

Housing appeal decisions for w/c 24 October 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
The Goods Yard & The Depot, 36 & 44-52 White Hart Lane & 867-879 High Road (& land to the rear) Tottenham N17 8DP	APP/Y5420/W/21/3289690	Development of the site for a residential led, mixed-use development comprising residential units (C3)	London Borough of Haringey	Goodsyard Tottenham Limited	Allowed	Proposal on brownfield former railway land which already benefited from two extant planning permissions, in a conservation area and near statutorily and locally listed buildings. The council could not demonstrate a five-year housing land supply. The scheme would cause a low level of harm to the character and appearance of the area due to the scale, height and massing of the tall buildings, and would not preserve or enhance the character or appearance of the conservation area and would harm other heritage assets. However, the level of harm was outweighed by the scheme's public benefits and was not such that the tilted balance should not be engaged. The benefits included much-needed market and affordable housing delivery, supporting the area's regeneration and helping to deliver the objectives of a local masterplan and warranted a decision other than in accordance with the development plan.
Land at The Knapp, Minchinhampton GL6 9EP	APP/C1625/W/22/3300819	Development proposed is 35 dwellings	Stroud District Council	Piper Homes	Dismissed	Proposal in an Area of Outstanding Natural Beauty on land adjoining a market town. The inspector noted that the triangular-shaped site was bounded by dry stone walls at the edge of a settlement within the AONB, with housing nearby. A local plan policy supported the provision of affordable housing on exception sites to meet local affordable housing needs adjoining such settlements, provided the site was not subject to an overriding environmental planning constraint. Particular importance was given in the policy to sustainability considerations, including the scale of development and the impact on the character of the surrounding landscape and countryside. The site and its rural environs made a significant contribution to the landscape and scenic beauty of the AONB. On the other hand, due to its nature, scale and setting, the proposal would have a significant adverse impact on the natural beauty of the AONB and would constitute major development in the AONB. The benefits of the scheme, including the provision of affordable housing in the town, fell short of amounting to the exceptional circumstances that would justify the highly significant and permanent harm that would arise to the AONB.
Land at & adjacent Hulton Park, Manchester Road, Over Hulton, Bolton BL5 1BH	APP/N4205/W/22/3299644	Part A: A full planning application for restoration works to Hulton Park; Part B: An outline application for the residential development of up to 1,036 dwellings	Bolton MBC	Peel L&P Investments (North) Limited	Allowed	Proposal in a registered park and garden, part of which lay within a green belt. The principle of development on the site had already been established by virtue of a consented scheme. The proposal constituted inappropriate development in the green belt and would result in substantial harm to its openness and the purposes of including land in the green belt. There would be some conflicts with the development plan due to development outside settlement boundaries, harm to landscape character and the loss of agricultural land. The benefits included enhancement to heritage assets, the delivery of new homes and jobs in an area of need, affordable housing, community facilities and a significantly improved package of walking routes across the site, and enhanced benefits in relation to the diversification of ecological features and habitats and highway improvements. Overall, the benefits were of such magnitude that they clearly outweighed the identified green belt and non-green belt harms, and were very special circumstances that justified the proposed development in the green belt.

