQ	APP/C1625/W/22/3295851	Erection of 52 dwellings	Stroud District Council		Wycliffe College and The Guinness Partnership	Dismissed	Proposal on an area of private open space at a college within the built-up area of the town included a number of playing fields. Although there was no public access, views of the land were available from an adjoining footpath and several public places. A neighbourhood plan identified the site as a protected outdoor play space. The site was well located for housing, with good access to local schools, a medical surgery, shops and other services and facilities. The proposed development would also deliver a range of benefits, which included affordable housing. In particular the sale of the housing land would help cross-subsidise the costs of the construction of the sports pavilion. Without permission for the housing, the improved sporting facilities for the pupils at the college were unlikely to be realised. Additionally, a planning obligation would allow the pavilion and hockey pitch to be used by the public at certain times. Despite these and other benefits, the site contributed very positively to the make-up of the town's green infrastructure, as acknowledged in the neighbourhood plan, and the level of harm was such that the planning balance fell against the scheme.

Land off Brook Lane, Twigworth	APP/G1630/W/22/3295270	Development proposed is for residential development (up to 160 dwellings)	Tewkesbury Borough Council	Robert Hitchins Limited	Allowed	Proposal on the edge of a village. The council had resolved that, had it been in a position to determine the proposal, the application would have been refused on three grounds, relating to failure to provide financial contributions in mitigation of the proposal on local infrastructure, failure to provide adequate education facilities, and failure to provide a mixed and balanced community to meet the needs of the local area. However, further discussions took place and several legal agreements were signed to address the council's concerns. Consequently, there were no contested issues between the main parties. A full award of costs in favour of the appellant was made after concluding that the council had behaved unreasonably in deferring the application and delaying a decision on the proposal without good reason.
Land adjacent to Heron Place, Bank Mill, Berkhamsted, Hertfordshire HP4 2FZ	APP/A1910/W/21/3282461	Development of 16 no apartments including provision for affordable units	Dacorum Borough Council	Thorne Barton Estates Ltd	Dismissed	Proposal on the edge of a town without a five-year supply of housing land would be inappropriate green belt development which would harm visual and spatial openness. As the site contributed positively to the setting of the conservation area, the canal and nearby listed buildings, there would be some conflict with the green belt purpose of preserving the setting and special character of historic towns, in addition to countryside encroachment. The inspector denied the appellant's claim of very special circumstances derived from historical support for housing on the site in a land availability assessment and a green belt boundary review as these were not binding on the council. The benefits of immediate delivery of housing and affordable housing in an accessible location, repair works to the canal bank and an improvement to the unkempt appearance of the site did not outweigh the green belt and heritage harm.
Land SE of Hall Road, Outwell PE14 8PE	APP/V2635/W/21/3287289	Proposed residential development of 29 units	Kings Lynn & West Norfolk Borough Council	Dene Homes Limited	Dismissed	The proposal was an uplift to the seventeen already permitted on a field outside the settlement boundary of a service village. Whilst the additional dwellings would have the same level of locational sustainability as the permitted houses, the appeal scheme was contrary to spatial strategy and the fallback provided by the extant permission did not render the more than marginal increase in numbers simply a technical conflict with policy wording. The proposed increase in density on the site had resulted in an out of keeping backland layout which would harm the prevailing character in the area, in conflict with development plan policies. It was not disputed that the council could now demonstrate a five-years supply of housing land. The scheme was contrary to the development plan and there were no material considerations outweighing this conflict.
Land North East of Bury St Edmunds, Bury Road, Great Barton, Suffolk	APP/F3545/W/22/3297751	Hybrid Planning Application For i) Outline Application (With All Matters Reserved Except For Access) - For Up To 1,375 Dwellings	West Suffolk Council	Berkeley St Joseph Homes	Allowed	Proposal for a strategic-scale housing development on agricultural land allocated for that purpose on the edge of a town. There was no dispute that the development was acceptable in principle but the district and county councils and national highways considered that the appellant was failing to fund the necessary highway, public indoor sports and public libraries infrastructure that was required through development plan policy. The main issue was the impact of the development on highways in the area but by the end of the inquiry and following negotiation between the main parties, infrastructure details including substantial financial contributions by way of obligations set out in a completed Section 106 obligation had been agreed. On this basis and subject to Grampian conditions, the development would comply with the development plan and NPPF.

<p>Pelican Inn and Motel, 350 Manchester Road, Altrincham WA14 5NH</p>	<p>APP/Q4245/W/22/3296154</p>	<p>Residential scheme to provide a care home (Use Class C2) and fully accessible and adaptable apartment scheme (Use Class C3)</p>	<p>Trafford MBC</p>	<p>New Care (Altrincham) Ltd</p>	<p>Dismissed</p>	<p>The proposal included the demolition of NDHA public house with attached later, low quality, hotel surrounded by a significant car park and small green space. The proposal's massing would be significantly larger and would not reflect the prevailing character of the streetscene. The loss of the NDHA pub was unacceptable; although not a designated ACV it was considered still a community building. Accepted reduction to 5 affordable unites due to Vacant Building Credit despite host not vacant for required 5 years. Amenity space needs met by onsite shared (communal) and public park opposite. Little weight to NDSS floorspace standards as optional; not adopted in Plan.</p>
<p>Land adjacent to Hampden Farm Barn, Greenlands Lane, Prestwood, Buckinghamshire HP16 9QX</p>	<p>APP/X0415/W/22/3297304 & APP/X0415/W/22/3292251</p>	<p>Outline application with all matters reserved other than access for the erection of 10 dwellings including 4 affordable homes; and 12 dwellings including 5 affordable</p>	<p>Buckinghamshire Council (East Area - Chiltern)</p>	<p>Mr & Mrs Kirby</p>	<p>Dismissed</p>	<p>Both schemes included paddock land and a menage on an equestrian site. Part of the sites fell within PDL definition in green belt and AONB countryside backing onto ancient woodland in the sustainable setting of a Landscape Conservation Area plateau village. Both schemes would be inappropriate as they harmed openness and appeared as a suburbanising overdevelopment harming area character and appearance. Required 10% biodiversity gain was not mandatory due to the transitional period for implementation; acceptable for just a simple biodiversity net gain requirement to be applied. The loss of 10m of lane side hedgerow for access was acceptable, subject to additional hedgerow planting and creation of habitats onsite and elsewhere. The green belt, AONB and diversity harms outweighed the benefits of scheme.</p>