

Housing appeal decisions for w/c 17 October 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
11 Moor Lane, Lancaster LA1 1QB	APP/A2335/W/21/3278368	Development is change of use from former offices to 10no student apartments	Lancaster City Council	Fuelsmart Ltd	Allowed	Conversion of former offices in a listed building in a city centre conservation area. The development would conflict with the local plan standards on student accommodation. However, limited weight was given to this conflict in this case because of the scheme's utilisation of an existing building in a city centre location; it was reasonable to assume reduced levels of separation and there would be no significant harm to occupants due to inadequate outlook or insufficient light. Harm to the heritage assets was outweighed by the scheme's public benefits, which included works to improve the building's historic legibility and the removal of modern additions, and giving a new lease of life to a once derelict building. The works would enhance the listed building's special interest and these would in turn enhance the significance of the conservation area. The scheme would secure optimum viable use of the building and its use as student accommodation would inevitably ensure an indirect economic benefit to businesses within the city centre.
Land North of Abbotsham Road, Bideford EX39 3QP	APP/W1145/W/22/3295530	Outline planning application for the erection of up to 290 dwellings	Torrige Council	District Mrs J Turner and Gladman Developments Ltd	Allowed	Proposal on mainly farmland on the edge of a town. The recently adopted local plan identified the town as a 'strategic centre' that would provide a focus for housing and employment development over the plan period. Although the appeal site was not allocated for housing development and fell within the open countryside, it adjoined a proposed extension to the town. While there would be some moderate harm to the character and appearance of the landscape, which was not subject to any special planning designation, in many perspectives the appeal proposal would be read as a coherent consolidation of existing and planned for development in the town, the inspector opined. The proposed development would minimise impacts on biodiversity, including protected species, and deliver quantifiable biodiversity net gain and would be sustainably located. There was no dispute between the main parties that the council could not demonstrate a requisite five-year supply of deliverable housing sites. Overall, the benefits of the proposal, including notable environmental and social benefits by delivering housing at a highly sustainable location, as well as economic benefits and biodiversity net gain, would significantly outweigh the moderate adverse effects.
Land between Croft Lane, Norton Road and Cashio Lane, Letchworth Garden City, Hertfordshire	APP/X1925/W/21/3289940	Development proposed is for residential development of up to 42 dwellings	North Hertfordshire District Council	Hertfordshire County Council	Dismissed	Proposal on a former playing field surrounded on 3 sides by large detached residential properties, well treed and within a conservation area. A lack of footways, narrow width and alignment suggested that the lane could not take the projected increase in traffic without prejudicing highway safety. However the scheme included mitigating measures in a S278 Agreement to manage traffic speed and flow. Various obligations were required, including affordable provision, however those provided did not comply with CIL Tests.

* Showing decisions relating to appeals for over 10 units

Chas Wood Nurseries, Main Road, Bosham, West Sussex PO18 8PN	APP/L3815/W/22/3299268	Outline permission for 26 no. dwellings	Chichester District Council	Grand Holdings	Allowed	Proposal in the countryside outside any defined settlement boundary where a development plan policy sought generally to restrict development to that requiring a countryside location. The proposal conflicted with this policy as well as a policy in a recently adopted neighbourhood plan. However, the site was near a school and, whilst in a rural area, it was well served by sustainable transport. The site was surrounded by development and made no meaningful contribution to the sense of open countryside. The development would not result in or aggravate the sense of coalescence of settlements in the area or harm its character or appearance. The council was unable to demonstrate a five-year housing land supply and so its housing policies were deemed out of date. The tilted balance at paragraph 11 of the NPPF was therefore engaged. In applying this, the scheme would have several benefits, most notably in relation to the aim to significantly boost the supply of housing, including delivery of affordable housing, and locating housing to maintain or enhance the vitality of rural communities.
107 - 111 East Street, Epsom KT17 1EJ	APP/P3610/W/21/3283320	Demolition of the existing buildings and construction of a part four storey, part three storey building comprising 23 residential flats	Epsom & Ewell Borough Council	107 - 109 East Street Limited	Dismissed	The level of parking provision was unlikely to meet the needs of the development taking into account the number of flats and their size which made some suitable for family occupation. Having regard to the surrounding road network, which featured a significant number of dropped kerbs and junctions and parking restrictions, the potential for conflict between pedestrians and vehicles and competition between residents for spaces was identified, leading to a reduction in highway safety. The height, bulk and plot coverage of the block of flats would appear out of keeping. In an overall tilted balance triggered by a five-years housing shortfall, the benefits of market and affordable housing were limited by the size of the scheme and outweighed by the identified adverse effects.
Rustington Golf Centre, Golfers Lane, Angmering BN16 4NB	APP/C3810/W/22/3298192 & APP/C3810/W/22/3301932	Development proposed is erection of 191 new homes in a mix of 1-4 bedroom dwellings and 1 bedroom apartments	Arun District Council	Barratt David Wilson Homes Southern Counties	Allowed	Proposals on a golf course outside the built-up area boundaries of nearby settlements. A landscape study noted that the setting of the two settlements was heavily influenced by golf course developments. The proposals would not have a significant adverse landscape impact and would respect the character of the area which was characterised by traditional and recent residential developments. The mix of dwellings and their form and layout would be similar to others in the area and incorporate and enhance existing landscape features. The council could only demonstrate 2.4 years' supply of housing land.
Land Between Old Canal and North Side Of Primrose Lane, Killamarsh S21 2DL	APP/R1038/W/22/3291220 & APP/R1038/W/22/3291220	Development proposed is 50 dwellings	North East Derbyshire District Council	W Redmile & Sons Ltd	Allowed	Proposal on an open field bounded by a canal. The scheme had the capacity to respect the distinctiveness and character of the area. The canal itself traversed urban and rural environments and its setting would not be harmed. Further, it was agreed that the scheme would not compromise highway and pedestrian safety.