* Showing decisions relating to appeals for over 10 units

Land east of Tagwell Road, Droitwich	APP/H1840/W/22/3299691	Development proposed is up to 100 new dwellings	Wychavon Council	District	Countrywide Project Management Ltd, c/o St Phillips Homes	Allowed	Proposal on land adjoining a town, outside the settlement boundary and within the open countryside where development was strictly controlled. The council accepted that it was unable to demonstrate a five-year housing land supply so the tilted balance was engaged. While the proposal would be contrary to the spatial strategy of the development plan, its aims in terms of directing growth to locations depending on their sustainability and to safeguard the countryside would not be unacceptably harmed. The shortfall in housing land supply, the provision of affordable housing, the inclusion of new open space within the development that could be used by existing residents, the creation of construction jobs and the increased local spend within the economy, as well as biodiversity net gains, were all considerations that outweighed the conflict with the development plan as a whole.
268 Hillbury Road, Warlingham CR6 9TP	APP/M3645/W/21/3287524	Erection of 10 flats	Tandridge Council	District	(Chartwell Land & New Homes (2) Ltd	Allowed	Demolition of existing dwellings and erection of flats. The proposal would result in no harm to the character and appearance of the area and satisfactory provision was made for outdoor amenity space for future occupiers.
Land at Minerva Road, Farnworth BL4 0HX	APP/N4205/W/22/3301318	Erection of 1 3-storey block of 8 apartments and 2 5-bed shared multiple occupancy units and 2 4-storey blocks providing 16 5-bed shared multiple occupancy unit	Bolton MBC		Dorbcrest Homes Limited	Allowed	The proposal would result in no harm to the character and appearance of the area with particular regard to scale, height and siting. Design would contribute in a positive way towards the local character.
Land east of the former Hartleys Farm, Wingates Lane, Westhoughton, Bolton BL5 3LP	APP/N4205/W/22/3291526	Development proposed is erection of up to 30 dwellings	Bolton MBC		Hollins Homes Ltd	Dismissed	Proposal on land outside the urban area and within protected open land. The proposal would not be well related to the settlement, and would run contrary to aims to protect the urban fringe, and overall would cause significant irreversible harm to the character and appearance of the area. There was a significant shortfall in five-year housing land supply, so housing policies were out of date and the tilted balance was engaged. However, the benefits would not outweigh the overall harm.
The Switch, 1-7 The Grove, Slough SL1 1QP	APP/J0350/W/22/3299960	Change of use of the building at ground to 3rd floors from Class B1a offices to 71no. flats (65 x one bedroom and 6 x two bedroom)	Slough Council	Borough	Shaviram Slough Limited	Allowed	In the absence of the council's written notice within the relevant timeframe, prior approval was deemed to have been granted. Under Article 3(1) of the GPDO the permission was subject to the Habitat Regulations and whether the development could take place was dependent on separate approval by the council of a Regulation 77 application confirming that the development would not affect the integrity of a beechwood special area of conservation.
Land to south west of Strand Meadow, Burwash, East Sussex TN19 7BS	APP/U1430/W/21/3274795	Development proposed is for a residential development with access from Strand Meadow	Rother District Council		Park Lane Homes (SE) Ltd	Allowed	Reserved matters approval and discharge of conditions for a proposal in an Area of Outstanding Natural Beauty. No harm would arise from the siting, layout and design of the development. Details required by planning condition were also acceptable. the appellant's application for costs award was refused.

<p>Greenwise Nurseries, Vange Park Road, Vange SS16 5LA</p>	<p>APP/M1595/W/21/3285432</p>	<p>Development proposed is for 60 dwellinghouses (Use Class C3)</p>	<p>Thurrock Council Borough</p>	<p>JP & MD Properties Ltd</p>	<p>Dismissed</p>	<p>Proposal on the edge of a town would have a greater impact on green belt openness than the suggested fallback developments. A lawful development certificate confirmed the use of the site as a garden nursery. On the basis of very special circumstances arising from a need for custom-build housing, the council had subsequently granted permission for 31 custom-build homes on the site. The previously developed status of the site and the extant permission was acknowledged, however the proposal would be a much more intensive and permanent use of the site with a much greater spatial and visual impact on green belt openness. The outline permission had not fixed the footprint size and that almost doubling the number of dwellings would have a significant urbanising effect on the site. The lawful development certificate and extant planning permission did not represent a fallback justifying an inappropriate development in the green belt and its contribution to meeting an acute housing shortfall and need for affordable and custom-build housing did not outweigh green belt harm.</p>
<p>10 James Street, Liverpool L2 7PQ</p>	<p>APP/Z4310/W/22/3292563</p>	<p>Development proposed is change of use of existing office building and extension to create 21 residential apartments</p>	<p>Liverpool City Council</p>	<p>Mr Mike Long (District and Urban)</p>	<p>Dismissed</p>	<p>The building had been built in the 1950s and lay within a designated office area which the local plan sought to protect. However, the last tenants moved out in June 2004 and marketing activity had taken place since then. There was a low level of demand and most of the enquiries received were for other uses. Since the premises had been marketed for at least 24 months the inspector was satisfied that there was no proven demand for the space. Nonetheless, the proposed internal mix of units did not meet the requirements of the local plan. Nor did the scheme make any provision for affordable housing, contrary to the local plan requirement of 20 per cent.</p>